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Congressional Record

PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Friday, January 26, 1996*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. BARRETT of Nebraska].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 26, 1996.

I hereby designate the Honorable BILL BARRETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We look to the days ahead with grateful recognition of the opportunities before us and before all people. May Your spirit, O God, lead us to see that which is integral in our lives so that we can act on the substance of living and not focus on the insignificant or superficial. We know, gracious God, that You have called us to do great works, You command us to seek justice and mercy and to promote peace and freedom, and so we ask that with allegiance and devotion we will think and do and be the people You would have us be. In Your name, we pray. Amen.

JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina [Mr. COBLE] come forward and lead the House in the Pledge of Allegiance.

Mr. COBLE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DESIGNATION OF THE HONORABLE PORTER J. GOSS TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JANUARY 30, 1996

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 25, 1996.

I hereby designate the Honorable PORTER J. GOSS to act as Speaker pro tempore to sign enrolled bills and joint resolutions through Tuesday, January 30, 1996.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is approved.

There was no objection.

ADJOURNMENT TO TUESDAY, JANUARY 30, 1996

Mr. COBLE. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 12:30 p.m. on Tuesday, January 30, 1996, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON THURSDAY, FEBRUARY 1, 1996, FOR THE PURPOSE OF RECEIVING IN JOINT MEETING HIS EXCELLENCY JACQUES CHIRAC, PRESIDENT OF FRANCE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that it may be in order at any time on Thursday, February 1, 1996, for the Speaker to declare a recess, subject to the call of the Chair, for the purpose of receiving in joint meeting His Excellency Jacques Chirac, President of France.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

FEDERAL TOBACCO POLICY

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. COBLE. Mr. Speaker, this week during the State of the Union Address, the President remarked that the era of big government is over; however, it seems that some agencies within the Department of Health and Human Services [HHS] are under the impression that it is business as usual, especially when it concerns tobacco products.

In 1992, Congress tasked HHS with implementing the Synar amendment designed to keep tobacco out of the hands of our children. This new congressional policy is simple: Encourage each State to enforce laws prohibiting the sale of tobacco products to minors, oversee these State efforts, and deny certain Federal funds if the State fails to enforce these measures.

Just last week, HHS issued its final rules governing the administration of this law. While I am disappointed that it took more than 3 years to issue these rules, I am encouraged that we may now see results from this policy.

Meanwhile, a component of HHS—the Food and Drug Administration—has

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also attempted to improperly intervene in this debate on the pretext of protecting our children. I cannot believe that such action is simply a case of one hand not knowing what the other is doing; rather, it demonstrates that the FDA is so out of control that it has decided to disregard congressional intent and pursue its own Federal tobacco policy.

I am pleased that HHS has finally decided to implement congressional policy to keep tobacco away from our children. I urge the President to withdraw the FDA's proposed rules and reject that agency's assertion of jurisdiction over tobacco products. In addition, I am enclosing an editorial on the subject from yesterday's Washington Times. I think my colleagues will find it to be interesting reading.

[From the Washington Times, Jan. 24, 1996]

A CONSENSUS ON TEEN SMOKING

Last week the U.S. Health and Human Services Department (HHS) did something remarkable in the campaign to limit teen smoking. It proposed regulations with which almost everyone agreed. It threatened to strip states of millions of dollars to fight drug and alcohol abuse if they didn't crack down on teen smoking.

To those who haven't followed this controversy, it may seem an odd approach to the problem, to wit: If the states aren't going to limit adolescent smoking, the feds aren't going to let them limit drugs and alcohol abuse either. But so far at least, it has the backing of tobacco foes, friends and perhaps most important, Congress. Lawmakers opened the door to such rules in 1992 when they signed onto legislation from the late Mike Synar requiring states to prohibit the sale of tobacco to persons under 18 years old.

Congressional backing is what separates the HHS rules from the far more publicized and ambitious anti-smoking campaign launched in August by U.S. Food and Drug Administration Commissioner David Kessler. Among other things, he would ban mail-order and vending-machine sales and sharply restrict tobacco advertising.

Many lawmakers subsequently criticized Mr. Kessler for overstepping his authority. Some 120 House lawmakers said in a bipartisan letter to the agency, "So, while we stand steadfastly against tobacco use by minors, we strenuously object to the FDA's effort to expand its jurisdiction and the federal bureaucracy in dealing with a problem that Congress has already designated to the states." Fifth District Virginia Democrat Lewis Payne complained the FDA plan poses a serious threat to Congress' legislative authority. "Under our system of government, it is the Congress, not unselected bureaucrats, who are suppose to make the laws." A similarly critical letter from 32 senators included Tom Daschle, the Democratic minority leader, and Bob Dole, the Republican majority leader, two men not often on the same side of an issue.

The irony of the situation is that Mr. Kessler's critics can find plenty of support for their position from Dr. Kessler himself. In a 1994 letter to anti-tobacco activist Scott Ballin, the commissioner cited the complexity of regulating cigarettes and added, "It is vital in this context that Congress provide clear direction to the agency." Well, Congress has been abundantly clear. It wants states regulating tobacco use by minors.

Mr. Kessler went ahead last August and proposed to regulate tobacco as a "drug," which it has statutory authority to control. But the agency's own internal documents from previous administrations challenge that assessment. "FDA's longstanding position," said one, "has been that, absent therapeutic claims, conventional tobacco products are not drugs under the [Food, Drug and Cosmetics Act]." Said another, "In our opinion, however, providing the FDA with the authority to regulate tobacco would represent a significant change in the scope of its authority in providing consumer protection."

To date, Congress has provided the agency no such authority. By exceeding his own, Dr. Kessler undermines anti-tobacco statutes already on the books. Consider the example he sets. If Dr. Kessler can't bring himself to abide by the law, he is not in the strongest position to complain if retail outlets and minors don't.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HELPING FLORIDA TOMATO GROWERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, I come to the floor to catalog the extraordinary, bipartisan, bicameral efforts now underway to provide urgent relief for Florida's winter fruit and vegetable industry, particularly the tomato growers. We in Florida have been acutely aware of the damage that has been done to those growers because of import surges from Mexico. Thanks to our Florida delegation's efforts these past days, this problem has become a priority at the highest levels in Washington, in this Congress and downtown in the administration. Everyone now understands that, although NAFTA has generally been working well for our State and the rest of the United States, there has been a clear breakdown of safeguard and relief measures for some of our winter produce industries. Yesterday the Florida delegation—including both Senator MACK and Senator GRAHAM—made a bipartisan push to attach relief language to the continuing resolution to correct a technical problem faced by Florida growers because of existing definitions in section 202 of the 1974 Trade Act.

Appropriations Chairman BOB LIVINGSTON, busy as he was worrying about keeping the Government open as budget matters are sorted out, made heroic attempts to clear the path for this important fix. And he succeeded in the House. Unfortunately, we hit a snag in the other body relating to adding last minute measures to the bill, and the effort failed. But this fight is not over. We are exploring every possible avenue for getting this done before the upcoming recess begins. Failing that, the plan is to get this language onto the next train that comes through—we expect that train to be the debt limit legislation coming in the end of February.

The section 202 change will not fix everything, but it will help and it will put our administration in a stronger position going into discussions with the Mexican Government. To their credit, Trade Representative Ambassador Kantor and Agriculture Secretary Glickman have been working closely with the Florida delegation on this issue. The Ambassador and the Secretary joined us for a meeting this week in which we agreed on a list of measures that the administration and the delegation can pursue immediately. Section 202 changes are at the top of our task list and that is what the current push is focused on.

In addition, the Ambassador and the Secretary agreed to seek to open negotiations with the Mexican Government on this issue, to support section 202 legislation and packing legislation, to work with Customs and USDA services to ensure that inspections and monitoring are done effectively at the border, and to provide an umbrella under which United States and Mexican growers can meet and work together to solve the current crisis.

If all of these efforts fall short, I am prepared to take more drastic steps. Today, I am introducing legislation that would direct the President to suspend current NAFTA arrangements as they relate to winter tomato production, pending his certification to the Congress that the safeguard provisions and relief measures are functioning effectively and efficiently. This is a more extreme step than I would like to take, because it would violate the NAFTA Agreement. But if that is what it takes to fulfill our commitment to Florida growers, shippers, packers, and truckers trying to stay in business, feed their families, and contribute to the U.S. economy, then I am prepared to move forward.

Florida growers perform a unique function for this country. They compete head-to-head—not with other American producers, but with foreign producers—to provide winter fruits and vegetables for Americans.

Mr. Speaker, I know when Mom and Dad say "Eat your vegetables" to the youngsters in our Nation, they maybe do not all rise up in applause, but the fact of the matter is that we do need to eat our vegetables, and most of them come from Florida, the domestically produced in the winter, and that is an area that we have to focus on and allow those folks to continue in business.

The devastation of that industry I think is truly a matter of concern to all Americans and it would be foolish

not to take the necessary legislative steps to repair the problems for which we have clearly identified that we have proper solutions.

TRAVELGATE

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, I serve as a member of the House Committee on Government Reform and Oversight that has been looking into the Travelgate matter, the White House firings of the White House Travel Office. Each twist and turn of the White House Travel Office firings becomes more and more bizarre.

I have a report today in the Washington Times by a gentleman, Mark Levin, who reveals an incredible misuse of power by the White House in use of the FBI, our Nation's chief law enforcement agency, that I feel should be investigated.

I am calling today on our chairman to expand our investigation of this matter, of the misuse of the FBI, our chief law enforcement agency, and I also think that it is time that we look at Mr. Levin's call for the appointment of a special counsel, an independent counsel, to investigate this matter where the White House, in fact, has used this law enforcement agency in an inappropriate manner and now we find out that there is even more information to lead us to believe that, in fact, there was misconduct in these firings and the cover that the White House prepared for the public.

FRENCH NUCLEAR NIGHTMARE IN THE SOUTH

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes as the designee of the minority leader.

Mr. FALEOMAVAEGA. Mr. Speaker, I offer my apologies to my colleagues and to the American people, for these somewhat rough sketches of limited artistic value in terms of what they represent.

On my immediate right is a picture of what an atomic nuclear explosion looks like as it was exploded by the French Government on Moruroa Atoll in the South Pacific in 1973. On my extreme right is a little chart, and this is not the Polynesian version of a Christmas tree, Mr. Speaker, but I just want to demonstrate to the American people that Moruroa Atoll looks like in the South Pacific. One of these little dots inside this volcanic formation on which the atoll sits constitutes one of 181 nuclear bomb explosions that have already taken place in this atoll in the South Pacific. Already the French Government has conducted five nuclear explosions since French President Chirac announced a change of testing policy in June of last year.

Mr. Speaker, the islands of French Polynesia were what Westerners would call colonized by France, after some 500 French soldiers with guns and cannons subdued the Tahitian chiefs and their warriors in the 1840's. I was in Tahiti recently. I joined with some 40 other Parliamentarians from the Pacific, Asia, South America, and Europe. Led by the mayor of the town of Fa'aa, Mr. Manutahi Temaru, we joined together for a demonstration in the streets of Papeete, Tahiti, to oppose the resumption of French nuclear testing in the South Pacific. Despite international pleadings, protests, and appeals, the Government of France resumed nuclear testing at Moruroa Atoll on September 5, 1995, exploding a nuclear bomb more powerful than the bomb dropped on Hiroshima. Sixty miles away on the island of Tureia, brown-skinned Polynesian children splashed and played in the ocean waves.

On August 30, 1995, Mayor Temaru, Vito Haamatua, and myself traveled to the island of Tureia. We were joined with the arrival of the *Rainbow Warrior II* and together we headed for Moruroa where France had already placed the nuclear bomb in a shaft about 3,000 feet under the atoll. We sailed in anticipation of the French Government's announcement that the first nuclear explosion would take place on September 1, 1995.

Believe it or not, Mr. Speaker, the only reason why the French Government did not explode the bomb on September 1, was because our President was in Hawaii. The Clinton administration told the French Government, "If you explode that bomb while the President is in Hawaii, he's going to condemn the nuclear explosion." So they extended it for a couple of days and the bomb was exploded on September 5.

As we neared Moruroa, the *Rainbow Warrior* launched six inflatable zodiacs under the nose of French naval warships. The zodiacs were manned by young men and women from New Zealand, Italy, Australia, the United States, France, and Portugal. These young men and women were not commandos or soldiers. They were just ordinary citizens committed to a nuclear-free world. As our vessels penetrated waters France claimed exclusive rights to, we were arrested by French commandos, held for 16 hours, then transferred to another vessel, fully enclosed, unaware of where we were being taken, and completely prevented from taping an account of the seizure. Our cameras and videos were confiscated. Our communications system was destroyed.

France's story is, of course, well-scripted. Its Eurocentric rationales for resuming nuclear testing in waters half a world away from where its own children play are presented through international wire services. France's freely elected spokesperson, President Jacques Chirac, insists that the resumption of nuclear testing in South Pacific waters is absolutely necessary to improve France's nuclear weapons capabilities and that the matter of exploding more nuclear bombs at Moruroa Atoll is in the "highest interest" of France. The tests, he assures the public, are of "no environmental consequence."

Mr. Speaker, the Washington Post a couple of days ago revealed that the French Government has now acknowledged that radioactive leakage has come out of this atoll. Radioactive iodine 131 can only be created as a result of nuclear explosions and causes cancer in humans.

So goes the story of colonialism supported by American commentators like William Buckley who writes:

> What is it the protesters fear? Are the French experiments, conducted 750 miles from Tahiti, endangering anybody in Tahiti? For that matter, are they endangering anybody or anything in Moruroa? Has anybody detected a rise in pollutants in the area where the first tests were undertaken? Has a whale been killed? Two whales? Has $11 million in damage been done to the sea surrounding Moruroa? The answer has to be no, for the simple reason that if it were yes, we absolutely would have heard about it.

That a nationally syndicated columnist and president and editor-at-large of the National Review could be so unaware of the effects of nuclear testing in relation to the food chain, ocean currents, and a people only 750 miles away, is appalling enough. But that a Eurocentric commentator could be so naive about the workings of the world and the media, suggesting that all issues get equal airplay and if we haven't heard about it it must not be so, is almost unforgivable.

The people of the Pacific, who feel the brunt of colonial reign, have their own story to tell. From the island of Tureia, my Polynesian cousins tell of early French practices.

Mr. Speaker, as I was held hostage for 16 hours on the *Rainbow Warrior*, I reflected on a lot of things. Polynesians are not just famous navigators. We have a tremendous number of great poets who worshiped nature and loved to describe the meanings of life and death and love and hatred; all that can be felt and expressed by the human mind. During this time, I wrote this little poem dedicated to the children of the little atoll of Tureia, and I entitled it "Tureia Atoll."

TUREIA ATOLL

Our families own the island you never asked permission to take.
We fished, picked coconuts, swam freely along the reefs and shores
Until you, the colonial power in Paris, come to us and say,
"We take you to Papeete and give you free ride in the carnival."

While we play at your amusement you blow
the wind of death from our island of
Moruroa.

The people of Tureia were never consulted about the use of their island, Moruroa. They were never asked by the French Government if their island could be used as a French nuclear testing site. In 1960, they were simply invited to a carnival in Tahiti, placed on ferry boats that carried them across the waters for a day of amusement. In innocence they played while French colonialists decided that the two Pacific atolls of Moruroa and Fangataufa would be the new sites for the French nuclear testing program. The sites, after all, were conveniently located thousands of miles away from the home of enlightenment, where certainly to the people of France the testings posed little harm and would be of no environmental consequence.

Since 1960, France exploded 176 nuclear bombs on Moruroa Atoll. By my latest count now it is 181 nuclear bombs. On September 1, 1995, the count rose to 177. France has since exploded four more nuclear bombs at Moruroa and Fangataufa Atolls. Supposedly the last one is to be exploded next month. I doubt that. In the truest form of colonial aggression, not 1 of the over 200 nuclear bombs France has exploded in the past 30 years has been exploded on, above, or beneath French soil. Today, France is the only nuclear superpower to test outside of its borders.

France's exploitation of Pacific peoples is a chilling commentary on man's inhumanity to man. Like a wild boar on the ocean waves, or a mad aberration of 21st century thought, President Chirac's irrevocable decision and insistent denial of consequence is what novelist Bernard Clavel called the shame of France. We all know nuclear bombs have only one purpose. They were created to destroy people. The result is they annihilate everything. The people of France know this. President Chirac knows this. We all know why France explodes its bombs in French Polynesia and not in France. No one wants to subject their homeland to this danger, if they have a choice.

Historically, the people of the Pacific have had little choice. Nuclear nations, including France and even our own Nation, have consistently deemed Pacific islanders and their way of life expendable. In 1954, on Bikini atoll, the United States exploded the "Bravo Shot"—a 15 megaton hydrogen thermonuclear bomb a thousand times more powerful than the bomb that we dropped on Hiroshima 50 years ago. Before the bomb was exploded, the American officials who conducted this experiment discovered that the winds had shifted and that the 300 men, women, and children—including our own servicemen that were on this island—living on the nearby island of Rongelap, would be put at risk by the nuclear detonation and radioactive fallout. Despite the shift in the direction of the winds, they exploded the bomb anyway, subjecting hundreds of innocent men, women, and children to nuclear contamination. I submit that Marshall Islanders residing on nearby Rongelap and Utirik atolls justifiably believe they were used as guinea pigs and test subjects for United States nuclear radiation experiments conducted during this period. Their accounts are well documented.

Although our Government is making every effort to resettle this island and offer monetary compensation to these people, I submit the reality is—no amount of money can compensate for the normal health of the inhabitants of these islands. According to reports, the women of Rongelap gave birth to what many termed "jelly babies"—babies that were born dead and did not appear to look human. Still today, many people of Rongelap suffer from cancer, leukemia, and all manner of diseases associated with nuclear contamination. For President Chirac to so arrogantly contend that these tests are of no environmental consequence is to deny the effects of history and marginalize the suffering of those who know first-hand the horrors associated with nuclear holocaust.

Mr. Speaker, again on the *Rainbow Warrior* as I sat there sketching a few thoughts in my mind, I wrote another little poem that I entitled "Annihilation."

ANNIHILATION

You appear in a cloud, like a flash from the
west that blinds our vision.
In Tahati Nui, from the Tuamotos,
Mangareva, Tubuai, Bora Bora,
Raiatea, Taha'a, Nuahive, Tureia,
Moruroa and Fangataufa.
Like poisoned fish that float aimlessly from
fissured reefs,
Death moves slowly toward the people from
the sun until it is too late.
Farani, Farani, what have you done?

The facts are clear and substantiated. After 30 years of French nuclear testing in the South Pacific, French Polynesia's Moruroa atoll has been described by scientists as a "Swiss cheese of fractured rock." British scientists have confirmed that the volcano underneath Moruroa atoll is "becoming a web of vitrified cavities, from which an unknown number of cracks are spreading like spider webs." Areas of Moruroa atoll have already sunk by 1 meter or more. In fact, Dr. Roger Clark, a seismologist at Leeds University, has said that one more test could trigger the atoll's collapse, leading to huge cracks opening to the sea, threatening fish and other marine life, and ultimately jeopardizing the entire marine environment of the Pacific region.

Epidemic-like outbreaks in surrounding communities have already resulted, with symptoms including damage to the nervous system, paralysis, impaired vision, and increased cancer rates among Tahitians, in particular. There is also a strong link between ciguatera poisoning and the destruction of coral reefs from nuclear testing and military operations in French Polynesia. Ciguatera poisoning occurs when the coral ecology is disturbed, producing toxic plankton that spread through the food chain to be eaten by fish, that are then consumed by humans. Though it causes no apparent harm to the fish, ciguatera poisoning can be fatal to humans. Even if nuclear testing stopped today the several Chernobyls' worth of radioactive contaminants encased in Moruroa and Fangataufa atolls will require comprehensive scientific monitoring for decades to come. Unfortunately, such independent and scientific studies have never been authorized by the French Government, and it is very unlikely such studies will ever take place due either to potential embarrassment to the Government or lack of sufficient resources and appropriate technology to remedy the hazards associated with nuclear contamination.

While Chirac espouses his theme of "no environmental consequence," he paradoxically denies the people of the South Pacific the most fundamental of rights regarding information about the environmental and health effects of the French nuclear testing program in Tahiti.

□ 1230

Mr. Speaker, as a member of the U.S. House Committee on International Relations, I introduced House Concurrent Resolution 80 which strongly expresses the sense of the Congress for recognition of the concerns of some 22 nations and territories of the Pacific concerning this very issue.

I am very hopeful that my Republican colleagues will allow me to debate this issue and this resolution on the consent calendar next Tuesday, and I have made that request and sincerely hope that this will be the case.

Mr. Speaker, according to the Bulletin of the Atomic Scientists, "the five declared nuclear powers have acknowledged conducting a total of 2,036 nuclear tests since 1945." Approximately 942 of these tests have been conducted within the continental United States, 214 in Russia, and 306 conducted by the United States, Great Britain, and France in Pacific islands and atolls. It was only in June last year that the United States, France, and the major nuclear powers promised over 170 non-nuclear nations that they would exercise restraint with nuclear testing and would work toward a comprehensive test ban treaty. Despite reservations, these commitments were accepted at face value by the non-nuclear nations, which make up the vast majority of the countries of the world, and it was only with the support of the

non-nuclear nations that permanent extension of the Nuclear Non-Proliferation Treaty was gained. One month later, French President Jacques Chirac's actions indicated France was more than willing to undermine the Nuclear Non-Proliferation Treaty—all in the name of national interest to ensure the reliability of its nuclear arsenal. However, nuclear physicists contend that the safety and reliability of nuclear weapons could be ensured by non-nuclear tests utilizing computer technology.

Mr. Speaker, here is the point. The French Government did not need to explode these nuclear bombs. We even offered the French Government the technology they sought, so there was no justifiable reason for detonating additional nuclear bombs.

In fact, Mr. Speaker, 60 percent of the French people were against the idea of resuming nuclear testing in the South Pacific. I find it deplorable, Mr. Speaker, that one of the five leading nuclear superpowers is willing to reopen the global arms race and encourage nuclear proliferation at the expense of world peace.

I further find it abhorrent that the United States is acting somewhat in complicity with the actions of the French Government. Though the United States has gone on record in condemning France's resumption of nuclear testing, it continues to allow French military aircraft to overfly United States airspace while enroute to France's testing site in the South Pacific.

According to the State Department, France's DC–8 supply planes are permitted to stop over on the West Coast on their way to Moruroa atoll. Reports suggest that these planes likely are carrying nuclear materials and bomb components, yet the State Department declares that it does not know what is on board these planes.

For the State Department to abdicate its responsibility in determining the contents on board these supply planes is a travesty, Mr. Speaker. And, moreover, facilitating French aircraft to supply a nuclear testing program that we oppose smacks of hypocrisy, in my humble opinion.

Mr. Speaker, the question now on the table for non-nuclear nations is: Do we depend on nuclear nations to restore morality through treaties and bans, or do we call on good people to hold their governments accountable for violations of international disarmament agreements?

"If men were angels," James Madison wrote in The Federalist Papers, "no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place, oblige it to control itself."

Mr. Speaker, nuclear bomb explosions constitute the ultimate rape of any nation. This planet has already been ravaged by more than 2,036 nuclear bomb explosions. Mr. Speaker, 179 of those bombs have been exploded by France in waters the legendary Polynesian God Taaroa gave the people of Polynesia. For France to continue to explode its nuclear bombs among a peaceful people living half a world away from the borders of France, I submit Mr. Speaker, is colonialism in its worst form.

No "higher interest" can excuse such callous and horrific action. The Government of France should be obliged to control itself. It is time to stop the madness and take up the fight of holding nuclear nations accountable for the violent rape of non-nuclear nations, peoples, and environments, until angels govern men.

I want to share with my colleagues, Mr. Speaker, another little poem that I wrote while being held in custody on the *Rainbow Warrior* for 16 hours. I termed it "The God Taaroa."

And the god Taaroa divided the waters from the waters and gathered the people from the sun unto one place called The Seas.

And the god Taaroa let the dry land appear and gathered the people of France together unto one place, and it was so.

And he saw that it was good. And the evening and the morning were the third day.

And god Taaroa said, let them have dominion.

And darkness mushroomed upon the face of the deep.

Mr. Speaker, I want to share with my colleagues an article that appeared in the Honolulu Advertiser of this month, in fact, just last week, and the fact that in a major speech by Pope John Paul II, from the Vatican City, he made a special pleading to diplomats from 161 countries of the world to stop nuclear testing. I hope President Chirac is listening to the Pope's plea on behalf of the people of the world to stop this madness.

Mr. Speaker, 2 days ago, there was an extensive article written by Mr. Thomas Kamm in the Wall Street Journal concerning France and its colonial empire, or whatever is left of it, particularly the French colony known as French Polynesia, as I discussed earlier, and the main Island of Tahiti which is approximately the same size as the Island of Oahu in the State of Hawaii. For the benefit of my colleagues, the Island of Oahu is where Honolulu is situated.

Immediately after World War II, in recognizing that France needed to catch up with the so-called nuclear power nations, the late President Charles DeGaulle decided to conduct nuclear testings, and he did this originally in the deserts of what was then a French colony called Algeria.

Mr. Speaker, something happened. The Algerians decided to kick the French out, and it cost 1 million lives of the Algerian people before French colonialism in that part of the world in Africa was terminated. So President DeGaulle looked around and said, "Geez, if I cannot test nuclear bombs in Algeria, where can I go?" So he directed his military officers and said, "Look out in the vast French Empire and find where else I can test."

Mr. Speaker, they looked around and they came to the Pacific region where France has several colonies; one in New Caledonia, another in Wallis and Futuna, and unfortunately one in French Polynesia. It was there that they decided this is where the French nuclear testing program was going to be reborn.

President DeGaulle promised the Tahitians tremendous prosperity and that many goods would be brought in, initially saying, "We are just going to be there to build airports." To the dismay and disappointment of the Tahitian leaders and people, they later realized what was to become of their fate in years to come; that the nuclear testing program was to be done in their islands.

The article in the Wall Street Journal was very persuasive, in my humble opinion, Mr. Speaker, and explains the grandeur of the French Empire and the cost of some $10 billion for this nuclear testing program that they have conducted in French Polynesia.

There is tremendous social turmoil right now among the 200,000 Tahitian Polynesian people living there, wanting to know whether they should still consider themselves French, should that seek independence, or should they seek some form of autonomy. There are good reasons and bad reasons, and for those who are earnestly seeking to provide more self-autonomy and perhaps even independence, I quote from the article an observation of what seems to be the sentiment among the young people in French Polynesia. I quote from a young man who said,

The French run everything here: the State, the airport, the port, economic life, everything, and we have nothing. To get a job here, you need a French diploma. But I am not French. I am Maohi. The French are colonialists. We are at home here, and we are treated like dogs.

There is no question there have been a lot of economic benefits brought with this so-called prosperity, Mr. Speaker. However, the $10 billion investment by the French Government promotes not the needs of the Tahitians, I promise my colleagues, but the enhancement of its nuclear testing program. That is all it is.

Mr. Speaker, there is currently a conference going on right now in Geneva, the Conference on Disarmament,

where the Honorable John Holum, Director of the U.S. Arms Control and Disarmament Agency, is pleading with the conferees on negotiations for the Comprehensive Test Ban Treaty.

Mr. Speaker, I want to quote a statement from our President to the members of the conference.

A comprehensive test ban treaty is vital to constrain both the spread and further development of nuclear weapons, and it will be helpful to our mutual pledges to denounce the nuclear arms race and more towards the ultimate goal of a world free of nuclear arms.

But we have got a little problem with this, Mr. Speaker. In the article in the Washington Post today, the state of India, through its ambassador and representative to this conference said, "Wait a minute. You want us to sign onto this test ban treaty, but you do not want to get rid of your nuclear bombs." Now, does not it seem silly?

Mr. Speaker, it seems that these nonnuclear nations are getting very leery about the double standard that the nuclear powers are pressing on them, to say that we are going to sign onto a nuclear test ban treaty, but the nuclear nations continue to have the nuclear weapons and we do not know who they are pointed at.

India said, "No, we are not going to agree to that unless there is an additional agreement, and that is to get rid of all nuclear weapons, all nuclear bombs." It seems that the nuclear powers are having problems with that idea. India has already exploded a nuclear bomb device in 1974. It was the only nuclear bomb explosion India conducted and proved to the world India had the technology to also produce nuclear warheads if it wanted to.

But from my readings and meetings with the leaders of this great democratic nation, the largest democracy in the world, by the way, Mr. Speaker, they are committed to getting rid of nuclear weapons altogether, but somehow there seems to be a difficulty among the nations that currently have in their possession nuclear warheads and bombs. So we sign onto a test ban treaty, but the nuclear superpowers still want to hold on to their nuclear bombs. To me, that seems to be a contradiction of the first order.

Mr. Speaker, as I have stated earlier to my colleagues, next week on Thursday, the President of France has been invited to address a Joint Session of the Congress. President Chirac is going to be here to share with our President, I suppose, and the leaders of the Congress, his wisdom on how to conduct foreign policy.

Mr. Speaker, this is really funny. There was an article in the New York Times that came out yesterday where in several instances French officials anonymously dropped a leak here and a leak there saying, "This is what we are going to share with American leaders when our President comes to Washington."

Mr. Speaker, I want to reiterate, I do not see why we should be coming to listen to the speech when he has said: This is what I am going to talk about. Unbelievable. First President Chirac is going to tell the American leaders and our people that we are not doing enough in the Bosnian crisis. France is going to be the leader, or play a very preeminent role in representing, I suppose, the European countries, whatever that means, and to let the United States know that it is not to do this unilaterally, even though we have been successful in the Dayton agreements and the talks that transpired in recent weeks.

Second, Mr. Speaker, another suggestion that we are going to be hearing from President Chirac is that our Government is not giving enough foreign aid to Third World countries. Give me a break, Mr. Speaker. I would like to remind President Chirac who has been providing security for Europe, including France, for some 50 years during the cold war when President DeGaulle unilaterally decided to pull out of NATO.

Mr. Speaker, do my colleagues know the reason why DeGaulle wanted to pull out of NATO? Because he did not like the idea that the United States was playing too great of a role in the politics and the security of European countries. Can my colleagues believe that? DeGaulle even demanded that the United States troops that were then stationed in France leave in 60 days.

What was the response of our Government? "President DeGaulle, does that also include the 10,000 soldiers that lie buried in French soil to free you from Nazi Germany?" That is the arrogance that we get from the leaders of this Government.

Third, Mr. Speaker, I might also add to my colleagues that President Chirac is going to have another suggestion for us. He is going to suggest to our Republican colleagues that we cannot afford to force our Government into bankruptcy or default because it will have serious economic consequences to the economy of France, to Europe and other nations of the world.

Mr. Speaker, that is a real interesting lecture. He should be an expert on it, with about a 20 percent popularity rating in France, serious strikes where millions of French workers are outraged that his Government did not provide for their needs, and the problems affecting the economy of France as it now stands.

Last, Mr. Speaker, President Chirac is also going to suggest to my colleagues that we are not fulfilling our responsibilities as a world leader. Do you believe that, Mr. Speaker? He is going to give us some pointers. He is going to suggest how we can go about becoming a better world leader, as if the Government of France is a world leader itself. Excuse me, Mr. Speaker. I think he needs to have a couple more lessons.

Mr. Speaker, I can just imagine the logistic problems we are going to have before President Chirac gives his enshrined speech before us next week.

Mr. Speaker, I am going to address a little more extensively sometime next week a very special person that I certainly admire, who not only have his portrait in our Chamber, but certainly the spirit of that man lives on. I have learned to respect the contributions that he has made not only as a great French patriot, but as a firm believer in democracy and the principles of human rights at the time that we were a colony of the British Empire.

Mr. Speaker, I make reference, briefly, to the Marquis de Lafayette. As my colleagues will note, there are only two murals depicting not only our first President, but this great French patriot.

Mr. Speaker, I am saddened to share with my colleagues the commentary that I wish the Government and the leader of France could be a little more positive and helpful with regard to the serious problems that we now face in the world. I wish that they would immediately cease exploding these nuclear bombs. If the test are so safe, why are they not done under the Eiffel Tower, in Marseille, or in Paris?

Mr. Speaker, it is a sad commentary that here is a leading democracy of the world playing colonial mostly in the ugliest way, and I wish and hope that my colleagues would share the concerns of the millions of people around the world, the leaders of some 166 nations protesting, pleading and asking President Chirac: Do not explode these nuclear bombs. But despite all of that, Mr. Speaker, he just went ahead and exploded them.

Do you think, Mr. Speaker, this man deserves our presence here? I respectfully submit, Mr. Speaker, he does not, I hope that my colleagues will join me by not being in this Chamber when President Chirac addresses the Congress next week.

BALANCED BUDGET DOWNPAYMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. ROGERS] is recognized for 5 minutes.

Mr. ROGERS. Mr. Speaker, this Balanced Budget Downpayment Act is an important step forward. Funding levels will now be based on the conference report funding levels for the fiscal year 1996 Commerce, Justice, State, and Judiciary appropriations bill. With a few exceptions, relating to issues that remain to be negotiated out, congressional priorities will be reflected from this point forward, both in terms of programs that merit continued funding and those where decreases are justified.

For law enforcement programs, small business loans, passports, visas, diplomatic security, and the Judiciary, full-year funding has already been provided in the previous two targeted appropriations bills.

In this bill, funding is being provided through March 15 for the remaining programs under the jurisdiction of the Commerce, Justice, State, and Judiciary Subcommittee at the fiscal year 1996 conference report levels, under fiscal year 1995 terms and conditions. This puts funding for these programs on the path that will lead to substantial savings—in the Commerce Department, for instance, the conference report provided levels that are a 16-percent reduction from fiscal year 1995, while providing substantial additional resources for the Nation's fight against crime.

So this is an important change, from a formula that keeps funding tied to fiscal year 1995 levels as a minimum, to one that implements that fiscal year 1996 priorities which have been voted on and passed, in the case of the Commerce, Justice, State, and Judiciary appropriations bill, three times in this House.

I support this Balanced Budget Downpayment Act, and urge all Members to vote for this legislation that will keep the Government fully functioning through March 15.

I am including a short summary of the provisions in this legislation as they relate to the Commerce-Justice Subcommittee, and also a statement clarifying a number of issues.

COMMERCE-JUSTICE SUBCOMMITTEE PROVISIONS IN FIRST BALANCED BUDGET DOWNPAYMENT ACT

Provides FY 1996 conference level under FY 1995 terms and conditions through March 15, 1996, for all CJSJ accounts with the following exceptions:

Any programs funded in the previous targeted appropriations bills.

Advanced Technology Program is funded at 75 percent of FY 1995 level for FY 1995 and prior year continuation grants and program administration only, for the period covered by the legislation.

Cops on the Beat program is funded at 75 percent of FY 1995 level, for the period covered by the balanced budget legislation.

The Ounce of Prevention Council, GLOBE, and Drug Courts are also funded at 75 percent of the FY 1995 level.

In addition, the following provisions are included:

A provision allowing Departments and agencies expanded transfer authority to pay downsizing or closeout costs resulting from the funding levels in this legislation, subject to standard reprogramming procedures.

A provision allowing funding for Legal Services Corporation to be obligated only at a rate to cover operations during the time period of this legislation.

A provision withholding funding for Truth in Sentencing grant program, except for SCAAP and CAP funds, pending revision to current Crime Bill program.

A provision allowing the USIA IG to continue receiving funds.

A provision (section 209) keeping Securities and Exchange Commission registration fees at rate assumed in FY 1996 conference.

A provision (section 211) applying FY 1996 terms and conditions to amounts provided in previous targeted appropriations for Department of Justice programs and enacting into law the Justice General Provisions in the FY 1996 conference report, except Truth in Sentencing authorization.

A provision restricting travel expenses for all Cabinet officers (except State, the UN Ambassador, Defense and CIA) to 110 percent of the average for FY 1990–FY 1995.

STATEMENT OF HON. HAROLD ROGERS

The section of the Balanced Budget Downpayment Act that relates to the Commerce, Justice, State and Judiciary appropriations bill provides generally for funding at the fiscal year 1996 conference level under fiscal year 1995 terms and conditions, with certain exceptions that are spelled out in the legislation. All departments and agencies are expected to use the fiscal year 1996 conference report and statement of managers and the House and Senate reports relating to the fiscal year 1996 bill to the maximum extent in allocating resources under this legislation, because that guidance will, under all likelihood, become the final guidance for expenditure of fiscal year 1996 funds, and departments and agencies will ultimately be expected to have committed their resources in accord with the fiscal year 1996 guidance that the House and Senate Appropriations Subcommittees have provided.

DEPARTMENT OF JUSTICE

Office of Justice Programs: Funding is included for discretionary and formula grants under the Edward Byrne Memorial State and Local Law Enforcement Program. It is the Committee's intent that discretionary grants should be made in accordance with the joint Statement of Managers and that the Department of Justice should prioritize funding for requirements of State and local law enforcement related to the 1996 Olympic Games. Truth-in-Sentencing Grants/SCAAP: A provision is included that withholds funding for a new Truth-in-Sentencing Prison Grant program until details on revised legislation are worked out. However, funding that was included under this program in the Conference Report for reimbursement to states for the incarceration of criminal aliens is provided.

A provision is included that applies terms and conditions of the 1996 Conference Report and Statement of Managers to amounts provided in the previous targeted appropriations legislation for various Department of Justice programs. Within these terms and conditions the Committee would like to clarify the following:

Under the Interagency Crime Drug Enforcement Program, it is the Committee's intent that the Attorney General, in consultation with the Office of Investigative Agencies Policies, will allocate resources among agencies participating in Interagency Crime and Drug Task Forces based on current task force requirements.

Furthermore, it is the Committee's intent that funding provided for the Federal Prison System includes the construction of new prisons under the terms specified in the Statement of Managers in addition to continued support for the National Institute of Corrections, both of which are critical to efforts to incarcerate prisoners.

DEPARTMENT OF COMMERCE

Advanced Technology Program—The bill includes language providing funding for the Advanced Technology Program, only for program administration and continuation grants for ATP projects originally awarded in fiscal year 1995 or earlier, at a rate of operations of up to 75 percent of the final fiscal year 1995 appropriated level. This provision will not allow any new ATP grant competitions to be held during the period covered by this Act.

Closing Costs Provisions—The bill includes language similar to a provision included in the Conference Report on the FY 1996 Commerce Justice Appropriations Act requiring that costs associated with personnel actions resulting from funding reductions included in this subsection to be absorbed within the total budgetary resources available to each Department or agency. The provision would allow each Department or agency to transfer funds between appropriations accounts as necessary to cover costs associated with program closeouts or downsizing of agencies. This transfer authority is provided in addition to the authorities available under FY 1995 terms and conditions, and is subject to the Committee's standard reprogramming procedures.

This closing cost provision allows Departments and agencies the flexibility to fund only the costs associated with personnel actions resulting from agency or program termination or shutdowns.

DEPARTMENT OF STATE AND RELATED AGENCIES

With respect to Title IV of the CJSJ bill, covering the Department of State, United States Information Agency and Arms Control and Disarmament Agency, funding at the conference level generally provides an operating level above what has been in effect under the previous continuing resolutions.

For Contributions to International Organizations and Contributions for International Peacekeeping Activities, the amount of funds available to be obligated is intended to be no higher than the proportionate amount of the full year funding level that corresponds to the number of days covered by this legislation.

Under the United States Information Agency, continued funding for the Inspector General has been provided for the term of this legislation. The funding is to be derived from the conference level of funding for the State Department's Inspector General, because that level of funding anticipated the merger of the USIA IG office into the State IG office. Both IG offices are to continue to prepare for the merger, which is fully anticipated to occur during this fiscal year.

With respect to Educational and Cultural Exchange Programs, the statement of managers language in the conference report concerning the Tenth Paralympiad should be carried out on an expedited basis, and sufficient funds should have been appropriated under previous Continuing Resolutions and this current legislation to permit this issue to be addressed during the period in which the current legislation is in effect.

RELATED AGENCIES

Federal Trade Commission.—The Committee expects that amounts provided in the bill for both the Federal Trade Commission and the Justice Department's Antitrust Division will allow these agencies to function at the full operating levels assumed in the conference report on H.R. 2076, based on offsetting collections of $48,262,000 for each agency.

Legal Services Corporation.—The funding included for LSC is interim funding for basic field programs until a new competitive grant program is implemented. The Committee expects LSC to begin a competitive grant program on April 1, 1996 and to be prepared to implement restrictions outlined in the conference report.

Small Business Administration

Disaster Assistance.—The Committee is aware that funding levels provided for the SBA Disaster Loan Program subsidies and administrative expenses may be insufficient to continue the program for the full fiscal year, particularly considering the rate of disasters thus far this fiscal year. The Committee notes that there are two primary reasons

for the shortfall. First, the request for subsidy amounts for the loan program was based on proposed legislative changes modifying the interest rate on SBA disaster loans. While the full request for loan subsidies was appropriated, these proposed legislative changes were not enacted into law. As a result, the appropriated subsidy amount of $34.4 million allows new loan program authority of only $122.5 million instead of $407 million as proposed. Therefore, the shortfall is the result of lack of action on proposed legislative changes, which is not under the jurisdiction of the Appropriations Committee, and the fact that the Administration, as a result of no action on the changes, has not amended its budget request to provide additional resources or identified the offsets necessary to provide those resources.

The second reason for the shortfall is the failure of the Small Business Administration to adequately budget for the appropriate level of administrative costs for even a "normal" disaster year in the appropriate account for this program. Instead, the SBA requested the funds for the administrative costs associated with disaster loan making under a proposed emergency contingency appropriation which would have been outside the budget caps and cannot be considered by the Congress under current budget policy. The Committee expects SBA to reprogram funding to cover the base requirements for disaster loan making within the funds provided under this Act. The Committee further expects that future budget requests for administrative expenses under the disaster loan program account will fully cover the costs of providing the services required to manage the loan program level assumed in the budget request.

The Committee recognizes the severity of disasters such as the devastating flooding in Pennsylvania and other mid-Atlantic States following recent storms, and is confident that SBA will be able to respond appropriately and responsibly to these dire situations within the resources currently available under the Disaster Loan Program during the period covered by the Balanced Budget Down Payment Act. The Committee recognizes that additional funds for the SBA Disaster Loan Program may be required prior to April, and believes that if additional resources are needed, they can be provided through the reprogramming process to assure continuation of the program through March 15, 1996. The Committee will work with the Administration to determine the appropriate level of funding for this program as well as potential sources of funding offsets.

Small Business Development Centers.—The bill provides funding for the SBA Small Business Development Center program at the FY 1996 conference level. This will allow SBA to continue to make funding commitments with State resource partners in the SBDC program based on the full conference amount.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House to be in recess, subject to the call of the Chair.

Accordingly (at 1 o'clock and 51 minutes p.m.), the House stood in recess, subject to the call of the Chair.

□ 1854

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GOSS] at 6 o'clock and 54 minutes p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2880. An act making appropriations for fiscal year 1996 to make a downpayment toward a balanced budget, and for other purposes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. FALEOMAVAEGA) and to include extraneous matter:)

Mr. SERRANO.

Without objection, the Chair announced the following Members are permitted to extend their remarks and to include extraneous matter:

Mr. EDWARDS.
Mr. BLUTE.
Mr. ROGERS.
Mr. STOKES.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2880. An act making appropriations for fiscal year 1996 to make a downpayment toward a balanced budget, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1341. An act to provide for the transfer of certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona, and for other purposes.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the Chair declares the House adjourned until 12:30 p.m., Tuesday January 30, 1996.

Accordingly (at 6 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until Tuesday, January 30, 1996, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1981. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance [LOA] to Thailand for defense articles and services (Transmittal No. 96-19), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

1982. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Navy's proposed lease of defense articles to Canada (Transmittal No. 10-96), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

1983. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Army's proposed lease of defense articles to Oman (Transmittal No. 11-96), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

1984. A letter from the Director, Defense Security Assistance Agency, transmitting the price and availability report for the quarter ending December 31, 1995, pursuant to 22 U.S.C. 2768; to the Committee on International Relations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GOSS:

H.R. 2902. A bill to suspend tariff reductions on winter tomatoes imported from Mexico until the President certifies to the Congress that existing mechanisms are sufficient to protect the domestic industry from import surges from Mexico; to the Committee on Ways and Means.

By Mr. KASICH (by request):

H.R. 2903. A bill to provide for deficit reduction and achieve a balanced budget by fiscal year 2002; to the Committee on the Budget, and in addition to the Committees on Ways and Means, Commerce, Banking and Financial Services, the Judiciary, Agriculture, Economic and Educational Opportunities, Government Reform and Oversight, House Oversight, National Security, Veterans' Affairs, Resources, International Relations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 2904. A bill to amend the Public Buildings Act of 1959 to ensure that any lease entered into by a Federal agency for office, meeting, storage, and other space necessary to carry out the functions of the Federal agency shall be subject to the leasing requirements of the Public Buildings Act of 1959; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 500: Mr. BILIRAKIS.
H.R. 835: Mr. FAZIO of California.
H.R. 972: Mr. OBERSTAR.
H.R. 1023: Mr. CASTLE and Mr. CONYERS.
H.R. 1364: Mr. HASTERT.
H.R. 1802: Mr. PICKETT.

H.R. 1834: Mr. BREWSTER.
H.R. 2036: Mrs. LINCOLN.
H.R. 2500: Mr. TRAFICANT and Mr. PICKETT.
H.R. 2619: Mr. KLECZKA.
H.R. 2856: Mr. STUDDS, Ms. WOOLSEY, Mrs. LOWEY, and Mr. STARK.

DISCHARGE PETITIONS

Under clause 3, rule XXVII the following discharge petitions were filed:

Petition 8, January 24, 1996, by Mr. KENNEDY of Massachusetts on House Resolution 292, has been signed by the following Members: Joseph P. Kennedy II, John Lewis, Barbara B. Kennelly, Sam Gibbons, Barney Frank, Ronald V. Dellums, George Miller, W.G. (Bill) Hefner, Cleo Fields, William J. Jefferson, David E. Bonior, Tom Bevill, Thomas M. Barrett, Bernard Sanders, Robert A. Borski, Karen McCarthy, Charles E. Schumer, Luis V. Gutierrez, Peter Deutsch, Alcee L. Hastings, Sanford D. Bishop, Jr., Corrine Brown, Patrick J. Kennedy, Scotty Baesler, Jerrold Nadler, Cynthia A. McKinney, Gary L. Ackerman, Ronald D. Coleman, Pat Williams, Eddie Bernice Johnson, Sidney R. Yates, Jesse L. Jackson, Jr., Eva M. Clayton, Thomas M. Foglietta, Barbara-Rose Collins, Bennie G. Thompson, James E. Clyburn, Lynn N. Rivers, Donald M. Payne, Albert Russell Wynn, Bobby L. Rush, Patricia Schroeder, Henry B. Gonzalez, Anthony C. Beilenson, Sheila Jackson-Lee, Norman D. Dicks, Sherrod Brown, Louise McIntosh Slaughter, Chet Edwards, Carrie P. Meek, Nita M. Lowey, Zoe Lofgren, Melvin L. Watt, Charles W. Stenholm, Earl F. Hilliard, David E. Skaggs, Charles B. Rangel, Harold L. Volkmer, E de la Garza, Bill Orton, Frank Pallone, Jr., Steny H. Hoyer, William (Bill) Clay, Lynn C. Woolsey, G.V. (Sonny) Montgomery, Bruce F. Vento, Harold E. Ford, Bob Filner, Bart Stupak, Tim Holden, Tom Lantos, Cardiss Collins, Elizabeth Furse, Bill Richardson, Fortney Pete Stark, Anna G. Eshoo, Vic Fazio, Jane Harman, Pat Danner, Floyd H. Flake, Harry Johnston, Michael R. McNulty, Andrew Jacobs, Jr., Lloyd Doggett, Frank Mascara, Robert T. Matsui, Patsy T. Mink, Marcy Kaptur, Thomas C. Sawyer, Sam Farr, Ken Bentsen, Nydia M. Velázquez, Eliot L. Engel, James P. Moran, Edward J. Markey, John M. Spratt, Jr., Martin T. Meehan, Lucille Roybal-Allard, Esteban Edward Torres, Earl Pomeroy, L.F. Payne, Major R. Owens, Benjamin L. Cardin, Norman Sisisky, Maurice D. Hinchey, John S. Tanner, Douglas "Pete" Peterson, Neil Abercrombie, Nancy Pelosi, Karen L. Thurman, Martin Frost, Carolyn B. Maloney, Richard A. Gephardt, Michael F. Doyle, Gary A. Condit, Collin C. Peterson, John D. Dingell, Gerald D. Kleczka, Gene Green, Charlie Rose, Mike Ward, Martin Olav Sabo, Robert G. Torricelli, John W. Olver, Jim McDermott, James A. Barcia, Robert E. (Bud) Cramer, Jr., Peter A. DeFazio, Owen B. Pickett, Ike Skelton, David Minge, Bart Gordon, Tony P. Hall, Dale E. Kildee, Sam Gejdenson, Glen Browder, George E. Brown, Jr., Robert E. Wise, Jr., Tim Johnson, Matthew G. Martinez, Thomas J. Manton, John Elias Baldacci, Glenn Poshard, Solomon P. Ortiz, Bob Clement, Howard L. Berman, Sander M. Levin, Jack Reed, Robert C. Scott, Richard J. Durbin, John Bryant, Ray Thornton, Louis Stokes, and David R. Obey.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 7 by Mr. KANJORSKI on H.R. 302: John D. Dingell.

SENATE—*Friday, January 26, 1996*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, thank You for this moment of prayer in which we can affirm our unity. Thank You for giving us all the same calling: to express our love for You by faithful service to our Nation. So much of our time is spent debating our differences that we often forget the bond of unity that binds us together. We are one in our belief in You, the ultimate and only Sovereign of this Nation. You are the magnetic and majestic Lord of us all who draws us out of pride and self-centeredness to worship You together. We find each other as we praise You with one heart and express our gratitude with one voice.

Together we accept the unique role You have given our Nation in the family of nations. We praise You for Your truth spelled out in the Bill of Rights and our Constitution. Help us not to take for granted the freedom we enjoy. May a fresh burst of praise for Your providential care for our Nation give us a renewed patriotism. Keep us close to You and open to each other as we do the sacred tasks of our work in the Senate today. In the unity of the spirit and the bond of peace. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

THANKING THE SENATE CHAPLAIN

Mr. LOTT. Mr. President, we want to all express, again, our appreciation to our very fine Chaplain for his daily invocations of blessings on this institution and our God's guidance.

SCHEDULE

Mr. LOTT. Having said that, I want to announce that there will be a period of morning business this morning with Senators permitted to speak for up to 5 minutes each.

It is expected that around 12:30 we hope to get some agreements with regard to what issues will be brought up this afternoon and exactly what time. Those agreements certainly could involve consideration of the Department of Defense authorization conference report, as well as the START II treaty. The Senate also will consider the continuing resolution during today's session.

All Members, therefore, should anticipate that there will be rollcall votes today. The leadership is trying to accommodate all of the Senators' various wishes, and changing schedules. We will try to get an agreement and action on the critical issues as soon as agreement can be reached.

I yield the floor, Mr. President.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. GREGG). Under the previous order, the leadership time is reserved.

The acting leader.

SCHEDULE

Mr. LOTT. Mr. President, I apologize to the distinguished Senator waiting to speak but, with reference to the schedule, I would like to make a couple of comments, if I could.

Also, of course, there will be conversation today about the START II bill.

I want to commend the chairman of the Armed Services Committee, who is here on the floor, for his effort to get a quick turnaround on this conference report agreement. It is bipartisan. Several of the problems that existed in the previous conference report have been removed and a compromise has been worked out. I am sure it is one that neither side is 100 percent happy with, but it is one that I think we should support, and we should move quickly today. I know we have indications that the President will sign this bill. I believe the ranking member of the Armed Services Committee will support it.

So, I hope we can get a quick agreement to move forward on this Department of Defense conference report. We hope to be able to announce something on that in the next few minutes.

Also, there has been an understanding with regard to time that will be used on START II. Hopefully, we can take that time and move forward on that bill, also.

On the continuing resolution, I would like to point out to our colleagues here in the Senate that there has been a lot of work done on this continuing resolution. Again, there has been a lot of give and take. The proof of that is the fact that it passed the House of Representatives last night by an overwhelming margin of 371 to 42. Only 42 voted against this continuing resolution. So truly it was a bipartisan effort. I have had some contact with the negotiators on that package. They certainly worked very hard, and they came up with what is good for now. It will take us to March 15 and give us additional time to get agreement on the appropriations bills that have not passed this body. Hopefully, the Labor-HHS and Education appropriations bills can be moved through the Senate. I remind my colleagues once again that this is where that issue languishes—right here in the Senate.

The White House has indicated its support for this continuing resolution until March 15. So, it is bipartisan in the House, it is supported by the administration, and we need to act on it because we do have the deadline of today, January 26, of the present continuing resolution. If we do not act this afternoon and get an agreement to move this continuing resolution to the President, then we have looming before us the possibility of another Government shutdown. The headlines last night on the television news reports and this morning were very positive. An agreement is reached to open the Government.

Now the Senate should act quickly to follow the example set by the House. We should not delay this continuing resolution. We should move it through following the example set this time by the House of Representatives. Yet, we are being told that, oh, well, there may have to be several votes. There may need to be some amendments. Certainly any Senator has a right to offer amendments, but I urge them to think very carefully about what could happen here this afternoon. If we start amending, or trying to amend, this continuing resolution, if amendments are not laid on the table, then we could have a real problem. If we amend that continuing resolution, it could mean that the shutdown of the Government would begin over the weekend. We would have a real problem.

The House of Representatives acted responsibly. They have done their work. And they have recessed until next week. So I urge my colleagues here in the Senate to think about this. If you do start offering amendments and some of them, in fact, do pass, then you are flirting with real danger. And the blame will be on the Senate. It will be on those who offer these amendments which should not be considered in this forum and should not be considered on this bill.

So, I hope that we will get an agreement on all three of these issues, take them up in speedy order, and complete our work this afternoon.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

THE DOD CONFERENCE REPORT

Mr. THURMOND. Mr. President, I am very pleased that we were able to get another Defense authorization bill, and I want to commend Senator LOTT, Senator WARNER, and Senator COHEN, who have joined with me on the conference committee to get this done quickly. We have a good bill.

I suggest that we act on it and that it be the first thing we do. I do not think we need more than 45 minutes to decide; in other words, an hour and a half to complete this bill and sign it away. I hope it can be taken up at this time. I understood, generally speaking, that it would be taken up. I think people generally feel that it is to be the first thing taken up today.

The PRESIDING OFFICER. The Senator from Wyoming.

THE SUCCESSES OF THE PAST YEAR

Mr. THOMAS. Mr. President, I was glad the leader spoke about optimism and the opportunity to do things. I want to talk just a little bit, if I may, in morning business about this past year and the successes of this past year.

It seems to me that we have worked very hard. We have worked very long. We had to do a number of things to respond to the voters in 1994 who said the Federal Government is too big and it costs too much. Anyone who thinks that making that change from where we have been is easy is a bit naive.

So I think the Republican majority in this Congress has had great success. We restructured the debate in this country and have a whole new approach changing the direction of Congress and, frankly, changing the direction of the President. After 30 years of basically dealing with the Great Society and what this group has done time after time, which is talk about how much more we can spend, there has been no balanced budget for that whole time, but simply a rush to spend more and increase taxation. We have turned that around this year. We changed the debate from where it has been for a very long time.

As to the continuing resolution, the President is probably going to sign it. They say this President is responsible. The Congress is responsible for spending, and it is our responsibility. We are the trustees that have that to do.

I am, frankly, very proud of what we have done this year. For the first time, we presented a balanced budget to the President. Unfortunately, he vetoed it. I do not think the President wanted a balanced budget at that time. But now we are talking about how you reduce spending, how you reduce the size of Government rather than how much it could grow. For the first time, we will make today a downpayment on a balanced budget. We will have a budget at the end of this year that will be in keeping with our 7-year effort to do that. That is progress. That is, I think, a significant victory that should be claimed. It is the first step on the road to success.

What about the change in the President's behavior? I think that is significant as well. Three years ago the President talked about more spending, and about investment. He talked about stimulating the economy through spending. And we had the largest tax increase in the history of the world. Two years ago we were talking about placing one-seventh of the entire economy under the jurisdiction of the Federal Government in health care. This year the President is talking about the era of big government being over. Now, if that is not a change. I am delighted for that. A year ago the President presented a budget none of which balanced. The President is under pressure, I think, from the Congress to present a balanced budget, and that is a movement forward.

So I think this is a great victory for the American people and for future generations. Have we completed our victory? Of course not. Is it good enough? No. Is it a good start? Yes. We probably succeeded in three-quarters of what we set out to do. Did the President make the needed changes in entitlements? No. But he did make some accommodation. He talked about some choices in Medicare. He talked about some caps on Medicaid. He talked about a commitment to welfare. Those are changes. And until we make those, of course, there is no real budgeting. But that is where we have come.

We are talking now about the end of big government. The debate is not about growth, but how we reduce the size of government. These are the things the President talked about before the election. But now we are back to that. I think that is great. I am excited by the opportunity to do that.

Thomas Jefferson said that we do divide naturally in this country, regardless of what the party is called, between those who think there ought to be an elite governing and we take the money from the folks and provide the programs and those who believe people ought to take care of themselves and the Government's role is to create an environment in which the private sector can work. We are still divided that way. That debate, of course, will go on.

So, Mr. President, I think today we ought to say we have had a very successful 1995. We have changed the debate. We are structured differently. We are talking about the possibilities of reduction instead of the certainty of increases. We are talking about a balanced budget, and we have begun and made a downpayment on that. There is a great deal to do, of course, but I believe we ought to recognize that we have made a victory, that we have made some real progress, and that we ought to move forward.

There are other things we need to do. We need to deal with welfare. We need to deal with regulatory reform. We have some health reform that we ought to do. We have to empower the States to be able to do more of those things so there is flexibility and fit. We have to accept, probably most of all, the responsibility for paying for the benefits that we are now providing instead of putting it on the credit cards for our kids and our grandkids.

So, Mr. President, I hear a lot of grumbling and wondering and confusion. It seems to me that we have had a good year. We have done a very difficult thing, and that is make a fundamental change in the direction that this Government is taking, one that I think is good for America, it is good for all of us as citizens and taxpayers and, maybe most of all, it is good for our kids and our grandchildren.

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DEWINE, Mr. GLENN, and Mr. SPECTER pertaining to the introduction of S. 1529 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

(The remarks of Mr. SPECTER pertaining to the introduction of Senate Joint Resolution 48 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SPECTER. Mr. President, in the absence of any other Senator on the floor, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

URGING SUPPORT FOR THE TELECOMMUNICATIONS BILL

Mr. PRESSLER. Mr. President, I would like to report to the Members of the Senate the progress of the telecommunications bill and urge that all

Members continue to show great interest. I also urge all citizens interested in this legislation to show vigilance and continue to support the bill and urge that it be passed.

As Members of the Senate know, consideration of this bill has gone on for a long time and it is a bipartisan bill. It has attracted the support of many groups across the country. We now have the regional Bell companies supporting the bill and we have the long-distance companies supporting the bill. That is an unusual, rare moment in American history when the regional Bells and long-distance companies are temporarily at peace, so to speak.

Indeed, the labor union, the Communications Workers of America [CWA], yesterday sent a letter to Senator DOLE urging that the bill be passed. So this bill has gotten an unusual amount of support. The big cable companies and the small cable companies support it. The broadcasters support it, to the extent of what is in the bill now.

I know there is a dispute over the spectrum area. What I am saying is that we have an historic opportunity to pass a bill. But if we hesitate very long, this whole thing will come unraveled. I am very worried about it coming unraveled. So I rise to ask for the continued vigilance and support of everybody across the country and of my fellow Senators.

Let me say a word or two about the spectrum issue that has arisen. Our leader has, quite correctly, raised the issue of the spectrum. I would say this bill does not give the spectrum away as it is written. We believe strongly that there is some misunderstanding about what the bill says about the spectrum. Indeed, this Senator tried very hard to put the spectrum auction issue into the reconciliation bill, and later have it dealt with as a budgetary matter.

The point before us is that we are going to have to have a broad spectrum bill. I like to call it a "grand spectrum debate." I think the sale to MCI yesterday, its new bid of approximately $680 million for something that was scored by CBO at less than $100 million, shows the value that there is in the spectrum and the potential savings to taxpayers. We have to think about the taxpayers.

It is not just the broadcasters who use the spectrum. The spectrum is also used by people with handheld radios, and by people doing radar photography. The military has a good deal of spectrum allocated to it, as does the CIA. We need to educate ourselves and the people of the country about the value of all this spectrum use and what the taxpayers' interest in it is.

There has been very little, for example, on television shows discussing the spectrum, strangely enough. We have not had a feature on the spectrum and its value to the taxpayers on "60 Minutes" that I know of. Nor have we seen Ted Koppel doing a feature on the spectrum and how valuable it might be to the taxpayers.

For some mysterious reason, there have not been very many television shows on the networks that educate the public about the spectrum. I urge those shows to do so.

In any event, it is not just the broadcast spectrum we are dealing with here. It is all the spectrum out there that is being used. New technologies may make four or five uses out of the spectrum where once only one use was possible. Something designed for one use can now be used for transmitting data and other things. As new technology and new inventions come into play, it may be worth four, five times as much. Where once you might have one TV channel, you now may be able to have four. You may be able to transmit data on one station and do something else with another.

So the taxpayers have a real interest in this, as do budget balancers. We did not really try to solve this problem in the telecommunications bill. Some misunderstandings are floating around. We more or less delayed a decision on the spectrum in the telecommunications bill. So I have suggested that we have a grand spectrum debate and that we have a spectrum bill. We have already had hearings. I suggest that we go through all the spectrum, from the broadcasters' use to other, different uses of it, including that held in public and private use. That we look at what the military has and what the CIA has. We will have to have a classified briefing.

We should not hold up the telecommunications bill for that purpose. It is my hope that in a few days we can work out some language, or leave the present language in the bill.

So we are making a good-faith effort. I am saying that I do not think we can solve all of the spectrum issues at this time. I have tried to do it. The votes are not there. We are in a deadlock situation.

Let us not lose the whole telecommunications bill over this matter. It is too good a bill. We have worked long and hard. It is a bipartisan bill. It is the best bill in this Congress, in this Senator's opinion. It will create jobs in our country. It will provide a road map for investment.

I urge that we act on it soon. I am continuing to lobby our leaders and everybody else. In fact, yesterday the spectrum and the telecommunications bill were the subject of Senator DOLE's remarks when he traveled in South Dakota. I commend him again and thank him for his kind remarks about my work on this bill.

I hope we can work out these problems soon. I urge all groups not to slip into lethargy. We have a lot of work left to do on this bill. It will not pass automatically. We must keep working at it. That is what I am doing. That is what I urge my colleagues to do.

TRIBUTE TO BARBARA JORDAN

Ms. MIKULSKI. Mr. President, I rise today to pay tribute to an extraordinary and brilliant woman—former Congresswoman Barbara Jordan. I was deeply saddened by Ms. Jordan's death. She was very special to me, and to this country. She enriched and moved this Nation unlike any other American.

Barbara Jordan was in a class all by herself. I was fortunate enough to serve with her in U.S. House of Representatives. She taught me a lot about what it means to be a tough advocate for the American people.

Nothing stopped Congresswoman Jordan from forging ahead—not race, not gender, and not her illness. She lived her life as a teacher never giving in to the victim mentality. Not Congresswoman Jordan. That was not her style.

She had an immense impact on this Nation, and yet, Barbara Jordan served as a Congresswoman for only 6 years. But during that time, she used her rich, booming and elegant voice, to leave a powerful impact on this Nation. She believed, as I do, in letting your voice be heard.

She spoke forcefully about important national issues, and she had commitment and conviction like none other. She had a special kind of commitment—the kind that's hard to find.

She never wasted a breath on nonsense, but always spoke the truth so eloquently. She was a true pioneer for what's right and for tackling what's wrong in America. She was the Nation's conscience during Watergate and helped restore America's faith in the Constitution.

That is why students lined up for hours at the LBJ School of Public Affairs just to register for her class. Now, that was a line worth standing in.

These students understood that it was a treat to be taught by this woman of many firsts. The first African-American, and first woman, elected to the Texas Senate. The first southern black elected to Congress since the Reconstruction, and the only woman in her law school class in Boston University.

Barbara Jordan inspired us because she was a visionary who firmly believed in this Nation's potential. Our country is different today because of her and the strength, integrity and sensibility that she symbolized.

Barbara Jordan was a great American. She was proud to be black, proud to be a woman, proud to be a Texan, and proud to be an American. I know she will live in our hearts and minds forever.

TRIBUTE TO ARTHUR GEORGE GASTON

Mr. HEFLIN. Mr. President, thousands of people in Alabama and all over the country were deeply saddened by the death of Dr. Arthur George Gaston on January 19, 1996. He was one of the

most successful businessmen of our time, as well as a generous philanthropist and civic leader who never forgot his humble beginnings.

When I think of A.G. Gaston, many different facets of his life come to mind. Of course, his longevity, his business success, his compassion for the less fortunate, his lifelong battle for civil rights, and his many tangible contributions to his community, State, and Nation are things that stand out.

But I am also reminded that Dr. Gaston was born on the Fourth of July in 1892. He shared his birthday with our Republic, and in many significant and profound ways, he and the Nation grew up and matured together during those more than 100 years of his lifetime. It was so fitting that he was born on the Fourth of July, the founding of our country, for he was truly the American dream personified.

During his long and unusually productive life, Dr. Gaston helped countless young people obtain an education, supported numerous causes, including the civil rights movement, and inspired several generations to achieve great things through hard work, perseverance, and a commitment to lifelong learning. He served his church and his people with passionate dedication, energy, and wisdom.

Just a few short years ago, as he celebrated the anniversary of his 100th birthday, Dr. Gaston remarked, "The Lord has seen fit to let me live to this age for a purpose and it is my hope that I have served him and my people as he wanted me to. I have lived a long life. I have received many blessings."

A.G. Gaston's life did indeed have purpose and meaning, so much so that it is difficult to capture them in words. Those who knew him, either directly or indirectly, knew what that purpose and meaning were by the example he set and by the tremendous contributions he made to those around him. He was a remarkable role model—a quintessential American success story. There is no doubt that he used his many gifts and blessings and served his fellow man in the way the Lord intended. In so doing, he became one of God's most generous gifts to us.

Dr. Gaston will be greatly missed, but his legacy is one that will never fade. I ask unanimous consent that a Birmingham News editorial on his life and work be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Birmingham News, Jan. 21, 1996]

ARTHUR GEORGE GASTON

HIS DEATH IS A MONUMENTAL LOSS FOR BIRMINGHAM

He was as much an icon of Birmingham as is Vulcan, and the legend of A.G. Gaston was larger than life, as well.

And like Birmingham's man of steel, it was easy to think Gaston would be around forever.

Friday morning, however, A.G. Gaston died in Medical Center East at the age of 103, a monumental loss for the Birmingham community.

Born on the Fourth of July in 1892, the grandson of slaves served in the Army with distinction during World War I, then took a job working in a dry cleaning plant for $5 a week.

At a time when black entrepreneurs were almost unheard of, Gaston began a burial insurance business for black people that mushroomed into an empire which eventually included real estate, radio stations, funeral homes and a motel.

During the 1960s, Gaston, because of his stature in the community, became a key figure in tense negotiations between black and white leaders as Martin Luther King's campaign in Birmingham brought worldwide attention.

Gaston actually worked behind the scenes to get King out of town, until he saw firehoses tumble a little girl down the street.

Many will remember Gaston for his business acumen and how he developed other black business people; for his rules for success that sound almost quaint but still apply in today's world ("Save a part of all you earn. Money doesn't spoil. It keeps."); for his role in Birmingham's civil rights struggles; for virtually giving away his empire to employees in the 1980s; for his work with the city's Boys' Clubs of America.

Perhaps the best way to remember Gaston, though, is the way former Mayor David Vann recalled him Friday.

Gaston's greatest attribute, Vann said, was that "he proved a person in a very suppressed minority, with little formal education, could lead a very successful life and proved to our society that a good person can set important standards for the society in which he lives."

He will be missed.

TRIBUTE TO FLOYD MANN

Mr. HEFLIN. Mr. President, Floyd H. Mann, who served in the cabinets of three Alabama Governors and is credited with saving the life of a civil rights activist in Montgomery, died on January 12, 1996 at the age of 76.

A native of Daviston, AL, located in Tallapoosa County, he served in the U.S. Army Air Corps during World War II. As a tail gunner on a B–17 aircraft, he flew on 27 combat missions, including the first daylight raid on Berlin. He received numerous awards for his brave service, including the Distinguished Flying Cross.

Floyd Mann was a rather remarkable person and leader. He served as chief of police in Opelika, AL, from 1950 to 1958. He earned praise for his rapid clean-up of the town, which had suffered from corruption that had spread from nearby Phenix City. The Governor at the time, John Patterson, appointed Floyd director of the Alabama Department of Public Safety in 1959.

During his tenure, he made national headlines for his one-man charge into a rioting mob that was beating a bus full of civil rights freedom riders at a Montgomery bus station in 1961. He was credited as having helped save the life of a black Tennessee student and a Birmingham newsman during that painful incident. His heroic actions earned him the United Press International's Man of the Year in Alabama Award for 1961.

Later, Floyd served as director of public safety under Gov. Albert Brewer and was administrator of the State Alcoholic Beverage Control Board during Gov. Fob James' first term in 1982–83. He also worked as an assistant to University of Alabama President David Matthews, whom he followed to Washington, DC, to work with at the Department of Health, Education, and Welfare.

While at the University of Alabama, he was very active as the head of security and was a great public relations person for the school. He knew almost all of the alumni personally, and always greeted them with a bright smile, firm handshake, and warm conversation.

I remember being in Tuscaloosa, where the university is located, many times and going by the old Stafford Hotel early in the morning where a group of local citizens would be gathered for coffee. Floyd would always be right at the center of the group. Different people would come in and he would stay and meet with the groups. He was well liked and deeply respected.

Floyd Mann was one of those people who never failed to do what was right, even if it meant risking his personal safety. He knew the meaning of being neighborly, of treating others the way he wanted to be treated. He took a considerable degree of pride in his work, and seemed genuinely excited about the things he did and about the people around him.

I extend my sincerest condolences to Floyd's wife of 51 years, Grace, and their entire family in the wake of this tremendous loss.

TRIBUTE TO JUDGE JAMES H. TOMPKINS

Mr. HEFLIN. Mr. President, I want to pay tribute to a dear friend of mine, Judge James H. Tompkins, who passed away on January 9, 1996 at the age of 84. He had an abiding love for politics, public policy, and the law, and was known in Democratic circles all over the country since he attended so many Democratic national conventions over the years.

Jimmy Tompkins was a life-long resident of my home county, Colbert County, AL. He was a graduate of the University of Alabama and was a probate judge, district attorney, and practicing attorney in the county. He was a veteran of World War II, having served as lieutenant colonel in the Judge Advocate General's Office in Europe, Africa, India, China, and Burma.

The family of Judge Tompkins is truly one of judges. He served as probate judge of Colbert County. His father, Nathaniel Pride Tompkins, also

was a Colbert County probate judge, as was his wife, Maybeth Robbins Tompkins, who succeeded Jimmy as the judge of probate. Their son, Pride Tompkins, is currently a circuit judge in Colbert County. Jimmy's brother-in-law, David "Pal" Cochrane, served as judge of probate of Tuscaloosa County.

Jimmy was an outstanding trial lawyer long before he became a probate judge. He practiced with the firm of Smith, Tompkins & Hughston, one of the leading firms in the State. Partner James E. Smith was a State senator at one time and was also the Democratic national committeeman from Alabama. Partner Harold V. Hughston served as a circuit judge of Colbert County.

He had a wonderful, pleasing personality. The smile he always had on his face was hard to forget. Jimmy Tompkins had many friends and he was a great friend to many, including me, over the years, and will be sorely missed.

I extend my sincerest condolences to Maybeth Tompkins and her entire family in the wake of their tremendous loss.

SALUTE TO RETIRING SENATOR WILLIAM S. COHEN

Mr. DODD. Mr. President, I would like to take a moment to honor one of the many—and I might add that there are far too many—colleagues of mine who have announced they will be leaving us at the close of this session. Senator WILLIAM SEBASTIAN COHEN announced his retirement recently, and I would like to pay tribute to this close friend of mine.

Early on in his career in the Senate, in 1978, Time magazine called Senator COHEN "one of the GOP's brightest new stars." Well, Senator COHEN isn't exactly new anymore, Mr. President, but he remains one of the brightest stars in his party. It is a shame to see him leave when he seems in many ways more brilliant than ever.

Senator COHEN became the senior Senator from Maine at a very early age, and it was a title that he carried with determination and distinction. He quickly established himself as a leader on foreign policy issues, playing a key role in shaping the foreign policy that prepared America for the gulf war and the new world order of the 1990's.

Early on in his Senate career, the temperate young Senator from Maine opposed adoption of the SALT II Treaty out of concern that it failed to take a hard enough stand against the Soviets. He was simultaneously an unyielding advocate for a strong national defense. His stance proved that one did not have to be an extreme and ardent conservative to have a patriotic belief in the importance of protecting our country's security.

He continued to serve as a distinguished leader on foreign policy issues, employing intelligence and forethought that often put him ahead of the curve. He spoke out strongly against Saddam Hussein's stockpile of chemical weapons long before August of 1990. He also advocated redesigning our Navy to employ a greater number of smaller ships, with the massive sealift capability that the post-cold war world requires. Our Nation's shining success in the gulf war was due to a great many factors, but any attempt to take account of all those factors must note the shifts in our Nation's defense strategy during the 1980's in which Senator COHEN played a large part.

On domestic issues, Senator COHEN has taken a careful, reasoned approach. He has refused to sit beholden to any one ideology or dogma, instead showing an unwavering commitment to the interests of his constituents. He opposed a large dam project in Maine that threatened the environment of that beautiful State, and he pushed hard to relax stringent Social Security disability requirements. Many have called Senator COHEN a persistent moderate in his own party. Well, Mr. President, if being a party moderate means recognizing the fact that, where possible, the Government should try to help out folks who need a hand, or having the courage to speak out against those who would, out of misplaced zeal and foolhardy arrogance, undermine our Constitution, then I say we need more of it.

Mr. President, Senator COHEN and I came to the Senate only 2 years apart. Over the years, I have come to count him as a close friend, and I am sure we will remain close even after he leaves here. But I will still miss him, and I will always be grateful for his loyal service to this Chamber.

U.S. DEPENDENCY ON FOREIGN OIL BOX SCORE (FIRST REPORT)

Mr. HELMS. Mr. President, I have been deeply troubled for most of the 23 years I've been a Member of the Senate about the United States having become more and more deeply dependent upon foreign countries—many in the highly volatile Middle East—to supply the bulk of the energy needs of the American people. I held hearings on this perilous problem when I was chairman of the Agriculture Committee a decade ago, and more recently in my capacity as chairman of the Foreign Relations Committee.

The administration acknowledges that this is a national security concern, but, Mr. President, there obviously is a lot of fiddling while Rome burns—the administration has done precisely nothing about U.S. dependency on foreign oil.

Mr. President, Americans now are forced to rely on foreign oil for more than 50 percent of our needs. Not too long ago, 50 percent was pegged as the perilous threshold which must not be crossed. But, it was crossed, under President Clinton's watch, after U.S. blood was spilled in the Middle East in Desert Storm.

So, Mr. President, I begin today a report on this matter, a report that I will make to the Senate regularly. The American Petroleum Institute has confirmed that, for the week ending January 19, the United States imported 7,696,000 barrels of oil each day, 12 percent more than the 6,488,000 barrels imported daily 12 months ago.

Mr. President, as I say, I shall report to the Senate—and to the American people—on a regular basis regarding the increasingly dangerous U.S. dependency on foreign oil. We must not delay in seeking to solve this troubling problem.

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, as of the close of business Thursday, January 25, the Federal debt stood at $4,988,163,912,933.72, about $12 billion shy of the $5 trillion mark, which the Federal debt will exceed in a few months.

On a per capita basis, every man, woman, and child in America owes $18,933.50 as his or her share of that debt.

CHINA-TAIWAN RELATIONS

Mr. THOMAS. Mr. President, I rise today as the chairman of the Subcommittee on East Asian and Pacific Affairs to express my concern at recent reports in the domestic and foreign media that the Government of the People's Republic of China has formulated plans for a military invasion or blockade of Taiwan.

These reports surfaced first a month or two ago in Hong Kong papers known to be sympathetic to Beijing—known, in fact, to be instruments of the Chinese Government—such as Ta Kung Pao. It was further reported in the colony's more mainstream papers, including a series of reports in the Eastern Express. Clearly, the initial discovery of this information was not the result of investigative reporting on the part of these papers. Rather, it shows all the signs of having been an organized leak on the part of the Beijing Government. The same information has been relayed to us through high-level channels in the People's Republic of China Government and military.

The purpose of the leak appears to me to be three-fold. First, it must be viewed in light of the present political situation in the People's Republic of China. As my colleagues know, while President Jiang Zemin is substantially in control of the Government as the

successor to Deng Xiaoping, the succession is far from being settled with absolute finality. As a result, the leadership has been careful to court the conservative elements of the power structure: the People's Liberation Army [PLA]. The PLA, like armies everywhere, tends to be very nationalistic, and the reacquisition of Taiwan is at the top of its wish-list. Consequently, the People's Republic of China leadership has taken a more hardline approach to the Taiwan question than might usually be expected.

Second, many observers—and the Taiwanese officials with whom I have spoken—believe that the leaked information is designed to intimidate the Taiwanese people and their elected officials. The People's Republic of China believes that over the last year the Government of Taiwan, led by President Lee Teng-hui, has been increasing its attempts to raise Taiwan's status in the international arena. They cite increased diplomatic initiatives in Central America and Africa, the visits of President Lee and other high-level officials to countries such as the United States, Canada, and the Czech Republic last summer, and moves to join the U.N. and other international organizations.

The People's Republic of China apparently regards these efforts as an affront to their one-China policy, and a move by Taipei to create two Chinas or one China, one Taiwan. In an effort to stem this rising tide, Beijing has resorted to a number of reactions. The People's Republic of China conducted a series of provocative air-to-air missile tests from July 21 to 26 in an area only 60 kilometers north of Taiwan's Pengchiayu Island. The missiles fired consisted mainly of Dongfeng-31 ICBM's and M-class short-range tactical missiles. At the same time, the PLA mobilized forces in coastal Fujian Province and moved a number of Jian-8 aircraft to the coast. Following those tests, the PLA conducted a second round of similar maneuvers between August 15 and 25. In conjunction with these tests, Taiwan intelligence reported the movement of a number of F-7 and F-8 long-range bombers and aircraft to bases within 250 nautical miles of Taiwan. There have also been reports that the People's Liberation Army-Air Force has stepped up practicing precision bombing and missile targeting.

It was no accident that the tests were so close to Taiwanese territory, or that they coincided with Taiwan's regional elections. The message to Taiwan was clear: "continue down this road, continue to move forward toward a complete democracy, and we are more than capable of reacquiring you forcibly." This message is similarly timed; it comes very close to Taiwan's first fully democratic elections, scheduled to be held in March.

Third, it appears that the information was intended to send a signal to us in Congress, as well as the administration, that we should rein in our support for Taiwan and its elected leaders, and reconsider any thought of supplying Taiwan with defensive weapons or similar support. It will not surprise anyone here that Congress has been supportive of Taiwan and its people. Since 1949, the citizens of Taiwan have made amazing strides in developing their country both economically and politically. Taiwan has become the world's ninth largest economy; moreover, it has moved from a military authoritarian government to oligarchy to full participatory democracy. That move will be capped in March by the first democratic election of the country's President. Given this progress, I know that many Members of Congress, and the American people, cannot help but feel a bond with the people of that island. It is that bond that worries the People's Republic of China, and which it seeks to stem.

The Chinese Foreign Ministry, through two of its spokesmen, Shen Guofang and Chen Jian, issued a somewhat vague denial of the reports. I would like to take that denial at face value, and indeed the reaction in the military and intelligence circles here has been that the entire issue may be somewhat overblown. I would stress that there is no concrete proof of the allegations but for the news reports. However, as we have seen in the past, sometimes the denials of the Ministry do not match the Government's actions. Just in the unlikely event that this is the case, I'd like to make my position as the chairman of the subcommittee of jurisdiction clear.

I will agree, to a point, with Beijing's assertions that any eventual reunification of the People's Republic of China and Taiwan is an internal affair for the Chinese people in which other countries should not interfere. But I cannot stress strongly enough my feeling that it is not the People's Republic of China's internal affair alone; it is one for Chinese on both sides of the Taiwan Straits to decide. There are 27 million people in Taiwan who have made clear their desire to live in a free and democratic society. It is consequently not for the People's Republic of China, under the guise of reuniting the motherland to unilaterally dictate the terms, timing, or conditions of that reunification.

The People's Republic of China should make no mistake; I strongly believe that any attempt to establish a military or economic blockade of Taiwan, or other such military threat, will be met with by the most resolute condemnation and reaction on the part of the United States, and indeed the rest of the community of nations. It is my view that actions such as the missile tests and threat of military force will have the exact opposite of their desired outcome. As we have seen, the people of Taiwan did not let themselves be intimidated at the polls by the launching of Dongfeng missiles. I believe that such threats can only serve to make them more resolute in their goals.

Similarly, it is my opinion that such actions can only backfire in regards to their intended effect on the United States. The People's Republic of China would do well to remember the provisions of the joint United States-People's Republic of China communiques, and more importantly of the Taiwan Relations Act. We have stated repeatedly that we expect the future of Taiwan to be settled by peaceful means, and that we consider any move to settle it by other than peaceful means to "be a threat to the peace and security of the Western Pacific area and of grave concern to the United States." The Taiwan Relations Act, and the communiques, safeguard our right to sell Taiwan weapons to enable it to protect itself from aggression. If the People's Republic of China continues to threaten Taiwan and its security, then it is not out of the realm of possibility that in reaction the amount and frequency of those arms sales might increase.

In closing Mr. President, while I believe that the reports—especially that in the New York Times—have tended toward the alarmist, I feel it is very important that the People's Republic of China know exactly where I stand on this issue. That is why I have come to the floor today. And similarly, toward that end I call upon the administration to relay our position to Beijing in the clearest and most unequivocal terms.

THE FARM BILL

Mr. BUMPERS. Mr. President, for the first time in nearly half a century, we are rapidly approaching the end of the first month of the first year in which American farmers are without a farm bill. To those not directly engaged in agriculture, this fact may be little more than a slightly interesting footnote to a much larger story of deadlock in Washington. Actually, the only people not involved in agriculture are those who don't eat. But to men, women, and families across this Nation whose livelihood comes from the production of food and fiber, this simple fact is keeping them awake at night.

What is most striking and most disquieting about the failure to enact a farm bill on time is the apparent disregard by some Members of Congress to the plight of family farmers who are desperately calling me and other Senators for some signal of what to expect for the 1996 crop year. You can't blame them. If you look at the calendar you will see it is 1996 and farmers in my State, especially rice farmers, need to be in the fields in the next few weeks.

Unfortunately, before they go into the fields, most farmers need to go into their banks. But bankers are unable to complete loans due to the uncertainty in farm policy that has resulted from just 1 year of Republican majorities in Congress.

I have heard several Senators try to lay the blame for the expiration of farm legislation on President Clinton for vetoing the budget reconciliation bill which contained a version of the so-called Freedom to Farm Act. This, they say, was the 1995 farm bill which was voted, passed, and sent to the President. What they fail to mention is that everyone knew for months that the reconciliation bill, with or without freedom to farm, was going to be vetoed. the Republican majority in Congress knew, far in advance, that if they insisted on freedom to farm being part of the budget reconciliation bill, there would be no farm bill unless they took other action to secure passage of farm legislation outside the budget reconciliation process. The Republicans are in charge of the House and Republicans are in charge of the Senate. They clearly had the opportunity and the power to take other action and they not only failed, they failed to try.

Not only has the Republican majority failed to achieve any positive result, they have even refused the assistance of their Democratic colleagues. Next to the harm being thrust on the American farmer, the most troubling aspect to the farm bill failure of 1995 is the untimely demise of traditional farm-State coalitions. In every farm bill debate I can remember, farm-State Senators, regardless of party affiliation, were able to come together in a common purpose. To us, that purpose had been to pass a farm bill that is in the best interest of the American farmer and the American consumer while all the time recognizing the unique nature of the farm sectors of our respective States. But, for some inexplicable reason, the Republican majority made the decision to disregard this practice which has given rural America successfully enacted farm bills for nearly five decades. The result of that decision should have been obvious, but now even the Republican majority has to admit that they couldn't do it alone.

In fact, when you look at how we got in this mess, it becomes clear that there was no real agreement within the Republican majority about farm policy. The so-called Freedom to Farm Act was introduced by the chairman of the House Agriculture Committee, but he could not even secure passage of his bill in his own committee—even the ranking Republican member voted against it. The Senate Agriculture Committee never gave it any serious consideration because they saw the flaws it contained. The fact that it was wedged into a reconciliation bill completely outside the purview of any agriculture committee—House or Senate—begs the question whether agriculture committees are relevant any longer. Even the House Speaker's task force on committee review has suggested terminating the House Agriculture Committee and merging its responsibilities with other committees. The inability of the House Agriculture Committee to report a 1995 farm bill will probably do little to dissuade the speaker from the recommendations of his own task force.

The Republican majority may have failed to include Democratic participation in writing a farm bill because they thought we didn't want farm program reform. If that was their reason, they were badly mistaken. Senate Democrats, myself included, want serious farm bill reform and we know the only way to achieve it is through serious farm bill debate. If we had been allowed to participate in the debate—if there had been a debate—I do not believe we and, more importantly, America's farmers would be in the desperate situation we now find ourselves. There are lots of good ideas out there. There are some I would like to offer, there are others I would like to learn more about, but ideas do not grow well in a vacuum outside the light of public debate. We deserve better and, without question, rural America deserves better.

We can do a lot of finger pointing, but that really accomplishes little, and nothing positive. Farmers in my State and farmers in every State can not be told to wait another day for farm policy guidance. I wish we had time to have the farm bill debate we have requested for more than a year. I wish we had time to enact a new 5 or 7-year farm bill to completely replace expiring farm and nutrition programs. However, the calendar tells us the time necessary to do all those things has been lost. All that we have time to do, and what we must do, is to enact an extension of expired programs for another year in which farmers can do what they do best and we can do what hasn't been done at all: debate and pass a farm bill.

What happens if Congress does nothing? What happens if Congress defaults on its responsibility to rural America? As unlikely as that seemed 1 year ago, we now have to seriously examine the consequences of procedure in 1996 with no congressional action on farm policy. Should that occur, and I truly hope it does not, farmers would then turn to the programs available under the CCC Charter Act and the agricultural acts of 1938 and 1949, the so-called permanent law.

It is fortunate for America's farmers that these laws exist, not because they are good policy for the 1990's, but because they serve as a hammer that should persuade Congress to reauthorize the 1990 farm bill. If we revert to permanent law a couple of things will occur: First, there is no specific rice program and the Secretary will have to rely on very broad authorities to provide some sort of price support mechanism; second, wheat and feed grain prices would go through the roof. In addition to these features, there are a host of other arcane provisions that would further complicate the lives of farmers and those responsible for administering farm policy.

Some farmers might fare well under permanent law. For those farmers lucky enough to still have acreage allotments that were established decades ago, they will receive prices tied to parity which means the price they receive will give them the same buying power the price for their crop held between 1910 and 1914. In some ways it's like playing the lottery. If you are one of the lucky ones, you will receive more in payments than you ever expected. If your luck has run out, you may receive nothing. With feed grain prices doubling or tripling, if you are a producer of beef, pork, poultry, catfish, bread, cookies, pasta, et cetera, or if you are a consumer of any of the above, you are going to see your costs skyrocket. Farmers have long had to deal with the weather, markets, and other unknowns. They should not now have to be asked to bear the additional uncertainty of playing the lottery as well.

Farmers need certainty. Earlier this week, it was mentioned that an extension of current law provides no "certainty" and only passage of freedom to farm would give farmers "certainty" for the future. In fact, it was suggested that if we extended current law, the only certain thing to happen immediately is the repayment of the 1995 advance deficiency payments which would further cripple farmers trying to advance a 1996 crop. I will ask to have printed in the RECORD an announcement by Secretary Glickman on December 22 that advance deficiency repayments are deferred for 3 years, which was the extent of action he was authorized to take. This clearly will give Congress time to deal more thoroughly with this important matter. Secretary Glickman has already offered American farmers the certainty of knowing there will be no near-term demand for repayment. He should be commended for taking this action and I fully expect that we will be able to more fully resolve this problem before the end of the 3-year period.

It was further suggested, earlier this week, that if we passed the Freedom to Farm Act, farmers would have the certainty of knowing they will receive $43.5 billion in payments over the next 7 years. I do not question the intent of my Republican colleagues in the Senate that they hope these payments would, in fact, be made over the 7 years—although knowing the history

of the House majority leader's attempts to kill farm programs, I am not so sure about the underlining intent of that body. But I must question any use of the term "certainty" that has been attached to these payments.

Perhaps the most egregious feature of the freedom to farm scheme is the payment of large sums of money to farmers in years when crop prices are bringing record profits and even to farmers who have no requirement to farm anything at all except the Federal Treasury. Since their inception, farm programs have been designed to allow payments to farmers only when crop prices have fallen below set levels. This provided a form of safety net that has helped stabilize the farm economy and avoid the tremendous social disruptions that we witnessed during the Great Depression. But I must warn my Republican friends who think they are protecting rural America, that providing large payments to farmers during periods of high prices or to farmers who no longer farm is an invitation to disaster, the biggest farm disaster we have ever seen.

I realize that the Freedom to Farm Act makes reference to the term "contracts" which suggests a guarantee of payments over the 7-year period. I also realize that many Members of Congress have been trained in the legal profession and have had more than a cursory review of the elements of a contract. But the requirements of protecting against the abrogation by a future Congress of "contracts" described in legislation go far beyond simple contract law. American farmers know what a contract is, or should be, and I am afraid they are being led to believe that the Freedom to Farm Act is talking about contracts in the normal sense of that term.

The abrogation of contracts executed through the authority of congressional legislation is nothing new to the Federal courts. The contracts discussed in the Freedom to Farm Act are not protected by the contracts clause of the U.S. Constitution. The contracts clause is found in section 10 of article I which states: "No *State* shall * * * pass any * * * law impairing the obligation of contracts * * *" (emphasis added). In fact, case law concludes that the sovereign power of Congress to subsequently amend legislation—and contracts authorized by such legislation—is implied in the absence of "unmistakable terms" or other strong indications that Congress clearly intended to bind the actions of a future Congress.

It has been my opinion that nothing in the freedom to farm provisions that were appropriately vetoed by President Clinton approaches the threshold of "unmistakable terms" necessary to limit the actions of a future Congress. My opinion is also shared by many legal experts from around the country. Because of my concerns that the American farmer was being misled by the alleged promises of 7 years of payments, I had asked for an opinion by the National Center for Agricultural Law Research and Information as well as leading law schools with strong agricultural law programs around the country and they all concur that there is nothing in the freedom to farm provisions that guarantees payments over 7 years.

Why is this fact so important? Why should farmers be concerned if Congress can change its mind in a year or two? What does all this have to do with "Certainty"? With all due respect to farm programs enacted by Congress and administered by USDA, there are many critics of these programs who would be eager to point out the outrageous use of tax dollars to pay huge sums to farmers when market prices are high or who have opted to spend the growing seasons in the Bahamas. It would only take a few headlines and a few news magazine television programs to draw the wrath of the nonfarm public to force Congress to end, once and for all, farm programs.

It takes little imagination to conclude that media scrutiny of freedom to farm, once put into practice, would likely result in not only a loss of the remaining freedom to farm payments, but of the possibility of any Federal support for farmers in the future. If anything is certain, it is that farmers would be without farm programs a lot sooner than they expected. As I suggested earlier, such a result would not be far removed from the stated objectives we have heard expressed for years by the current House majority leadership. Earlier this week, there was an attempt on this floor to repeal by unanimous consent the underlying agricultural acts which we refer to as permanent law. Farmers may have more to worry about than they realize. Yes, farmers are asking for certainty, but I don't believe they are asking for the certainty of bankruptcy.

Mr. President, it would be truly tragic if the tactics that shut down the Federal Government for an unprecedented 27 days are now used to shut down the farm sector, possibly for all time. Clearly, the freedom-to-farm provisions are not acceptable to me, they are not acceptable to my Democratic colleagues. If passed they will once again be rejected by President Clinton, and they will be rejected by every member of the farming community once farmers are given the opportunity to see through the candy store glitter of allegedly promised payments. The task before us now is to move the process forward to give farmers some immediate guidance for the crops they need now to put in the ground and for all of us in Congress to finally work together to craft a reasonable farm bill to take American agriculture into the next century.

I know there are some reforms that we should all agree on that we can include in a farm bill extension. Farmers need flexibility to better adjust to changing markets and to give them the ability to rotate crops in a manner that best serves their conservation needs. We can do that, and we must. Republicans and Democrats have proven in farm bills past that we can work together. We ask now for a 1-year extension of current law with certain modifications. All it takes is 1 year to write, debate, and pass a farm bill. Although 1995 was not such a year, there is not reason why 1996 can't be.

I ask unanimous consent that the announcement by Secretary Glickman, to which I earlier referred, be printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

GLICKMAN IMPROVES REPAYMENT OPTIONS FOR PRODUCERS FOR ADVANCE DEFICIENCY PAYMENTS

WASHINGTON, Dec. 22, 1995—Agriculture Secretary Dan Glickman today announced that wheat, feed grains, and upland cotton producers who must repay their 1995-crop advance deficiency payments will be able to repay under more equitable terms than in the past. Those producers will likely owe about $1.7 billion in the latter part of 1996.

Glickman said USDA's Commodity Credit Corporation will propose changes is current regulations to give producers expanded repayment options, including the option to repay in installments over a three-year period, with all of the interest waived, depending on a producer's circumstances. USDA has no legal authority to waive repayment of advance deficiency payment.

"I'm especially concerned about producers who did not have a 1995 crop and are still required by law to repay their advance deficiency payments," Glickman said. "To ease their financial burden, my proposed action will allow them to repay over 3 years with no interest.

"These actions will affect about 90 percent of the producers of these crops," Glickman said. "To ask for a repayment of this magnitude without better terms and conditions would put severe financial pressure on many producers who are trying to recover from a series of bad weather disasters.

"We're nearing the end of the year and we still have no Farm Bill," Glickman said. "At a time of uncertainty—the Clinton Administration is taking this action to give producers clear direction, so they can start planning for the coming year."

Details of the proposal are outlined in FSA Backgrounder #0864.95.

NEIGHBOR DAY IN WESTERLY

Mr. PELL. Mr. President, I rise today to recognize the efforts of citizens of the town of Westerly, RI, and the members of its town council in promoting Neighbor Day.

In 1993, a feud between teenagers took a tragic turn at a local arcade, leaving one youth dead and another charged with murder. Since then, this community has come together to ensure that such senseless violence is not repeated there or anywhere else.

For the past 4 years, Westerly has honored the spirit of neighborliness,

tolerance, and civility by designating the Sunday before Memorial Day as Neighbor Day.

Now, the Neighbor Day tradition is spreading. The Rhode Island General Assembly has designated Neighbor Day for statewide observance, and the Westerly Town Council would like to see the tradition become nation-wide and ultimately worldwide.

I hope my colleagues will join me and keep the sentiments of the people of Westerly close to our hearts and minds always, but particularly, this year, on May 19—the day Westerly will celebrate Neighbor Day.

Mr. President, I ask unanimous consent that resolution of the Westerly Town Council, urging local recognition of Neighbor Day, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TOWN OF WESTERLY—RESOLUTION

Whereas, the Town Council of the Town of Westerly, County of Washington and State of Rhode Island, adopted a resolution to celebrate Neighbor Day in May each year on the Sunday before Memorial Day weekend in the Town of Westerly;

Whereas, the Town of Westerly proudly displays the adopted Neighbor Day logo on the Town of Westerly Calendar each year on the Sunday before Memorial Day weekend and places a proclamation in the Town's archives for posterity; and

Whereas, through the effort of our local legislators, the General Assembly of the State of Rhode Island and Providence Plantations passed legislation designating this special day to be observed in communities throughout the State: Now therefore, be it hereby

Resolved, That the Westerly Town Council with deepest respect for all our Rhode Island legislators and United States Congressmen that they unite with one heart in a collaborative effort to aid in the reintroduction of Neighbor Day as a national day and through our representative to the United Nations to introduce and pass a world-wide Neighbor Day to be celebrated the Sunday before Memorial Day weekend in May of 1996 and each year thereafter; and be it further

Resolved, That the Westerly Town Council, in an effort to help our Congressman, hereby submits petitions signed by many citizens of all ages in our community to be used solely for this purpose and presented in support of this worthwhile effort in the hopes that Neighbor Day will be recognized and celebrated throughout the world.

MAINTAINING THE MOMENTUM FOR PEACE IN NORTHERN IRELAND

Mr. PELL. Mr. President, earlier this week, the International Body chaired by the Honorable George Mitchell, the distinguished former Senate majority leader, issued its report regarding the Northern Ireland peace process. Specifically, the International Body was charged by the British and Irish Governments with examining the twin tracks in the peace process—namely the decommissioning of weapons and all-party talks.

As my colleagues are aware, the current sticking point in the peace process is the relationship between the decommissioning of weapons and the convening of all-party talks. The International Body has done an excellent job of reaching out to the various parties to hear their views on this difficult matter, and of characterizing the opposing views on that issue. I would particularly like to commend my friend George Mitchell for the fine work he has done in this regard.

The report lays out a very balanced set of recommendations focusing on six principles. Among other things, it recommends that the parties to the conflict "affirm their total and absolute commitment" to democratic and exclusively peaceful means of resolving political issues, to the "total disarmament" of all paramilitary organizations, and that they renounce and oppose any effort to use force or threaten to use force to influence the all-party negotiations.

The report recognizes that "there is clear commitment" to decommission weapons as part of the process of all-party talks. It suggests that the parties consider decommissioning during, rather than before or after the process of all-party negotiations.

The report also includes a series of further confidence building measures that might be taken. On the question of elections, it suggests that "elections held in accordance with democratic principles express and reflect the popular will" and that "an elective process could contribute to the building of confidence."

The report does not suggest, however, that elections proceed all-party talks. I know there is real concern among the various parties about the British Government's subsequent proposal that elections be held prior to all-party talks as such elections might further delay the process.

Perhaps most importantly, the report reminds us that "for nearly a year and half, the guns have been silent in Northern Ireland" and that "the people want that silence to continue." For that to happen, there must be continued momentum in the peace process. The timely release of this report has gone a long way toward keeping the process moving. Delays at this juncture could scuttle the very real progress that has been made to date.

In establishing the International Body, Prime Minister Major and Prime Minister Bruton took decisive action to break the deadlock that had beset the negotiations. Let us hope that they, as well as all parties in Northern Ireland, will continue their courageous steps for peace.

TRIBUTE TO THE LATE COACH FRANK HOWARD

Mr. THURMOND. Mr. President, one of the most famous institutions of the South is college football. For decades, southern colleges and universities have produced powerhouse teams that dominate bowl games and yield some of the most talented players that are to be found among professional football clubs. Without question, the Clemson University Tigers is one of the grand old teams of southern football, and Frank Howard was the man who became synonymous not only with Clemson football, but with Clemson athletics. It is with great sadness that I rise today to mark his passing, and to pay tribute to him as a coach, a role model, a man, and a friend.

Frank Howard dedicated his life to Clemson University and its football program. He loved that school so much, that after he retired from coaching, he remained in South Carolina and continued to be an important part of Clemson University campus life. Not only did Frank attend virtually every Tiger home game, he maintained an office in the Jervey Athletic Center and was affectionately, and appropriately, given the title of "Legend." During his career, Frank amassed one of the most impressive victory records in college football, fielding winning teams year after year, and capturing several Atlantic Coast Conference championships. In addition to his skills as a coach, Frank was a gifted recruiter, and that combination ensured that Clemson always had a team of enthusiastic, talented, and well coached players. Countless individual and team records were set by Clemson players during Frank's three-decade tenure at the University, and many of his players went on to become some of the most respected individuals to take to the gridiron in the National Football League.

Frank was the first to admit that there was no secret to how he won football games: he believed in playing aggressive football. As he said time and time again, "Blocking and tackling wins games." While Frank stood for little nonsense as a coach, as some thought him gruff, he was a man who truly loved his players and set an example for them to be individuals who not only truly loved his players and set an example for them to be individuals who not only had a commitment to winning, but to good sportsmanship as well. As any coach would be, Frank was proud of his players who went on to play professional football, and believe me Mr. President, there was no shortage of such individuals. Through the years, Tigers have played on probably every team in both the American and National Football Conferences. What separated Frank from many other coaches is that he was equally proud of his players who never made the roster of a pro team, but who contributed to the growth and success of South Carolina. Frank was always quick and pleased to note that many of

his former players went on to become influential and respected leaders in professions as diverse as the law, medicine, business, academics, and religion. No doubt, their accomplishments are in large part attributable to the influence that Frank Howard had on them while they were young men.

Mr. President, Frank Howard was once quoted as saying,

> When I die I want to be buried up there on that hill near the stadium. I want to be there so I can hear all them people cheering my Tigers on Saturday and where I can smell that chewing tobacco in ever corner of the stadium. Then I won't have to go to heaven. I'll already be there.

I am pleased to note that as Frank desired, he will be buried on Cemetery Hill, where he will be able to watch over his beloved Tigers. While Frank is going to be buried in his version of heaven, I have no doubt that St. Peter ushered him past the Pearly Gates, and at this moment he is gathered around a chalkboard with the other greats of coaching, going over games and plays, and enjoying the praises of his peers for his career of accomplishments. Needless to say, Coach Frank Howard will be missed by his large circle of friends, tens of thousands of football fans, and a grateful State. We all send our heartfelt condolences to his widow, Ruth, and to the rest of Frank's family.

THE STATUS OF THE FARM BILL

Mrs. MURRAY. While the debate continues in Congress over the future of farm policy for our Nation, I wanted to outline some of my priorities for agriculture in 1996.

While Congressman ROBERTS continues to push for his proposal to decouple farm payments, I am committed to maintaining a safety net for our farmers. Coupling payments to both production and the marketplace is a good way to preserve the safety net. Farm payments should occur when prices are low so our farmers can sustain their capacity to produce. When prices are high, the market can and will sustain our farmers.

Payments should also be tied to production. Farm payments should be given to those working the land today, not simply to those who have received payments in the past. When Congress authorized the 1990 farm bill it was understood that the program was voluntary. That is to say, you only needed to be farming in order to be eligible to participate. Now the Republican proposal requires participation over the last 5 years in order to continue participating. The farm programs would not longer be open to anyone currently farming, but only to those who had participated between 1990 and 1995, regardless of whether or not they were still farming.

I also think we should preserve the permanent authority for farm programs embodied in the 1949 agriculture law. In my opinion, repeal of the 1949 law sends a clear message that our historic commitment to the farmers of our Nation is ending. We must preserve this law as a constant reminder of our ongoing commitment to maintaining a stable food supply for our Nation. Preserving permanent authority for farm programs also recognizes the vital role that agriculture plays, and will continue to play, in this Nation's economy.

I am frustrated that Congress has failed to recognize the vital importance of agriculture to our economy. We must maintain our commitment to farmers, and farm programs must be tied to production and marketplace. I am willing to work with my fellow Members to act quickly on a farm bill that provides certainty and security to our farmers, both now and in the future.

In addition, I feel the farm bill should not be broken up so that food stamps and conservation programs are not addressed in conjunction with the commodity programs. The simultaneous consideration of these areas of farm policy represent a balanced approach that recognizes the obligations of our Nation not only to our farmers, but also to our poor and our environment. While the farm bill is designed to enhance and ensure the bountiful production of food from our land, it must also address the distribution of that bounty to those of our Nation in need. With all the food we produce, we must make sure it gets to the millions of hungry mouths in our cities and towns. While we help farmers to cultivate their land, we must also encourage them to preserve it when and where appropriate. USDA's Conservation Reserve Program is twice the size of the USFWS National Wildlife Refuge Program. The contributions of this program to the preservation of wetlands, woodlands, and wildlife cannot be understated.

As the debate over the farm bill continues, I am committed to working for these principles and to look out for the best interests of the hard working families on the farms of my great State of Washington.

GREAT PLAINS SYNFUELS PLANT

Mr. DORGAN. Mr. President, I rise today to express my grave concerns about a matter that is currently under review before the Federal Energy and Regulatory Commission [FERC].

The future operation of the Great Plains Synfuels Plant, located in Beulah, ND, is being seriously threatened by a recent ruling in a case pending before FERC. This decision ignores not only the adverse economic consequences that the decision will have on the people of North Dakota and the region, but it fails to consider the strong public policy reasons supporting both the initial construction of the Great Plains alternative energy plant and its successful operation for years to come. I urge FERC to reconsider the ruling in this light.

The Great Plains plan now employs 640 people in North Dakota and represents 20 percent of the lignite coal produced and consumed in the State. In addition, there are more than 400 construction workers presently employed at the Great Plains site who are involved in two ongoing capital construction projects valued at hundreds of millions of dollars.

The Great Plains plant has an enormous impact on North Dakota's economy. Several independent economists have estimated that the direct and indirect economic impact of the Great Plains plant is about $500 million every year—a sizable impact given North Dakota's small population.

Great Plains was constructed with a loan guaranteed by the Department of Energy [DOE] pursuant to the Federal Nonnuclear Energy Research Act of 1974. Specifically, that act authorized DOE to provide loan guarantees to assist in the demonstration of alternative fuel technologies using coal, oil shale, biomass, and other sources. Great Plains is the only alternative energy project still operating today that was built because of the Federal Government's efforts in the late 1970's and early 1980's to achieve energy independence for this country.

DOE operated the Great Plains plant for several years after its original sponsors in 1985 abandoned the project. In 1988, DOE sold Great Plains to the Dakota Gasification Co.—a subsidiary of Basin Electric Power Cooperative—because Dakota was absolutely committed to the long-term operation of the plant. Dakota's commitment was made based upon the continued validity of FERC Opinion 119, which approved the gas purchase agreements between Great Plains and the four pipeline purchasers, and the reasonable assumption that FERC would stand behind its opinion.

Since purchasing the plant, Dakota has acted to promote, to develop and to demonstrate the very technological potential that first prompted the Federal Government to finance the plant's construction. For example, Dakota has produced an annual average of 157 million standard cubic feet of synthetic gas a day from a facility designed to produce a maximum of 137.5 million standard cubic feet a day with virtually no additional capital investment. Because of this increased production and its other efforts, Dakota has continued to decrease both the real and nominal cost of producing synthetic gas.

At the same time, Dakota has been developing new by-products from the coal gasification process, such as rare

gases and other chemicals, for commercial sale in this country and abroad. Dakota is currently embarking on several extensive investment projects costing several hundred million dollars. These projects depend upon the long-term operation of the plant and the continued application of FERC's Opinion 119.

One important project involves developing one of the plant's by-products—carbon dioxide—as a method to enhance secondary oil recovery in the United States and Canada. The other project uses a significant portion of the plant's raw synthetic gas to produce on-site anhydrous ammonia for use in a commercial fertilizer that is currently imported into the United States and is in short supply. Another cutting edge technology being developed at the Great Plains site uses the same ammonia by-product as a reagent in a flue gas scrubber system to produce yet another fertilizer, ammonia, sulfate. This represents the first commercial application in the world of this new technology, developed by General Electric Environmental Systems, Inc. It is a process that converts a waste by-product, which would have otherwise been disposed of in a landfill, into a marketable product.

Mr. President, one thing is absolutely clear about the Great Plains facility and the work of the Dakota Gasification Co. Not only have they successfully commercialized the technologies that Great Plains was constructed to demonstrate as contemplated by the 1974 act, but they are also developing important new applications. Given all this, I sincerely hope that the FERC Commissioners will reconsider the initial ruling made in this case and take whatever steps are necessary to ensure the future operation of Great Plains as a successful alternative energy facility.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAMS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BALANCED BUDGET DOWNPAYMENT ACT, I

Mr. LOTT. Mr. President, we have been working with the leadership, the chairman of the Appropriations Committee, and the distinguished ranking member of the Appropriations Committee. We have an agreement worked out on proceeding with the continuing resolution and the first amendment that would be offered thereto.

So, I ask unanimous consent the Senate now turn to the consideration of H.R. 2880, the continuing resolution, and Senator KENNEDY be immediately recognized to offer an amendment regarding education, that no amendments be in order to the amendment, and there be 1 hour and 30 minutes, equally divided, for debate in the usual form; following conclusion or yielding back of time, the majority leader or his designee be recognized to make a motion to table the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I do not intend to object but is the chairman of the Appropriations Committee going to make a statement for the record?

Mr. LOTT. Mr. President, if the distinguished Senator from West Virginia will yield, I believe he will. He is on his way to the floor at this moment, so he should be here momentarily.

Mr. BYRD. Yes. I have a statement also. I wonder if it would be agreeable for the chairman and ranking member to proceed with their statements first? That is the normal thing to do.

Mr. LOTT. Mr. President, I think that is certainly appropriate. I would like to amend the unanimous-consent request to state that after the opening statements by the leadership of the committee, we then immediately proceed to the amendment by Senator KENNEDY.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the distinguished majority whip for his courtesy.

Mr. LOTT. Mr. President, I further ask unanimous consent that once the Kennedy amendment has been disposed of, Senator MOYNIHAN be recognized to offer an amendment regarding the debt limit.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. For the information of Senators, we do expect to have votes to begin sometime around—I guess it would be 2:30, between 2:30 and 2:45, depending, of course, on the length of the opening statements. But after this time has been used or yielded back, we will have a vote then between 2:30 and 2:45.

I yield the floor.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2880) making appropriations for fiscal year 1996 to make a downpayment toward a balanced budget, and for other purposes.

The Senate proceeded to consider the bill.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, we have before us now the continuing resolution that the House acted upon last night, H.R. 2880. The existing continuing resolution expires today at midnight, the 26th. All of us want to avoid another shutdown of the Federal Government, and its departments' and agencies' funding in the appropriations bills not yet signed into law. Therefore, we need to act expeditiously on the measure now before us, which provides for continued operations until March 15th.

For the activities funded in the Commerce, Justice, State, Judiciary, and related agencies appropriations bills and the VA-HUD appropriations bill, the measure before us will provide funding at the levels established in the conference agreements on those bills generally under the terms and conditions of fiscal year 1995. The exception is made for the Department of Justice, which will operate at fiscal year 1996 funding levels, under fiscal year 1996 terms and conditions.

Activities funded in the Interior and related agencies appropriations bill and the Labor-HHS, Education and related agencies appropriations bill will continue to operate until March 15 at the lower of the funding levels established in the House-passed bill, the Senate-passed bill, or the current rate.

The exceptions made for activities of the Indian Health Service and the Bureau of Indian Affairs, the National Park Service of the U.S. Forest Service, and the U.S. Fish and Wildlife Service, which will operate until March 15 at the levels established in the conference agreement on the Interior.

Further, special provision is made for the activities funded in the foreign operations bill. My colleagues will recall that for fiscal year 1996, the foreign operations bill has been a contention between the House and the Senate for some time over the matter of population planning assistance programs. The Senate has voted three times on this matter, one during the Senate consideration of the bill reported from our committee and twice in connection with an amendment in disagreement on the conference report.

Since the House returned the bill to us in November after further insisting on its position, we have found ourselves in an extraordinary parliamentary situation that requires unanimous consent—unanimous consent—to take further action. Unable to secure that consent, we have been unable to once again uphold a Senate position, or even to have the Senate consider a compromise.

To break that impasse, the House has now presented us with provisions in the measure which will fund all activities in the Foreign Operations bill with the

exception of population planning assistance at the level of the conference agreement for the remainder of the fiscal year 1996. There will be no funding for population planning assistance programs until July 1, unless expressly authorized. And, as you know, the authorization bill has yet to be completed. Following July 1, funding may be provided at 65 percent of the fiscal year 1995 level apportioned on a monthly basis for 15 months.

Mr. President, this is a near calamitous formulation of these programs, and it may very well provoke a result entirely antiethical to the "pro-life" position. These programs promote family planning and birth control in the developing nations of the world. Without them, there will inevitably be more unwanted pregnancies, which will result in either more abortions or more unwanted children facing lives of disease and deprivation.

I cannot for the life of me understand the action of the House. I believe it is wrong. It puts the gun to our heads, Mr. President. I speak as a pro-life Senator. I do not see any reason, any legitimate rationale, that people who stand in a pro-life position should do a thing of this kind to increase the possibilities of abortion—increase them, not diminish them.

There is a substantial majority in this Senate that would reject the cuts in population planning assistance, and I am one. But if we prevail on amendment, the bill must be returned to the House for an uncertain future, and a Government shutdown could ensue. I am not sure the House is in a business position this afternoon or this evening to take further action on this. We are sort of in one of those situations where, as I say, it is a gun to our head. Otherwise, we then stand the responsibility of shutting down the Government.

This predicament graphically illustrates why we should avoid continuing resolutions of any sort. As our former chairman, Senator BYRD, has told us many times, the right to debate and amend is the very essence of the Senate. We, in effect, are being deprived of this by this timetable and this kind of procedure. When we allow ourselves to get into this position, we risk losing those rights.

Now, Mr. President, I do not blame our colleagues in the other body entirely. It is not their job to protect our prerogatives. But I will say that the Senate cannot and will not indefinitely forgo its right to amend. Perhaps we should consider initiating further action in this realm rather than waiting for the House to act and then hand us a document that is a fait accompli. We may not prevail, but we will not be reduced to the mere ministerial function of approving what the other body may determine and hand to us.

With that off my chest, Mr. President, let me summarize briefly the other major provisions of this bill and yield the floor to Senator BYRD, our ranking member and former chairman, for any opening comments he wishes to make.

The no-furlough provision of prior continuing resolutions has been dropped. A new provision is included, however, to give agency managers the flexibility to avoid immediate severe staffing reductions. Flexibility.

Ten programs in the Labor-HHS bill are terminated. New grants for another two dozen are held to 75 percent of their prior monthly rate.

I would like to also indicate on this one there has been communication at least from our side with the White House and the agencies involved, and even as late as last night I had further conversation with the Secretary of HHS, and it is not one of those things that is perhaps advocated or welcomed, but there is at least an indication of acquiescence to these actions on the part of the administration.

Travel by Cabinet Secretaries in excess of 110 percent of the 1995 average is prohibited. A national security exemption is granted for defense, the Secretary of Defense, that is, the Secretary of State, the Director of the CIA, and the U.S. Ambassador to the United Nations.

Authority is granted for the sale of a House office building.

Section 128 prohibits certain embryo research. I might indicate that no such research is underway or contemplated at this time, but it is a further definition of the congressional position.

Provision is made for the sale of oil from the Weeks Island facility of the strategic petroleum reserve in keeping with the conference agreement on the interior bill.

Legislative provisions from the VA-HUD conference agreement that will achieve significant savings in the operation of housing programs are included.

The maximum Pell grant award is established to be at least $2,440. That is a $100 increase over the previous fiscal year.

Those are the issues. Those are the parts of this bill that we will be discussing and hopefully act upon in an expeditious manner.

At this time, I thank also the Senator from Massachusetts [Mr. KENNEDY] and the Senator from New York [Mr. MOYNIHAN] for entering into a time agreement on their two amendments to further expedite this process.

Mr. President, again, I wish to say this is not the kind of document I believe would have come out of the Senate Appropriations Committee. Yet, we are in this situation. I wish I could be enthusiastic about this product, but I do see the fact that we live with it but until March 15. And hopefully within that period of time we can resolve these differences and have them peeled out of the CR and enacted in a regular form with the consensus of both the House and the Senate in the product rather than this being exclusively a House product.

Mr. President, I now yield to my good friend and colleague and mentor and compatriot who shares the misery, as we share misery together in the many duties that we have to perform. And I thank the Senator from West Virginia again for his cooperation, for the fine cooperation between Keith Kennedy and Jim English representing our respective staffs, that represent a bipartisan approach to as many issues as possible within the context and the framework of this moment.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair. I also thank my colleague, my cherished colleague, the distinguished senior Senator from Oregon, the chairman of the Appropriations Committee, from whom I have learned much, indeed. I thank him for his very thoughtful remarks. They were cogently articulated, reasonable in every degree. I share with him a concern about the situation that has developed in which the Senate at least for a time is being deprived of its right to amend, in essence it is being deprived of its right to amend. We do not have to agree to that. But that is a right of the Senate which the Framers were very careful to include in the Constitution of the United States, which says that revenue bills shall begin in the other body, but the Senate shall have the right to amend as in all other bills. So we, I think, have to zealously guard those rights but at the same time we have to keep in mind some other circumstances that are prevailing at the moment.

Mr. President, the House of Representatives has chosen to call the pending measure "The Balanced Budget Downpayment Act, I." In reality, H.R. 2880, the pending measure, is the latest in an unprecedented string of continuing resolutions. H.R. 2880 is the ninth continuing resolution for fiscal year 1996, and since this resolution will expire on March 15, 1996, it is likely that one or more additional continuing resolutions will be required subsequent to the enactment of H.R. 2880.

I have been advised by the Congressional Research Service that this is by far the largest number of continuing resolutions for any fiscal year since 1977, and perhaps the most for any year. During Mr. Reagan's 8 years in the White House, which covered fiscal years 1982–1989, continuing resolutions were the norm. In fact, for every year except President Reagan's last year in office—fiscal year 1989—continuing resolutions were required. But, over this 8-year period the largest number of continuing resolutions that were required for any 1 year during Mr. Reagan's terms was fiscal year 1987, when

six continuing resolutions were required. In three other years, fiscal years 1985, 1986, and 1988, five continuing resolutions were required; for fiscal year 1982, four continuing resolutions were required; and for fiscal years 1983 and 1984, two continuing resolutions were required.

During President Bush's 4 years in the White House, fiscal years 1990–1993, three continuing resolutions were required in his first year in office, fiscal year 1990, and five continuing resolutions were required for fiscal year 1991, the year of the 1990 budget summit. At the end of that summit, it was determined that a full-year continuing resolution should be enacted for all 13 appropriation bills and that was done on November 5, 1990. For fiscal year 1992, four continuing resolutions were required; and for fiscal year 1993, one continuing resolution was required to carry appropriation measures through October 5th in order to give the President time to sign all appropriation bills for that year.

It is not unusual for a number of continuing resolutions to be required for any given fiscal year to give the President and Congress time to complete their work on annual appropriation bills. But this is a different situation. Never before in my memory have the Congress and the President been unable to reach a successful conclusion on the amounts to be appropriated for the 13 appropriation bills without having to pass nine and perhaps even more continuing resolutions.

This has been a unique year in that respect, but it is understandable. The Republican leadership in Congress feels very strongly about not only the levels of funding they think should be appropriated for a number of these appropriation bills, but also about a number of legislative, policy-type issues that they have chosen to attach to each of the six unsigned fiscal year 1996 appropriation bills. The President has made it clear that he is unable to sign five of the remaining bills because of insufficient funds or because of the legislative riders attached to them, or both. So it appears that this impasse is unlikely to be resolved until a final determination is made in relation to the 7-year budget agreement. The President hopes that such an agreement, if achieved, would result in additional discretionary spending for fiscal year 1996 and other years. If those additional funds are allocated, obviously the difficulties remaining on the six unsigned appropriation bills would be greatly lessened. Even then, however, the issue of legislative riders will have to be resolved.

So, it is difficult to know when or if we will be able to finally enact appropriations for the remaining fiscal year 1996 appropriation bills for the rest of the fiscal year.

Meanwhile, turning to the pending measure, let me compliment the chairman of the committee, Senator HATFIELD, as well as the very capable and articulate chairman of the House appropriations committee, Mr. LIVINGSTON, for their efforts in putting together this bill. They and their staffs worked very closely with Mr. OBEY, the distinguished ranking minority Member of the House Appropriations Committee, and with my office and our staffs in attempting to solve as many problems as we could in connection with this current continuing resolution.

Mr. President, I also want to thank our staffs. The names have already been mentioned by the distinguished chairman. I would simply say without their expertise and their dedication and hard work, we would not be where we are today. But this bipartisan approach was, I am sure, a key reason why this bill passed the House by a vote of 371 to 42.

I will not give a brief summary of the bill. The distinguished chairman has already laid that in the RECORD. I will just simply include that in my remarks.

The resolution as passed by the House funds four bills through March 15, 1996: VA/HUD, Commerce/Justice/State, Interior, and Labor/HHS.

The resolution funds the Foreign Operations Appropriations Bill through the balance of the fiscal year, September 30, 1996, at the levels contained in the conference report on the bill. Also included in the foreign operations portion in the resolution is a special provision prohibiting population assistance funding until July 1, 1996, unless expressly authorized.

A floor of 75 percent of fiscal year 1995 funding has been set for certain programs which would have received little or no funding. Those programs are: Advanced Technology Program; Ounce of Prevention Council; GLOBE/Climate change-Internet; Cops on the Beat; Drug Courts; AmeriCorps; Community Development Financial Institutions; and HHS Office of Consumer Affairs.

Additionally, the resolution contains a number of general provisions, among which are the following: travel expenses of Cabinet Secretaries may not exceed 110 percent of the 1990–1995 average, except for Defense, State, CIA, and the Ambassador to the United Nations; Section 128 of the bill prohibits the use of funds for embryo research; "no-furlough" language of the existing continuing resolution is dropped but furloughs are limited to no more than one day per pay period per employee; full furlough protection for the Council on Environmental Quality; a freeze of new grants and elimination of 10 programs in Labor/HHS; the Architect of the Capitol is directed to sell an excess House Office Building; a maximum Pell Grant of "at least" $2,440 ($100 above fiscal year 1995); and $1.2 billion in legislative savings agreed to in the VA/HUD conference.

In conclusion, Mr. President, while I would prefer to have enacted all of the 13 appropriation bills through the balance of the fiscal year in this measure, that was not possible for the reasons that I have stated. Under the circumstances that we face, I believe that this measure is the best that we can achieve at this time. The House passed it overwhelmingly; the President indicated that he will sign the measure when it reaches his desk; so I urge my colleagues to refrain from offering amendments to the measure unless they address urgent and critical matters. Failure to enact H.R. 2880 by midnight tonight would result in another government shutdown, which is an unacceptable alternative.

I urge the adoption of H.R. 2880.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Massachusetts is now recognized to offer his amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NO. 3119

(Purpose: To maintain funding for education programs)

Mr. KENNEDY. Mr. President, I send to the desk an amendment on behalf of myself, Senator JEFFORDS, Senator SNOWE, Senator SIMON, Senator BINGAMAN, Senator WELLSTONE, Senator PELL, Senator DODD, Senator REID, Senator HARKIN, and others, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. JEFFORDS, Ms. SNOWE, Mr. SIMON, Mr. PELL, Mr. DODD, Mr. REID, Ms. MURRAY, Mr. HARKIN, Mr. BINGAMAN, and Mr. WELLSTONE, proposes an amendment numbered 3119.

Mr. KENNEDY. Mr. President, I ask that further reading of the amendment be dispensed with.

The amendment is as follows:

At the end of title I, insert the following new section:

SEC. . (a) Notwithstanding any other provision of this Act (except sections 106, 115, 119 and 120), the amount appropriated for each education program under this Act shall be not be less than the amount made available for such education program under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1995.

(b) For the purpose of subsection (a), the term "education program" means each continuing project or activity of the Department of Education and each continuing project or activity under the Head Start Act and the School-to-Work Opportunities Act of 1994.

Mr. KENNEDY. As I understand, at the request of the two leaders, the time allocated for this was to be an hour and

a half evenly divided. I would yield myself now 7 minutes.

The PRESIDING OFFICER. The Senator is correct. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, today we are asked to consider the fourth temporary funding measure of this fiscal year. The proposed continuing resolution, if extended for the entire year, contains the largest education cut in the Nation's history, over $3 billion, and will cause disruption and chaos in colleges and school districts across the country.

President Clinton has made clear that he will not consider a budget agreement unless it protects education. But the longer we accept these short-term cuts, the more damage is being done to the very areas, particularly education, that we have vowed to protect. We are in danger of accepting, through the back door, what we would have never accepted through the front door.

This amendment, cosponsored by Senators SIMON, JEFFORDS, SNOWE, and others, stops the hemorrhage of Federal education dollars. It provides funds for education programs at the 1995 levels, so that schools and colleges have the funds they need to plan for the next academic year. Without those funds, schools and colleges across the country face drastic cuts in vital education programs.

Boston, for example, is required by State law to submit its school budget for next year to its school committee by the first Wednesday in February. The school committee must submit its budget to the mayor by the last Wednesday in March. Teacher contracts require teachers to be notified of any layoffs for the next year by May 15, or else teachers must be paid for the entire year.

Because there are no 1996 figures for key Federal programs, the city, for example, must adopt a budget based on the worst-case level of funding for the title I program. This would be a 15-percent cut for Boston schools. The city will have to eliminate title I services at 14 of their 79 title I schools. They will also have to lay off teachers.

The Detroit public schools are planning their budget for a worst-case scenario, will lose $16 million in title I alone—an 18-percent cut that will force them to lay off 419 teachers and serve 10,000 fewer students. They will also lose $4 million in Medicaid funding that helps pay for 800 special education teachers and medical professionals. Detroit Superintendent Dr. David Snead says that the burden of these Federal cuts will be transferred squarely onto the back of the local school district. Mr. President, the list goes on.

According to Lyn Guy, superintendent of Monroe County Public Schools in West Virginia—25 percent of her $13.5 million budget comes from Federal funds. Her district has begun its planning process, and she has no choice but to plan for the lowest cuts. She must announce teacher contract renewals by April 1, and she expects to be forced to lay off 15 to 20 teachers in her 6 schools. Yet in Monroe County, the public school system is the largest employer and teachers are the highest paid workers. A loss of 15 to 20 teacher jobs will cause significant economic hardship.

In addition to personnel cuts, Monroe County will have to dismantle programs begun last year that are helping the district serve children from birth to 8 years old more effectively. It will be forced to eliminate a coordinated services project begun this year to bring comprehensive health and nutrition services to all students. It will also be forced to eliminate Project TLC, which uses title I and Head Start funds to help children come to school ready to learn. It will be forced to eliminate the Parents as Teachers Program, which brought 50 parent volunteers to the elementary schools that had never had parent volunteers before.

Mr. President, this chart here indicates where we have been going in the recent years in education funding. We have seen a modest increase in total numbers over the past few years. This $0.9 billion, almost $1 billion, increase also reflects a $600 million rescission from the last year.

All we are trying to do is go back to the 1995 levels. If this continuing resolution that is before us today were extended for a year, we would effectively cut $3.1 billion from the 1995 levels, which would be the largest cut in education in the history of the United States. It is not warranted. It is not justified.

Mr. President, the effect of this will mean some 1,100,000 children that are receiving the title I services for extra help in reading and math would be denied those services, and 31,000 teachers would be laid off. More than 250,000 students who otherwise would be eligible for Pell grants, will not be eligible.

In the Safe and Drug-free Schools Program, 14,000 school districts will eliminate or drastically reduce their drug abuse and violence prevention programs. The Goals 2000 Program, which helps States and districts establish the higher standards for students across the country, would be slashed.

Mr. President, we have to ask ourselves where these priorities are. This is a simple amendment. All we are trying to do, for the period of this amendment, which is some 49 days, is to say that we will set the mark for these school districts and for the colleges at the 1995 level. We are not extending the continuing resolution for a year, and that is explicit in the legislation.

Mr. President, arguments are going to be made here that if we extend the continuing resolution, with our amendment, for a year, it will take scarce resources from other programs. What we have before us, Mr. President, and before the country is what the President offered the other evening, and that was his hand to the Republican leadership in the House and Senate to work out an agreement. Every one of us want the agreement to work out. But the President also said that he will work out an agreement to protect education.

If we are going to continue the funding of education at 75 percent of the 1995 level, we are going to be sending the message to school districts and colleges across this country to count on a significant cutback in funding, and that is not correct.

So, Mr. President, we are hopeful that this amendment will be accepted. We are prepared to deal with the various challenges that will be made about the budget order and various procedures and allocations in various agreements. What we have seen at other times is that when an agreement is going to be made between the President and the Congress, and he is going to make that agreement with regard to education, then the ceilings and limits and terms of allocations under the Budget Act will be expanded.

This is in the best tradition of a bipartisan education effort. We have seen for years that Republicans and Democrats work together in education. We saw it last year when the Senator from Illinois and the Senator from Maine worked together to bring us all together with 67 votes indicating the Nation's priorities on education.

Today, we are trying to make sure that in these final hours, when this legislation was called up at 2 o'clock on a Friday afternoon with a 1½-hour debate on this measure, without having the full knowledge of what was going to be included in that continuing resolution until 6 or 7 o'clock last night, that we can raise this important issue. We believe that this is the kind of amendment that the American people stand for.

I will introduce in the RECORD the sentiments which have been expressed by the American people on education. More than 80 percent of the American people say, Do not cut education programs. We are supporting the elimination of those education programs which have been eliminated in the continuing resolution. But when you are talking about Head Start, when you are talking about moving children from high school into work, School to Work, when you are talking about title I, when you are talking about the Pell grants, when you are talking about the Perkins loan program, when you are talking about Safe and Drug-free Schools, when we are going to see our school population increase by 10 percent—some 8 million children—we ought to be willing to say that no matter how necessary it is to balance the

budget—and it is—we are not going to do it on the backs of the schoolchildren of this country.

I reserve the remainder of my time.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. How much time remains on each side?

The PRESIDING OFFICER. The Senator from Pennsylvania controls 45 minutes. The Senator from Massachusetts controls 37 minutes 40 seconds.

Mr. SPECTER. I thank the Chair.

Mr. President, I agree with a great deal of what the distinguished Senator from Massachusetts has had to say. During the course of my tenure in the Senate, I have been a strong supporter of education funding. I am the chairman of the Appropriations Subcommittee which funds education, and when the Senate drew a larger education allocation than the House did, I took the lead, along with Senator HARKIN, the distinguished ranking minority member, in putting the $1.5 billion extra all into education.

I would like to see education funded at the 1995 level. But the import of this amendment, as I understand it, and I qualify it to that extent because we are dealing in great complexities—one thing I strongly disagree with the Senator from Massachusetts on is when he says this is a simple amendment. If there is anything that I think is plain, it is that this is not simple.

As I have gone through the work with very able staff in trying to understand the implications of this matter, because I did not get notice of it until a telephone call from Senator KENNEDY last evening, there would be a reduction—if I may have the attention of the Senator from Massachusetts, because I would like to have a dialog with the Senator. We just had one informally before the amendment was called up, and I think we ought to have a discussion to see if we can agree as to what the import of this amendment is or if we can agree to disagree.

As I understand the amendment, if these funds came to fruition in the context of what we currently have available, there would be a 10.5-percent reduction across the board in funding on the subcommittee appropriations which covers the Departments of Education and Labor and Health and Human Services.

So if we come to employment and training programs—and I know that no one is a stauncher advocate for that than the Senator from Massachusetts, although there are some equally as strong, such as Senator KASSEBAUM, myself, and others—there would be a reduction of almost $334 million. And if this spending came to fruition without an increase in the allocation, there would be a decrease in spending on NIH, the National Institutes of Health, of $1.253 billion, and on LIHEAP—so necessary in Massachusetts, as well as Pennsylvania and many, many other States; the distinguished Senator from Minnesota, Senator WELLSTONE, has spoken emphatically on this subject, as well as many others—there would be a decrease in funding of $105 million.

When Senator KENNEDY says we need to know what funding will be available for education, I agree with him totally. But if his amendment is adopted, there will be a doubt as to what the funding will be for NIH, for employment and training programs, and for many, many programs, so it will all be confused.

When he says President Clinton extended his hand to work out an arrangement here, when he extended his hand, I stood up and extended mine when he made that point in his speech about Americans working together. But I suggest that this amendment is not going to accomplish the purposes the Senator from Massachusetts looks for.

When he says it is for 49 days, it is not annualized, that is true, but what does it mean? If it only lasts for 49 days and the funds are not expended until July 1 and after, nothing will happen unless there is an increase in the allocation for this subcommittee——

Mr. President, will you call the Senate to order, please?

The PRESIDING OFFICER (Mr. CRAIG). I thank the Senator. The Senate is not in order.

Mr. SPECTER. I thank the Chair. Mr. President, if the Senator from Massachusetts is correct, that it is not annualized, that it stands for only 49 days, no other funds are added and this money is then spent for education, which I would like to see, it is going to come out of other programs.

If the Senator from Massachusetts wants to make a point that we discussed privately, I would like to find a way to do that. I have sat repeatedly, as recently as the day before yesterday, with Congressman PORTER, who chairs the House committee, trying to preconference a report covering education.

We have not been able to bring this bill to the floor because of a disagreement. I am prepared to accept 50 percent of the responsibility. I would like to divide it equally between the Democrats and the Republicans for a change, instead of arguing that it is all the Democrats because you are filibustering striker replacement, or it is all the Republicans. We have not brought it to the floor, and there is enough blame on all sides.

The question I ask the distinguished Senator from Massachusetts is, on the basis of the current allocation for the subcommittee which covers education and also the Departments of Health, Human Services and Labor, if that figure is not increased, and if the amendment stands, if it is adopted and is not rescinded, is it not true that, if you add this money to education and the allocation for the subcommittee stands, there will have to be a $686 million reduction from the AIDS funding for the Ryan White Program? That is my question.

Mr. KENNEDY. The answer to the Senator——

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I will yield on the Senator's time, if I can.

Mr. SPECTER. I say to Senator KENNEDY, why not take your time? This is an argument on your behalf.

Mr. KENNEDY. I will come back and answer it, but I have a number of Senators who are here. It was at the request of the majority side that we limit our time in this way, over my objection.

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from Massachusetts?

Mr. KENNEDY. When the Senator is going to yield the floor, I will make a brief comment, and then I want to be able to yield time to others.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I will yield time, reasonably, to the Senator from Massachusetts. Parliamentary inquiry. What are the magic words if I want to regain the floor after yielding the time if the Senator goes too long?

The PRESIDING OFFICER. The Senator can reclaim the floor.

Mr. SPECTER. I yield to the Senator on my time.

Mr. KENNEDY. I listened to the Senator's question. The Senator may not like the answer, but I am going to give the answer that I believe is responsive to the question.

The other side of what the Senator asked is committing this country, over the period of the next year, for the 25-percent cut in many programs, which is in effect in the continuing resolution. I say I am not prepared to accept those allocations that the Senator has mentioned, the straitjacket that the Senator has indicated we put ourselves into, because I believe that that straitjacket can be lifted, and the American people are going to demand that we lift it.

If the Senator is saying, look, we have agreed to some procedure and therefore we are going to see a continuing diminution of support for education, I reject that. I will join with the Senator from Pennsylvania, because he has been a leader in this body, in making sure that we are going to have adequate funding. I say that the best way to get that adequate funding is to accept this amendment and build on that with the President and the congressional leaders, as they work out a final agreement on the balanced budget to reflect the President's priorities and the American people's priorities, and

that is to increase the funding on education, certainly not to cut it 25 percent.

Mr. SPECTER. My next question for the Senator from Massachusetts is, is it not true that if the funding is not increased and the amendment of the Senator from Massachusetts stands, that there will be a decrease of $1.253 billion from NIH?

The PRESIDING OFFICER. Does the Senator yield to the Senator from Massachusetts?

Mr. SPECTER. I yield on my time.

Mr. KENNEDY. Mr. President, that question is like saying, if we accept what happened here in the U.S. Senate in cuts on Medicare and Medicaid, we are going to have to live with them. I reject that premise. The President rejects that, and the American people do. The way we are going to see the significant cuts of some 25 percent on the education budget and these $3.1 billion cuts is by rejecting this amendment. We will be able to deal with the allocations as part of the overall agreement, which, as I understand, there are negotiations between Republicans and the President at the same time. The President supports this amendment.

Mr. SPECTER. Mr. President, I take the answer from the distinguished Senator from Massachusetts to be a yes. The import of his answer is that there will be a decrease in NIH funding, and there will be a decrease in funding for every other program covered by the appropriations allocation for my subcommittee, which has the Department of Health and Human Services, Department of Labor, as well as the Department of Education.

I have asked the question twice, and twice the Senator from Massachusetts has said that he does not accept the allocation. Well, I do not accept the allocation either, but Senator KENNEDY does not run the U.S. Government, and neither does ARLEN SPECTER. Before there is going to be a change in the allocation, there has to be an agreement between the executive branch, the President, and the Congress of the United States. Right now, what we are dealing with is an allocation for three departments. I do not like the allocation, but that is the allocation. And you cannot take $3 billion and add it to education without crippling many, many other vital accounts. You will be taking an enormous amount of funding out of the older worker's jobs program, community and migrant mental health centers, maternal and child care, substance abuse; and if I did not have a limitation of time, I could go through many, many programs, which I know the Senator from Massachusetts would not want to take funding out of.

But the answer is—and it is reading between the lines on what the Senator from Massachusetts has responded—these programs will lose funding under the current allocation. I am prepared to fight with him to increase the allocation. But I am not prepared to see an amendment pass here today which gives false and unrealistic hopes to the education community. It is not even Confederate money that Senator KENNEDY is offering here today, it is illusory money, it is pie-in-the-sky. He says it lasts for 49 days. There is no expenditure in that period of time. If it lasts longer, he is going to gut many, many other programs.

So I think it just has to be rejected. How much time remains?

The PRESIDING OFFICER. The Senator has 32 minutes remaining.

Mr. SPECTER. I yield the floor.

Mr. KENNEDY. Mr. President, I yield myself 15 seconds. If the Senator wants to continue to defend the Republican position of having $245 billion in tax cuts as part of his premise, when we are going ahead and cutting these education programs, go ahead. But this President is not accepting it, and this Congress is not accepting it.

We are stating, with this amendment, our priorities. It is in education. There are good bean counters around here, but we are talking about the hearts and souls of the American people. If we gut the $245 billion, when the President sits down, he is going to say, Let us put at least $3 billion of that right back here in education.

I yield 5 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator yields 5 minutes.

Mr. SPECTER. Mr. President, I seek recognition.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I am a little surprised to hear the Senator from Massachusetts make the statement that this Senator supports a $245 billion tax cut. I am surprised to hear the Senator from Massachusetts make that representation because, even though he cannot be on the floor all the time, I know he very seriously reads the CONGRESSIONAL RECORD. He must have noted my vote against the tax cut repeatedly when it came up on the reconciliation bill. This Senator has not supported any tax cut at all.

On my time, let me ask the Senator from Massachusetts if he agrees with President Clinton that there ought to be a $130 billion tax cut.

Mr. KENNEDY. On the Senator's time, I supported the tax cut for tuition and also for the child care program. I think it ought to be somewhat smaller. But the Senator knows that he is speaking as the floor manager for the majority party. He can have an independent position, but to disclaim the fact that his side of the aisle is committed to a $245 billion tax cut and to also cut back education is disingenuous, I would say.

Mr. SPECTER. Mr. President, let me make strong exception to the Senator from Massachusetts using the word "disingenuous." That is the most inappropriate thing he has said here today, among many inappropriate things. I am interested to know that he supports a tax cut.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized and has been yielded 5 minutes.

Mr. JEFFORDS. Mr. President, I rise to speak in favor of the amendment. I commend the Senator from Pennsylvania for the work he has done. I am on the subcommittee. I know what an incredibly difficult job it is to try and divide too few dollars among too many very valuable and worthwhile programs. I also believe that at this critical time, in this year when all of the cities and towns of my State and others are trying to figure out what they are going to be doing with their education budgets for the next year. They have the problem of having to notify teachers of their plans. It appears that the track we're on now does not provide schools with sufficient information to make decisions. It would be much better to do what we are proposing in this amendment, and that is to let them know that at least is they should be able to plan on not having any substantial cuts in the educational programs.

If I read the minds of the budgeteers as represented in their statements to the press, the only real agreement that has come out is there should not only be no cuts in education, but that education services should be increased to account for inflation. There seems to be unanimity even within the House on this point. I do not think we are in any way misrepresenting to our people if we say that this year we should at least have a freeze on funding at the 1995 levels. That is even less than it appears they have agreed to at the summit.

What we have in Vermont, and I am sure across the country—we have all our town meetings in March. We have all the dates that we have to send out notices on contracts. The 45 days provided for in this continuing resolution will take us almost halfway through the fiscal year and yet this continuing resolution leaves the Senate on record saying to States figure it out for yourselves.

If the budgeteers, in principle, have agreed to giving current services—it will create problems for the Appropriations Committee. However, those dollars do not necessarily have to come out of the allocation of the education subcommittee. There can be allocations from other subcommittees to fund education programs at the current services level. We can do anything in the Senate and the House if we work together to make promises and to keep promises to the people.

In all 50 States, 14,000 school districts are currently developing their financial plans for the 1996–97 school year. As I said, it is extremely difficult to move forward on such planning without a funding resolution in place.

It has been pointed out that 80 percent of those who are in favor of a balanced budget, those who are fiscally conservative, have said, "Do not cut education." Passage of this amendment would show that the Congress of the United States is living up to what has already been agreed to in principle in the budget discussions.

For instance, if you have to lay off 10 percent of your teachers, who do you notify? You have to notify them all, probably, because you do not know which ones you will pick—the terrible dilemmas that will go on if we do not give them an idea if there will be funding available. In Vermont, layoff notices will have to go out in March.

In Vermont, we lose $2.4 million for title 1, which accounts for 2,000 students. The current budget situation creates chaos in Vermont's town meetings because they have little guidance in setting their budgets.

I am hopeful this amendment will pass. I cannot believe that the Congress, working with the President, will not agree to what they have already agreed to in the budget discussions. That is, we should not cut education, at least carrying through another 45 days, and hopefully, then, of course, we can get a further commitment to the funds that are necessary to do what must be done.

Mr. KENNEDY. I yield 3 minutes to the Senator from Illinois, and then the Senator from Rhode Island.

Mr. SIMON. Mr. President, first of all, in response to what Senator SPECTER had to say, we are not asking that these funds be taken out of the Ryan White Program or NIH. Everyone knows the budget figures are not written in stone yet.

Ask the American people, instead of a $245 billion tax cut, should we have a $240 billion tax cut or $5 billion more for education, and 90 percent of the American people would say, "Let's do that."

Every economic study that has been made—conservative, liberal, whatever—says we have to do more in education in this country, both quantitatively and qualitatively. Yet, you look at those figures on the graph back there that Senator KENNEDY has, and they are even warped to this extent: They do not count inflation. When you eliminate inflation, for example, on that $900 million, that brings it down to about zero for 1995. When you add inflation to the $3.1 billion cut, that brings it up to a $4 billion cut.

What does this mean in practical terms? The Chicago School District really is a struggling school district, and they see us cutting back. They get 15 percent of their funds from the Federal Government. They are making the assumption, on the basis of these 25-percent cuts, that they will get 18 percent less Federal funding. That may be optimistic. On the basis of that, they are planning to discharge 600 teachers.

Does anyone believe we can build a better Chicago or Illinois or America by discharging 600 teachers in a desperate school district in urban America?

What about our colleges and universities? Students going to colleges and universities right now say, "What kind of help can I get when I go to the University of Idaho," or whatever school it is. Colleges and universities are saying, "We cannot tell you."

Now, I recognize that the continuing resolution in theory raises the Pell grant to $2,440. But that is public relations. Am I for that? Sure. I want to raise it to $10,000. I am for it. These are not entitlements. I would love to make an entitlement out of that program. Those have to be appropriated. So while we raise the Pell grant to $2,440, we say we are cutting back on the appropriations to make that possible. That is just nonsense.

What we are doing here is sending a signal to the House, to the American public, as you work out a budget agreement, education has to be a priority. That ought to be a simple reality that every American, every Senator, every House Member can recognize.

Mr. SPECTER. Mr. President, I again agree with a good bit—almost all—of what the distinguished Senator from Illinois has had to say. However, if we do not pass this continuing resolution—the House of Representatives rejected a motion to recommit last night by a vote of 222 to 193. Now, there is an additional factor beyond what we have debated so far. That is, at least according to the information provided to me, there is not a quorum in the House to act on what the Senate will do.

I do not like the posture that we are in. The practical fact of life is that if we add this amendment, there will be a disagreement, no continuing resolution, and the funding which now goes to the schools in your State, Senator SIMON, including Chicago, on education, schools in my State, schools across the country, will not have any additional funding.

Mr. SIMON. Will my colleague yield?

Mr. SPECTER. Briefly. On Senator KENNEDY's time?

Mr. SIMON. If you could on your time, I would appreciate it.

Mr. KENNEDY. I yield half a minute.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, there are really three alternatives. If my colleague is correct about not having a quorum, they can accept it by voice vote. That is not unprecedented. No. 2, it could come back here and we could decide in desperation we can take this off. And No. 3, we can decide we are going to have a continuing resolution by voice vote for another 5 days while we get this worked out.

We do not need to supinely say, whatever the House decides we are going to have to do. I have never known the Senate to do that on any consistent basis.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I agree with the Senator from Illinois that we ought not to simply accept anything, what the House says or anyone else says. I compliment him on his imaginative three alternatives, but none is going to come to pass. I yield the time.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. How much time does the Senator from Massachusetts yield the Senator from Rhode Island?

Mr. KENNEDY. I yield him 3 minutes, and I will just yield myself 15 seconds.

Mr. President, just for others who are interested, the Senator from Illinois has stated it correctly. We could extend the continuing resolution that expires tonight into next week. The House is meeting next week and they expect a vote. We could extend it for 96 hours. That would bring it into Tuesday, and the House of Representatives could vote.

Mr. SPECTER addressed chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Notwithstanding the suggestion by the Senator from Massachusetts, you cannot do that unless the House of Representatives agrees to it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island has been yielded 3 minutes.

The Senator from Rhode Island.

Mr. PELL. Mr. President, I know I speak for many of my constituents when I say that the continuing resolution before us is a welcome breakthrough in the protracted deadlock that has stalled our National Government for the past 2 months.

But as welcome as that breakthrough is, I would be remiss if I did not state my disagreement—in the strongest terms—with the provisions of the resolution dealing with education. And I join in wholehearted support of the amendment offered by the Senator from Massachusetts [Mr. KENNEDY].

In doing so, I recognize that the pending resolution is a product of considerable compromise across partisan and ideological lines and that no one among us is completely satisfied with its terms.

But the Federal commitment to education, to my mind, should be the very last area of concession. As I have said before, we should treat education as a vital capital investment of the Nation's future. It is an investment which

is closely tied to our objective of deficit reduction because a well-educated citizenry is essential to preserving a strong and vibrant economy.

The continuing resolution before us would finance programs of the Department of Education at 75 percent of fiscal year 1995 levels, which I view as an unduly and unwisely low level of funding. If extended over the fiscal year it would cut education funding by $3.1 billion and adversely impact many programs of proven merit.

I am particularly concerned about the impact of a 25-percent cut in title I spending, which provides compensatory education for disadvantaged children. I am told that the result could be reduced services for 1.1 million children and the layoff of some 90,000 support personnel.

And the damage would go beyond that. Goals 2000, Safe and Drug Free Schools, vocational education, adult education, Perkins loans, and other programs would suffer from loss of a quarter of their funding. In Rhode Island, the loss to the six programs affected by the cuts would amount to $5.6 million, of which $3.5 million would be taken from title I funding.

And as the Senator from Massachusetts has reminded us so cogently, with every passing week without a correction of these adverse impacts, school districts across the country and educational institutions at all levels are facing a dilemma in planning their commitments for the coming year.

The effect of the CR on education therefore is another step in the drastic defunding of Federal education programs. There is still room to hope that the direction of this unwise course of action can still somehow be changed before the expiration of the pending resolution on March 15. Far better that we do so now if we can. So I support the Kennedy amendment and hope that we can remedy the faulty provisions of the resolution before us.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 3 minutes to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 3 minutes.

Mr. BINGAMAN. Mr. President, I thank the Senator from Massachusetts for his leadership on this issue. I strongly support the amendment he has offered because it would put back into some kind of reasonable balance the priorities that we should be pursuing here in this Congress.

In a few hours we are going to vote on a defense authorization bill. In that bill the Congress has decided to add $7 billion to what the Pentagon requested in funding for this year. At the same time we are voting $7 billion extra for defense, we are, in our appropriations process, proposing to cut $3.1 billion from what goes to education.

Those priorities are out of whack, in my opinion. They are out of line with the priorities of the American people, and this amendment would help correct that. I strongly support it.

I would like to mention one other area, the issue of educational technology. The President spoke the other night about the importance of bringing all of our students up in educational technology and making them all technologically literate as they go into the next century. He said each of our classrooms should be hooked up to the Internet by the year 2000. The truth is, the President asked for $50 million to begin this process. On the House side the proposal is to cut that in half. On the Senate side the proposal is to cut it by two-thirds. The bill which we are now considering, this continuing resolution, cuts it by even more. Our priorities are not what they should be.

Let me also say something about the procedure we are following here. This is the ninth continuing resolution since the beginning of this fiscal year. In addition to that, we have in this continuing resolution a statement that the act should be cited as the Balanced Budget Downpayment Act, No. 1. Essentially, what we are saying here is that not only have we had nine continuing resolutions so far, but that this is the first of a series of additional continuing resolutions.

Our States cannot plan. They do not know what their funding is going to be from the Federal Government. Our school districts cannot plan. Our teachers, our parents, our students cannot plan. This is an irresponsible way for us to be conducting our business. People deserve better from the U.S. Congress than they are getting with this process. A great nation like this should deal with its children in a more responsible way.

I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the distinguished Senator from New Mexico said that the House reduced the President's request on education technology by half and the Senate reduced it by two-thirds. I offer the statistics made available to me by staff and ask unanimous consent they be printed in the RECORD, the full sheet.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL ACTION, FISCAL YEAR 1996—CONTINUING RESOLUTION

[In thousands of dollars]

Office, account, program and activity	D/M	1995 revised appropriation	1996 amended request	1996 House action	1996 Senate action	75 percent of 1995 appropriation	CR annual level
Office of Educational Research and Improvement [OER I]							
Education research, statistics, and improvement:							
1. Research (ERDDIA)	D	86,200	97,600	101,578	90,000	64,650	86,200
2. Statistics (NESA)	D	48,153	57,000	48,153	44,301	36,115	48,153
3. Assessment:							
(a) National assessment (NESA section 411)	D	29,757	34,500	29,757	29,757	22,318	29,757
(b) National Assessment Governing Board (NESA sec. 412)	D	[1]2,995	3,500	3,000	2,760	2,246	2,995
Subtotal		32,752	38,000	32,757	32,517	24,564	32,752
4. Eisenhower professional development national activities (ESEA II–A and C)	D	21,356	35,000	0	18,000	16,017	16,017
5. Educational technology (ESEA III):							
(a) Technology for education (Part A):							
(1) K–12 technology learning challenge (section 3136)	D	9,500	50,000	2,000	15,000	7,125	9,500
(2) Adult technology learning challenge (section 3136)	D	0	20,000	0	0	0	0
(3) National activities (sections 3122 and 3141)	D	13,000	13,000	0	10,000	9,750	9,750
Subtotal		22,500	83,000	25,000	25,000	16,875	19,250
(b) Star schools (Part B)	D	25,000	30,000	0	25,000	18,750	18,750
(c) Ready to learn television (Part C)	D	7,000	7,000	0	6,440	5,250	5,250
(d) Telecommunications demonstration project for mathematics (Part D)	D	1,125	2,250	0	1,035	844	844
Subtotal	D	55,625	122,250	25,000	57,475	41,719	44,094
6. Fund for the Improvement of Education (ESEA X–A)	D	36,750	36,750	36,750	36,497	27,563	36,750
7. Javits gifted and talented education (ESEA X–B)	D	4,921	9,521	3,000	3,000	3,691	3,691
8. National Diffusion Network (ESEA XIII–B)	D	11,780	14,480	0	10,000	8,835	8,835
9. Eisenhower regional mathematics and science education consortia (ESEA XIII–C)	D	15,000	15,000	0	15,000	11,250	11,250
10. 21st century community learning centers (ESEA X–I)	D	750	0	0	750	563	0
11. National writing project (ESEA X–K)	D	3,212	0	0	2,955	2,409	0
12. Civic education (ESEA section 10601)	D	4,463	4,463	3,00	4,106	3,347	3,347
13. International education exchange (Goals 2000 EAA title VI)	D	3,000	3,000	0	6,000	2,250	2,250

CONGRESSIONAL ACTION, FISCAL YEAR 1996—CONTINUING RESOLUTION—Continued

[In thousands of dollars]

Office, account, program and activity	D/M	1995 revised appropriation	1996 amended request	1996 House action	1996 Senate action	75 percent of 1995 appropriation	CR annual level
14. Extended time and learning (ESEA X–L)	D	0	0	0	2,000	0	0
Total		323,962	433,064	250,238	322,601	242,972	293,339
Outlays	D	326,816	340,340	295,043	0	0	0

[1] Reflects a reduction of $5 thousand for this account's share of a $1,525 thousand rescission in fiscal year 1995 administrative and travel funds.

Mr. SPECTER. The President had a request for $122 million. Last year's funding was $55,625,000. The subcommittee recommended a figure of fiscal year 1996 of $57,475,000. So we did not cut the President's request by two-thirds.

Mr. BINGAMAN. Mr. President, could I just respond to that and respond to the Senator from Pennsylvania?

The PRESIDING OFFICER. Does the Senator yield time for that response?

Mr. KENNEDY. Mr. President, I yield 30 seconds.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. The figures I was given were that in the Improving America's Schools Act, which we adopted in the last Congress, we adopted the technology for education provisions. The President requested $50 million for K–12 funding for educational technology there.

The House has cut that request from $50 to $25 million. The Senate Appropriations Committee cuts it down to $15 million. The bill we are considering here would result in even less funding for educational technology.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the matter which the Senator from New Mexico refers to involves the K–12 technology learning challenge, where the request was in at $50 million and the House was at $25 million and the Senate was at $15 million. But the overall education technology, ESEA, title III, are on the figures I cited where we are funding in excess of last year, more than twice the funding recommended by the House.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota has been yielded 5 minutes.

Mr. WELLSTONE. Mr. President, I thank my colleague from Massachusetts.

I feel a little uncomfortable out here in debate with the Senator from Pennsylvania because I think he cares fiercely about these programs, and I certainly do not think he represents the full priorities of some of those in the House who have sort of been the impetus for these programs. But let me just say, processwise, I view this as slash and burn on the installment plan. I think that is really what is going on here, and I think it is a backdoor way of making some fairly deep cuts in educational programs. I do not think that reflects the priorities of the people in the country.

Altogether, on present course, this continuing resolution for the whole fiscal year would cut education by $3.1 billion. The Senator from Massachusetts mentioned this earlier, but I think it is worth repeating. Title I reading and math programs are cut by $1.1 billion, meaning that over 1 million children will lose services and 31,500 teachers could be laid off.

The first argument we made was that, really, we cannot restore this funding for education and children because, if we do it, then that would mean less for low-income energy assistance or that would mean less for other very important programs. But that is not the tradeoff. We do not have to do the $245 billion of tax cuts. We do not have to have $7 billion in the Defense bill over what the Pentagon wanted. We do not have to go forward with B–2 bombers to the tune of $2 billion each. That is not the real national security of this country. The real national security is when we invest in the health and skills and intellect and character of our children.

Mr. President, then the second argument, all of a sudden, as we were going through this debate, was a different one than I heard, which was OK. But the problem is that if this should pass, then the House will not accept it and we would have a Government shutdown.

What that means to me, as I hear this argument, is that the House of Representatives, because, in fact, we decided to invest $3 billion more on the projected, year-wise, because we decided over this next critical period of time to invest more money in safe and drug-free schools, in support for children with special needs, in making sure that higher education was accessible for our young and not so young students—many of our students in higher education have gone back to school. Men and women, some having lost their jobs, are going back for additional education so they can be independent. What I am hearing is that, if we should restore funding for this investment in people in our country, the House of Representatives would find that so unconscionable that they would then shut the Government down. I mean, what kind of priorities are we talking about here in this Congress? Certainly it is not the priorities of people in this country.

Mr. President, I am also concerned just thinking about my own State. I will not even talk about this numberwise. I will talk about it peoplewise. I am hearing from higher education people, from some of our colleges and universities, and they do not really know what the situation is with low-interest loans or Pell grant programs. Students need that assistance.

By the way, Mr. President, I will tell you that in the State of Minnesota, many undergraduates are now taking 6 years because they are working two and three minimum-wage jobs. I mean, students sell plasma at the beginning of the semester in order to buy textbooks. These are students who need this financial assistance. They do not know what the situation is.

Mr. President, school boards do not know what the situation is. They are trying to figure out what is going to happen with this title I money. These are kids with special needs, kids with special problems. Are we going to walk away from them? Are we going to provide fewer services? Is it going to be made up through higher property taxes? Nobody knows.

I hear people from our school boards, whether they are Democrats or Republicans or Independents alike, saying to me, "Senator, what in the world is going on? This is the last place we should be making these cuts."

Mr. President, I mean, from Head Start, which is not a part of this amendment—but we now have proposed reductions in Head Start programs, which is nothing more than an effort to give some children who need a head start a head start all the way to higher education, all the way to kids with special needs and vocational education and safe and drug-free schools. These are distorted priorities. So today we are taking on those distorted priorities. We are not going to let this be slash and burn on the installment plan. We are not going to let this be a backdoor disinvestment in education.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WELLSTONE. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I inquire of the distinguished Senator from Minnesota. The question is about what happens on the current state of the allocations. Again, with much of what he has had to say, I do not disagree in terms of priorities. But if you do not increase the allocation to the subcommittee which I chair, which has jurisdiction over Health and Human Services, which has funding for LIHEAP as well as education—what happens to the other programs.

I ask this of the Senator from Minnesota because he spoke extensively and eloquently on this subject. Unless we increase the allocation, which I would like to do, is it not true that we are going to lose $105 million in funding for LIHEAP?

Mr. WELLSTONE. Mr. President, the answer is, if we do not increase the allocation—and we must increase the allocation. I do not accept these priorities.

What I understand the Senator from Pennsylvania is doing is putting some of us in the position of having to argue for a zero-sum-game situation. We do not believe that there should be these tax cuts to the tune of $245 billion. We do not believe in some of these other priorities. We believe some tax cut—some of which goes to people who do not need it—you should have enough revenue to make sure people do not go cold in Pennsylvania, or Minnesota, or Massachusetts, and, in addition, we do not make cuts in educational opportunities for children. You are presenting a false choice for the Senator from Minnesota and, for that matter, for the people of the country.

Mr. SPECTER. Mr. President, I ask the Senator from Minnesota, because he talks about the tax cuts, does the Senator from Minnesota agree with President Clinton to cut the tax by $130 billion?

Mr. WELLSTONE. No, I do not, Mr. President.

Mr. SPECTER. Mr. President, when the Senator from Minnesota talks about choices and says that I am putting him in that position, this amendment puts the whole subcommittee in that position because if it passes and there is no increased allocation, the fact of life is that everything in the whole bill with the exception of the Department of Education, Headstart, and school-to-work programs would be cut by 10½ percent.

I yield the floor.

Mr. KENNEDY. Mr. President, on this point, just before the Senator from Washington speaks, I would like to yield a minute to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. JEFFORDS. Mr. President, I know the Senator from Pennsylvania is aware of this, but we have not passed the appropriations bill out of the Senate yet in this area. So there is nothing in concrete yet. The Congress has not passed an appropriations bill for education. So there is nothing locked in concrete at this particular time.

So there is certainly not only time but obviously the ability to modify the figures and not to have to cut back on these other programs. It will take some doing. But you still have to negotiate with the House. Changes can be made in the whole process on these things right now.

It is not the fault of the Senator from Pennsylvania that the Senate has not acted on this, and we have a problem that everybody knows about in this area. But there is nothing locked in concrete at this time.

I yield the floor.

Mr. SPECTER. Mr. President, reluctant as I am to disagree with my distinguished colleague from Vermont, the Senate is locked into the allocation. We are locked into the allocation which has been given to the subcommittee which has jurisdiction over these three Departments.

If the amendment by the Senator from Massachusetts passes, there is only so much air in the balloon. If you take it out of one section, we are going to lose by 10½ percent over everything else unless the allocation is increased.

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. There are 16 minutes remaining.

Mr. KENNEDY. I yield 5 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mrs. MURRAY. Thank you, Mr. President. I thank my colleague from Massachusetts, Senator KENNEDY, for his leadership on this critical issue of making sure that our children across this country have adequate funding for the education they so desperately need for the world they are being handed.

Recently a poll showed that 92 percent of the American public say that we should fund education at either the same or increased levels for Federal education. Why this continuing resolution speaks only about 8 percent of the population makes no sense to me.

But before I address that, let me also express my frustration and my increasing anger at this Congress and the way it is governing this country today by passing continuing resolutions for 30 days, 25 days, 45 days, and on and on. What we are doing to this country is wrong. We have the responsibility to govern in a way that gives security to everyone that we represent and give the ability to people out there across this country who serve our constituents' needs the security they have to put in place their ability to make sure that their programs work effectively. And we are really undermining that effort today.

I speak to you as a former school board member who knows well what the impacts of these 35- and 45-day continuing resolutions are and this $3.1 billion reduction in funding. What it means to those poor school board members is that in a few short weeks, they are going to be facing angry parents across this country telling them that their class size will be reduced, that they will have to let teachers go, that textbooks will not be available, that security guards will not be in their schools next year because they simply do not know what this Government is going to do for them in the coming year. That is not right.

Every Member should know that the real answer here is, we are asked to pass a budget. The numbers are on the table. There are budgets that balance the budget by the year 2002. That is what we should be doing instead of these continuing resolutions.

Mr. President, as we do this, every one of us is going to have to go home and face our constituents. I assure all of my colleagues they will meet a young woman like I met just a few short weeks ago in a grocery store who looked at me and told me she is trying to go to college next year, and the only way she will be able to go is if she has a student loan or a grant or gets Federal help. Yet the college she is applying to told her they cannot tell her what is going to happen because they do not know what we are going to do.

That is not fair to that young girl, it is not fair to her family, and it is certainly not right for the future of this country.

Mr. President, my colleagues have done a good job of outlining how important this education amendment is, but let me make it even more clear for you. For the State of Washington, we will lose $24 million. That is about $24 or $25 per student in my State. That translates to a textbook. That translates to a few less hours with a teacher. That translates to actually losing real dollars for every one of our kids. Yes, it speaks to specific programs but school boards are going to have to go back into their budgets and transfer dollars around in order to make up the funding that we are taking away. And every single one of our children in this country is going to lose.

It seems crazy to me that we are going to sacrifice our children and America's future for the sake of political ego. We have the good fortune in this country of changing political leadership every few years in our democracy, but we do not have the fortune of

reversing an uneducated and unprepared generation. For our kids, for our future, for this country's ability to compete in the worldwide technological society that we have today, let us support this resolution. Let us send a message to our kids that we do care about them, we understand their needs, and we are not going to neglect them in this Nation's Capital.

Just last week, headlines across America rang out. Education is our top priority. Polls throughout our Nation strongly show that Americans support an investment in education; 92 percent would like the same or increased levels of Federal funding for education.

Apparently some of my colleagues are listening to that 8 percent of our population. They are forcing upon the American people a continuing resolution that would cut $3.1 billion from education through this year. This would be coupled with the $600 million in rescissions in education already enacted for fiscal year 1995.

This would represent the largest setback to education in the history of the United States. Why? It is very easy to target a group that has no vote, no political action committee, no lobbying dollars to create a political voice—our children. These are the same kids who are already giving up. They are faced with overcrowded classrooms, outdated textbooks, and frustrated teachers. They lack purpose knowing they cannot afford or gain entrance to an institution of higher education and wonder if the skills they learn today will ever lead to a job tomorrow.

Certainly, throwing money at a problem is not the answer. But eliminating programs that have been proven to provide long-term educational skills and enhance school-to-work training are essential to our society. Last week in hearings before a joint House-Senate committee, we heard from Dr. Milton Goldberg who emphasized that the need for skilled labor from the business community has never been greater. NYNEX recently interviewed 60,000 applicants to fill 3,000 jobs and Motorola found less than 10 percent of job applicants are qualified for their entry level jobs.

Yet, the existing continuing resolution would deny millions of America's children and young adults valuable educational opportunities. Already, a third of the fiscal year has elapsed with no funding levels for education and school districts are facing an 18-percent increase in enrollments over the next decade.

These cuts would deny 1.1 million students crucial help in reading, writing, math, and advanced reasoning; 100,000 would lose English assistance and hundreds of thousands more would be denied vocational training; 14,000 school districts would have to cut back their safe and drug-free school programs and many would jeopardize their disabled education programs.

We will continue to debate the role of our Federal Government in the education process. Michael DiRaimo of the Pittsburgh public schools told us last week, however, that though Federal funds account for a small portion of the district's budget, the services provided with those funds are vital to the district's ability to serve needy and at-risk children.

My own State of Washington will lose over $24 million for education under this continuing resolution. Washington State has been a national leader in the school-to-work field and will lose $3 million in vocational education dollars because we are unable to reach agreement on the budget. Additionally, the State will lose $16 million in title I funds that greatly aid our classrooms in basic educational skills.

At the very least, we cannot cut education programs beyond fiscal year 1995 levels. Let us not sacrifice our children and America's future for the sake of political ego. We have the fortune of changing political leadership every few years in this democracy. We do not have the fortune of reversing an uneducated and unprepared generation.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield 3 minutes to my friend and colleague from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts has been yielded 3 minutes. The Senator from Massachusetts.

Mr. KERRY. Mr. President, first of all, I congratulate and thank my senior colleague from Massachusetts for his leadership and for his effort, a very important effort to bring before the Senate the real choices that are facing our country.

I listened to my friend from Pennsylvania and while, indeed, we must contend with some so-called caps, funding levels that have been allocated among the Appropriations subcommittees, et cetera, everybody here knows that we are engaged in tough bargaining right now and that none of those caps is set in concrete—because if we were to resolve this budget crisis, we could make any number of changes in the budget. We could decide that we were going to find some more revenue and use it to fund services critical to our Nation's future. We could remove the firewall that protects funding for the Defense Department and take some of the $7 billion that the Congress added to the budget request of the Joint Chiefs of Staff and instead put it into education or another priority of the American people.

So let us not fool the American people. These choices are in our hands. We are not helpless here. We are not powerless. If we believe something is sufficiently important to this Nation's people and future, we can make it happen. Everybody understands that what we are doing now is drawing dramatic lines between one group's set of priorities and others' priorities.

I do not understand how my colleagues in the Senate can ignore every single analysis from the best educators in our country, the best scientists in our country, the best child psychologists in our country, the best criminologists in our country, all of whom say that we have to find a way to impart to our children the high skills they need to compete for jobs here, and to permit our industries to compete globally. This is absolutely essential if we are to create and fill high value-added jobs that will raise the incomes of the American people. Analysts agree that last year, if you were a graduate degree holder in America, you lost income by 1 percent. If you were a high school graduate, you lost income by about 15 percent. And if you were a high school dropout, you lost income by about 27 percent.

Each of those categories, in addition to experiencing significantly different income change, experiences significantly different health care coverage—as a reliable rule, the workers with the lowest educational levels have the least health care coverage. In this way, the success of our educational system has a profound social effect that extends well beyond the job market and personal finances. Failure of our educational system contributes directly to our Nation's health care crisis.

Those are the choices, and here we are in the Congress being told we have to accept a continuing resolution that accepts and perpetuates a continuing process of diminishing all of these opportunities for our citizens.

It is fundamental; Pell grants cut by 40 percent in the budget. Why? Why do we want to make it harder for people to get the higher education that is the gateway to good jobs? Why is it that we are going to reduce the capacity of our kids in the most hard hit, economically depressed areas of our country where there is the least property tax base from which to draw in order to support the school system? Why would we want less Federal assistance that is provided in an effort to minimize that inequity according to a national standard, and thereby attempt to make real the commitment of equal opportunity?

The Federal Government does not run the schools. We do not tell them what they have to do. We do not intrude on local control. We are simply holding out this enormous carrot and saying: Look, if you will raise your standards, if you will teach better, if you will make these improvements, we will offer to pay some of the costs in order to help you put your kids in a higher education status.

Eliminating this assistance and the incentives it provides is just incomprehensible. We must face this directly,

and add these funds for education programs—recognizing the fact we then must come back and adjust budget allocations in order to prevent other vital services from being inadvertently reduced as a result.

Funding for badly needed services offered by the Departments of Labor and Health and Human Services must not be further reduced as a result of this amendment. Indeed, there is a crying need to increase funding for a number of these other key services as well.

The amendment before us will increase Federal spending through the expiration date of this resolution—March 15—for a handful of education programs, in order to enable schools and colleges to plan for the year ahead and not find themselves forced to cancel vital services and programs for their students. This is something we must do. But before this resolution expires, we must act to restore the amount of this amendment that technically will be deducted from other services funded by the Labor/HHS/Education appropriations bill—for example, to ensure sufficient resources for training adult workers, retraining dislocated workers, and assuring summer jobs for at least 600,000 economically disadvantaged young people who otherwise will be tempted to spend their summertime in pursuits that may jeopardize their lives or their futures as well as the health and safety of other Americans. The House-passed appropriations bill will deprive Boston alone of $2.3 million for summer youth jobs, and will deprive all of Massachusetts of nearly 11,000 summer jobs.

We also must restore funds for helping dislocated workers which are slashed by 30 percent in the House Republicans' appropriations bill. This program is extremely important in Massachusetts in helping laid-off workers—most recently, 448 workers from Raytheon Corp. and 2,400 workers who lost their jobs as a result of the tragic Christmas fire in Methuen.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. I urge my colleagues to vote with the senior Senator from Massachusetts to provide this minimal but vital increase in funds for education.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, when the Senator from Massachusetts, Senator KENNEDY, denigrates my arguments, I have to respond. When he says, "Let us not fool the American people," I would suggest that his arguments and this amendment do precisely that, and the reason they do it is because this amendment proposes to reinstate funding to the 1995 level, makes that representation, but in fact it does not do it. It does not do it because it lasts for only 49 days, and because almost all of the expenditures in an appropriations process do not take effect until July 1.

When you talk about the expectations of the educators as to what they are going to do and representations made about how many teachers will be laid off, they are not going to derive any solace from this amendment. What this amendment really is, is a grand show to say that there are many people who are arguing for it who think education ought to have a higher funding level. That is something that I agree with. And that when the Senate was allocated $1.6 billion more with my leadership and the leadership of Senator HARKIN, that was all put into education.

To personalize it for just a minute, I have expressed repeatedly, on this floor and off, my support for education. And on the personal level, neither of my parents had any education to speak of. My father came to this country as an immigrant, had no formal education. My mother came at the age of 5, went to the eighth grade, and my brother and my two sisters and I have been able to share in the American dream because of our educational opportunities.

I do not take second place to either Senator from Massachusetts on my devotion to educational funding or to anybody else who has argued in favor of it. If they seek to gain momentum, I think they are counterproductive here. They are going to lose votes on this amendment. If you want to say how many Senators support an increase in funding for education, you are not going to be able to tell it when this vote is taken. I know the distinguished Senator from Oregon, the chairman of the Appropriations Committee, is going to vote against it. He has told me so. I am going to vote against it because of what it does, if it stands, it is going to take tremendous sums of money from many, many other programs which everybody who has spoken in favor of the amendment would hate to see happen. This is an exercise in futility and an exercise in counterproductivity. So that when you say, "Let us not fool the American people," let us identify who is trying to fool the American people.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield 4 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is yielded how much time?

Mr. KENNEDY. Four minutes.

The PRESIDING OFFICER. Four minutes. The Senator from Connecticut.

Mr. DODD. I thank the Senator very much.

Let me begin by thanking our colleague from Massachusetts as well as my colleague from Maine, Senator SNOWE, and our colleague from Vermont, Senator JEFFORDS, Senator SIMON of Illinois, and others, who have been the prime movers of this amendment. I commend them for it.

My colleague from Pennsylvania suggests this amendment is meaningless and that everybody is for increases in education. Well, if that is the case, this amendment ought to be adopted by voice vote. But instead what we are doing here with this CR is nibbling and nibbling away at education. So in 49 days when we come back to another continuing resolution this becomes the floor for the next continuing resolution.

We have viewed continuing resolutions as a procedure used to delay any final action until a broader solution could be reached on spending matters. That is how they have been used historically.

This year we are seeing a whole new use of the continuing resolution. It is now becoming a vehicle by which we make policy decisions on a piecemeal basis. Even though there is broad agreement at the leadership level of each of our parties to protect education from cuts, these continuing resolutions are cutting education. That is what this effort is, despite the fact that 75 to 80 percent of the American public have told us from one end of this country to the other, we want you to balance this budget, we want you to do it in 7 years; and, we also hope you understand that we need to grow in this country.

Our economic growth levels are too low. If we are going to grow as a Nation in the next 7 to 10 years, one of the critical ingredients is going to be education. My colleague from Pennsylvania talks about the status of his parents and the difficulty as immigrants coming to this country. His story is an ennobling one, and one that could be told by millions of American families.

The problem in the fall of 1996 is that opportunity will be limited for millions of American students. In higher education, where an awful lot of institutions now have tuitions of $20,000 a year and more, financial aid is more important than ever. Even public institutions cost thousands of dollars. And yet, institutions are telling us, "We cannot plan. We cannot process applications for student aid or student loans because you in Washington can't get your act together. We don't know what you are going to do on Pell grants or work study. We don't know what you are going to do on student loans." And each of these institutions represents hundreds or thousands of students who do not know how they are going to pay for college next year, because of our delay.

I mention higher education. It is also true at the elementary and secondary level. School boards all across America

are looking to this debate today and saying, "What message are you sending us? How do we plan for the next school year? What do we tell our teachers, aides and workers on contract? What do we do to our local tax base?"

We should not be going through this process here. It is one thing to hold Federal workers hostage to our inaction. Now we are holding middle-class, working families and their children hostage because we cannot get our work done. This is an abuse of our privilege here.

We want to send a different message today with this amendment. Instead of cuts, we should be talking in terms of restoring education funding levels to at least the 1995 levels. We do have to deal with the larger budget question for the next 7 years and education must be a part of this. But cutting education for the next 49 days sends all the wrong signals on certainty of funding.

Washington has got to grow up. We have to learn how to get our business done. Education is no area in which to play games. It is too critically important for the well-being of this Nation and for families who are planning for the education of their children.

So, Mr. President, I sincerely hope that on this one issue, despite what other differences we have in other areas—because my colleague from Pennsylvania has said over and over again it is not in debate whether or not we ought to be doing in education—let us send the other body the signal this afternoon that we agree with our colleague from Pennsylvania and that we are going to take education off the table here, not for these 49 days, but also down the road. We can send that message by voting for the amendment offered by the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time?

Mr. KENNEDY. How much time remains, Mr. President?

The PRESIDING OFFICER. The Senator from Massachusetts has 4 minutes remaining.

Mr. KENNEDY. On the other side?

The PRESIDING OFFICER. The other side has 20 minutes 41 seconds remaining.

Who yields time?

Mr. KENNEDY. Generally, Mr. President, the proponents of amendments get a chance to make the final comment. I do not know what the desire of the opponents would be. I would yield myself, Mr. President, 3 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, sometime around Thanksgiving, when there were negotiations about continuing resolutions, the Republican leadership and the President of the United States agreed to work out a process that would put the budget in balance over 7 years using CBO numbers but also protect education. It included the environment, Medicare, and Medicaid, and protected education. That was agreed to. That was after the assignment of these numbers that are constantly referred to here on the floor of the U.S. Senate.

One has to ask, as we are considering this amendment, how in the world are we going to protect education, which Republicans and Democrats and the President agreed to, if we are going to cut the funds that were implemented just last year? The school population is expanding by 10 percent, rising to over 50 million students. We need new technologies and computers in the schools. We are asking our schools in this country to do more and more as they are faced with different kinds of challenges, whether it is violence, substance abuse, immigration, use of many languages, or other kinds of challenges, how can we cut education now?

All we are saying with this amendment is let us fulfill the promise that was given by Republican and Democratic leaders at that time when they agreed to a balanced budget in 7 years, CBO numbers, but protect education.

Mr. President, as these negotiations continue, with the clear admonition by Republicans and the President of the United States to say we are going to protect education, we believe that the only way you are going to protect it is at least use the same kind of commitment to education programs that were used in 1995. Do not increase it to take into consideration the expansion of the school population, do not increase it to meet the additional kind of challenges in technology, do not increase it to try to raise additional academic standards, which are the possibilities, but just keep it to 1995 levels.

Mr. President, the logic of the other side that we have to continue along with a continuing resolution that is going to result in a diminution of those funds by some $3.1 billion defies all logic and all understanding. I hope the Senate will accept this amendment. I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

The Senator from Pennsylvania controls 20 minutes 40 seconds.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that I be allowed to use some of my leader time to make a statement.

The PRESIDING OFFICER. The minority leader has that right.

Mr. DASCHLE. Mr. President, let me commend the distinguished Senator from Massachusetts for his eloquent remarks and his leadership on this issue. This issue obviously is one of great importance to all of us, but it is not the only problem that is created as a result of this continuing resolution. The problem is not just education; the problem is funding for the environment, the problem is in funding for housing, for parks, for reservations, for veterans hospitals. This situation is getting worse and worse because we have not been able to pass the appropriations bills that directly address the many funding issues that this continuing resolution does in a very inefficient and unsatisfactory way.

The 75 percent funding level represents the largest cut in education in history, Mr. President. Others stated that, but it bears repeating. We are cutting $3.1 billion out of education this year. There is no other time and no other situation that we have ever cut education that deeply. That is what this continuing resolution represents.

It means cuts in reading and math programs for the disadvantaged students in title I. It means deep cuts in technology. It means cuts in our efforts to bring about meaningful school reform and the Goals 2000 and national education goals that are really a bipartisan effort that we called for all the way back in 1989. It means deep cuts in teacher development and training. It means cuts—in some cases elimination—of safe and drug-free schools.

That 25 percent cut in title I, just that alone, means over 1 million people will be deprived of help in reading and math. It means 31,500 of their teachers will be given pink slips in the near future. Cities across this country are going to be very hard-hit. In Detroit that 25 percent reduction means a loss of $16.8 million in their budget this year alone. Ten thousand fewer children will be served; 419 teachers will be laid off.

The chairman of the Democratic mayors in this country was kind enough to come to the Hill this morning with a very simple question. His question was: Which 25 percent of my students in Detroit should I not educate? Which 25 percent do we tell they can no longer come? Which 25 percent are the ones who are going to be detrimentally affected simply because we have not resolved this problem?

In Dallas, Mr. President, public schools must submit a budget by March 21. They expect an increase of 4,000 students next year, but do not yet even know if Federal funding will meet the demand they know they have.

In Philadelphia, they could lose $14 million for math and reading programs. Many of our Republican colleagues say that their only agenda is to protect our children's future, but I ask, how do we protect our future, how do we protect their future, if we deprive children of the quality education they need to succeed in the future? Siphoning off money for education consigns America's children to a second-class future of reduced opportunities.

Speaker GINGRICH has often talked about the importance of bringing students and classrooms into the computer age, and I agree with that. But the GOP budget rejects that goal. The President's budget had requested $50 million for technology to do exactly what the Speaker suggests, but the House Appropriations Committee cut it in half, and the Senate proposed to cut that by two-thirds.

The problem is not just funding. It is the uncertainty that we are creating in every single school district about the budget that they must endure and the extraordinary decisions that they are going to have to make if we have not resolved this matter in the near future.

Schools have to submit budgets. They are doing that right now. But they do not know what their funding levels are going to be. The contractual obligations will force districts right now—as they consider the obligations they have and the ramifications of this funding—to send pink slips to teachers across the country.

Trinity College just recently indicated that, because of problems with past continuing resolutions, they have been able to provide only estimates with regard to financial aid eligibility and that the uncertainty about funding and budgeting has complicated the application process tremendously. This situation has the potential to discourage qualified students from applying to college.

The Federal Government provides only 7 percent of overall education funding, but those dollars can mean 100 percent of the resources for a young person who needs help.

Mr. President, children learn by example. Let us set an example of responsibility, of foresight. Let us keep our commitment to America's education. Let us keep our commitment to America's children. Let us adopt this amendment this afternoon.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). Who yields time?

Mr. SPECTER. Mr. President, how much time does the Senator from Oklahoma desire?

Mr. NICKLES. Will the Senator yield me 4 minutes?

Mr. SPECTER. I do.

Mr. NICKLES. Mr. President, first, I compliment my friend and colleague from Pennsylvania for his leadership, and I just want to make a couple of general comments. I, for one, would like to see us pass the Labor, Health and Human Services appropriations bill. We should have passed it by the end of September. We did not get it done. We should have passed it by the end of the year. We did not get it done.

You might ask, Why didn't you pass an appropriations bill? Because we had something very unusual. As a matter of fact, I have been in the Senate now—this is my 16th year. I cannot remember a party holding up moving to considering an appropriations bill for months. That is unique. That is historic, and the reason is because the Democrats in Congress, in the Senate, did not want us to take up the Labor and Health and Human Services bill. We tried. We even had votes.

On September 29, we had a vote on whether or not we would move to this bill, and they said, "No, we don't want to move to the bill." They did not want to move to the bill because there is a provision in there dealing with striker replacement. Somebody said, "Well, that wasn't a germane amendment to this bill." It certainly was. It said no money should be used to enforce the President's Executive order dealing with striker replacement.

There is also money in the bill that says no money will be used to enforce the President's order dealing with the prevailing wage on helpers. That has been in there for a few years. I wanted it out. I might mention, the helper amendment I wanted out. I had an amendment against that a couple years ago and I lost. I was willing to accept defeat, and we went ahead and passed the appropriations bill.

In this case, most people in this body favor keeping this language for striker replacement so that the President would not legislate by Executive order. Some of us feel strongly about that. Legislation should pass through Congress, not by Executive order. The President had a chance to pass the legislation a year or two ago, and he did not get it passed. Now he is trying to do it with Executive order. We are trying to protect the prerogatives of the Congress. Article I, section 1: Congress shall pass all laws.

Because we had that striker replacement provision in, the Democrats would not allow us to take up the bill. It has been several months. So when I hear my friend and colleague say we are so concerned that education school districts do not know what their budgets are, they should not be looking on this side of the aisle, because we wanted to pass this bill.

I might mention as well, Mr. President, if we pass the Labor and Health and Human Services bill, we have $1.5 billion more in the Senate bill than the House. We would come up with higher education figures in the conference if we could get to conference. We cannot even get to conference with this bill because, unfortunately, Members on the Democratic side have not allowed us to take up the bill.

They will allow us to take up the bill if we do it under unanimous consent and they win on all their issues. That is not the way we should legislate. There are about five fairly contentious issues dealt with in the Labor and Health and Human Services bill—about five. I am willing to let the majority vote on all of those and let us find out how the Senate votes—let the majority rule—and pass the appropriations bill and go to conference and work out the differences with the House and then send the bill to the President. If he vetoes it, then we will have to come back. Maybe we will still be under a continuing resolution, but this is the only bill in the Senate this year we have not been able to pass. I think that is regrettable.

The reason we have not been able to pass it, unfortunately, is because Members on the Democratic side of the aisle have not allowed us to proceed to the bill, and that needs to change.

Mr. President, I ask my colleague for an additional minute.

Mr. SPECTER. Agreed.

Mr. NICKLES. Mr. President, we did finally, under this bill, pass the foreign operations bill. That was one of the contentious bills. We finally have that resolved. We should pass the Department of the Interior bill. That was vetoed by the President. That shut down the parks; that shut down the museums. That is unfortunate. It should not have happened. But we have really an agreement on every contentious issue to pass the Department of the Interior bill.

I compliment Senator GORTON for his leadership. We should send that to the President. He should sign that bill. There is no reason for that bill to still be caught up in some of this controversy.

We still have Commerce, State, Justice, VA-HUD, Labor, and Health and Human Services. Labor and Health is the only one that has not passed the Senate, and it has not passed because our friends on the other side of the aisle have refused to let us proceed to it. We should proceed to it, vote on those amendments in disagreement and send it to the House, go to conference and finish our bill.

I yield the floor and thank my colleague and compliment the Senator from Pennsylvania, because he has tried endlessly to bring this bill before the Senate and have it finally resolved.

Mr. KENNEDY. The programs included in our amendment are not the only ones that deserve to be fairly funded. They are not the only programs that will experience damaging effects under the current CR. I am committed to addressing those other programs at the earliest opportunity.

I am particularly concerned about programs in the Department of Labor that provide critical protection for the lives, and health and economic security of America's workers. The CR makes deep cuts in funding for the agencies that protect workers from being forced to work long hours of overtime without adequate compensation. Child labor inspectors will be laid off, and the sweatshop conditions the Labor Department has attacked in the garment industry this year will only worsen.

The Department's pension protection initiatives will be seriously damaged by these cuts. One out of twelve employees in the pension agency could be laid off, leaving hundreds of troubled pension plans unaudited. The pension agency recovers $350 million a year as a result of its investigations. Thousands of employees will be hurt if plans that have cheated them go undetected because of these budget cuts. The Department's recent success in prosecuting abuse of 401(k) plans cannot be continued if these cuts are not rescinded.

In addition, as a result of these cuts, OSHA will see its budget reduced by 16 percent by this bill. Already, we spend less than $3 per worker on workplace safety and enforcement. Dangerous workplaces can already go years without an inspection, because there are so few OSHA inspectors already. Thousands of workers will be jeopardized by these cuts, because hazards that would have been found and corrected go undetected. It is not just the inspectors who will be cut, but the consultants who work with employers to improve their safety, as well.

We cannot fix everything that is wrong with this budget today. But I look forward to working with others in Congress to see that funding for these critical agencies that protect the lives and pocketbooks of American workers is restored.

Mrs. BOXER. Mr. President, I rise in strong support of my colleagues' amendment to the continuing funding resolution regarding education funding.

The Kennedy, Simon, Jeffords, Snowe amendment will provide that for the duration of this continuing resolution, funding for education programs will not go below the fiscal year 1995 appropriation.

Education is a priority among the American people. In 1995, 75 percent of Americans said that aid to education should be expanded—not cut. In poll after poll, the American people strongly oppose cuts to education programs and youth programs to balance the Federal budget.

This continuing resolution funds education programs at the lower of the House or Senate levels, with no program being funded at less than 75% of the fiscal year 1995 funding levels. With these funding levels, education cuts will exceed $3 billion in the current fiscal year.

The Kennedy amendment would restore funding for education programs to the full fiscal year 1995 funding levels for the duration of the continuing funding resolution.

Although the continuing funding resolution extends only through March 15, it hits school districts and colleges in their peak planning and budgeting cycles for the next school years.

If the funding levels in this continuing resolution continue throughout this fiscal year many educational programs will be affected.

Title 1 reading and math programs will lose $1.1 billion, which means that over 1 million children will lose services and 31,500 teachers will have to be laid off this year.

Goals 2000 will face a $93 million cut, which will jeopardize innovative projects for 8 million students in 9,000 school districts. In my State, that is over a $10 million loss in this fiscal year.

Safe and Drug Free Schools will face a $115 million cut, which endangers violence and drug-abuse prevention programs in more than 14,000 school districts. In my State that means over a $12 million loss in this fiscal year.

Political fights cannot and should not get in the way of important educational programs. I urge my colleagues to support the Kennedy amendment and restore funding for education programs to its full fiscal year 1995 funding level, even if it is only for 45 days—45 days is better than none.

Mr. KOHL. Mr. President, I rise in support of the amendment offered by Senator KENNEDY. This amendment would go a long way toward easing fears of educators and parents alike by locking in education at a strong level under this funding measure.

Holding education funding hostage during the ongoing budget struggle is wrong. In the process of reaching a budget agreement we should not leave education programs underfunded and adrift in uncertainty.

Absent a miraculous and quick resolution to those issues holding up the Labor, Health and Human Services, and Education appropriations bill, we should approve funding for education consistent with last year's levels. The Kennedy amendment would do just that.

Mr. President, shutting down the Government as a budget bargaining ploy was the height of fiscal irresponsibility. The piece-meal, short term budget measures are not much better. Although necessary to end or prevent further Government shutdowns, the temporary spending bills have meant severe reductions in education resources.

Many critical education programs have been cut by 25 percent under the short term spending bills. As a result, school administrators and parents are left wondering whether the Congress really is committed to education.

The American people know that improving our elementary and secondary schools, and increasing access to higher education are sound investments. Like money spent on our Nation's defense or a safe environment, resources directed toward educating young people is essential to our competitiveness and quality of life in the next century.

We all profess to support our students and communities, but now is the time for action and not just words.

As we demand that students stay in school, study harder, and act responsibly, we must fulfill our own responsibilities to children and their schools by passing a strong education budget.

Communities in each of our States are waiting for us to pass annual legislation so that they can make decisions on what to fund and what must be sacrificed. Superintendents and school boards are trying to act responsibly and balance their own budgets for next year, yet their hands are tied until the Congress takes decisive action.

This amendment would assure educators, parents and students that Congress is commited to improving education. Such an assurance is long overdue.

I am pleased to support the Kennedy amendment and I encourage my colleagues to do the same.

Mr. ROCKEFELLER. Mr. President, education determines our future—the future of our children, our States, and our Nation. Without a good education, children in West Virginia cannot fulfill their potential. Our country must increase its commitment to education, not pare it back, in order to meet the fierce challenges of a highly competitive world and to ensure the long-term security of our citizens.

While I recognize the need to enact this next continuing resolution to keep the Federal Government open, I am immensely sorry to see that the majority party still persists in cutting education and other programs that are so essential to the families of our States. The $3 billion cut in education programs, implicit in the funding levels of this bill, is exactly what Americans fear.

Obviously, the continuing resolution has to pass to avoid a much larger crisis. But this education amendment I am cosponsoring will establish a clear record that some of us believe education should be treated as the priority that it is for children and families, and some do not.

Education is a priority for the people of West Virginia and our country. And it has been a priority for me throughout my career in public service.

Because of other, noneducation issues, the full Senate has not had its opportunity to vote on education funding this Congress, and consequently this continuing resolution endorses the House-passed education cuts, up to 25 percent. This is too harsh, and it will devastate education funding in counties across my State, potentially causing lay-offs among title 1 teachers.

When the House of Representatives passed its appropriations bill that cuts education programs so severely, I wrote to West Virginia school superintendents to ask what would happen in their counties if such cuts became law. According to the Nicholas County Superintendent:

> . . . a reduction of federal dollars would be hard to overcome. The cuts in Title 1 would

mean loss of services to our students in critical programs that would reflect in lower test scores. . . . The increasing cost of equipment and supplies for Vocational Education especially in the area of technology have doubled yearly. Our students desperately need the equipment and supplies to gain the skill necessary for productive and worthwhile lives after graduation. . . . Our country cannot be put in the position of having a second rate educational system as compared to other countries in the world. If our students are not prepared both academically and with the skills necessary to compete in a worldwide job market, our country will fall behind and eventually deteriorate.

Other superintendents sent similar letters.

I completely agree with William Grizzell, the Nicholas County Superintendent, and the other West Virginia educators who wrote to me. We must continue to invest in education for our children and I support the Kennedy amendment for them and for the students who need title 1, Safe and Drug-Free Schools programs, vocational education, and other effective education programs.

Opponents of the Kennedy amendment claim that this amendment will hurt other programs within the Labor-HHS-Education appropriations bill. They say that it will impose harsher cuts on the National Institute of Health and other meritorious programs. Such an argument is a smokescreen. This argument assumes that Congress and the President will ultimately accept the spending levels approved by the House of Representatives in August 1995. Since then, the President and congressional leaders have already acknowledged that funding should be increased in the key areas. We should not accept the argument of opponents and allow a short-term, 7 week spending bill dominate—and devastate—education funding for an entire year.

We should not kid ourselves and pretend that we are "helping our children in the future" with a Federal budget that cripples education and program cuts that limit educational opportunities for children from Head Start through college. It is simply wrong. We should not accept such harsh cuts in education programs and risk our children's future. I am sorry to see the majority party pushing a continuing resolution that treats education and children so poorly. This is a big mistake, and I support this amendment to make it clear that some of us really stand by our words about the importance of educating every child to his and her potential.

Mr. PRESSLER. Mr. President, today the Senate will vote to waive the budget act to increase funds for education. I certainly agree with the goal of the amendment. Federal programs such as Impact Aid and title I are important to South Dakota schools and students across the country. However, although this amendment looks favorable at first glance, further study reveals two significant problems.

First, in order to pay for the amendment, other vital programs would be cut. The National Institutes of Health, elderly nutrition programs, Maternal and Child Health block grants, and job training programs would be reduced beyond the levels outlined in the continuing resolution. This amendment simply would rob Peter to pay Paul.

Second, this amendment would risk another Government shutdown by sending the bill back to the House of Representatives. The previous continuing resolution expires at midnight tonight, and any delays in sending this bill to the White House could cause a shutdown. Good progress has been made in budget talks this week. We must continue to move forward to a balanced budget. We cannot afford to slide backward to gridlock.

Let me emphasize, the funding levels for education are temporary, until March 15 of this year. I will continue working to ensure that vital education programs receive sufficient funds for the remainder of the fiscal year. In fact, the Senate should consider the Labor, HHS, and Education appropriations bill. I intend to offer an amendment to increase funding for the Impact Aid Program. I hope to offer this amendment in the near future.

In the meantime, we must pursue the goal of a balanced budget without wavering. The greatest single threat to education and a bright future for younger generations is runaway Federal spending. If we do not act, young people will be saddled with a much greater burden—the burgeoning $4.8 trillion debt. Without balanced budgets, interest on the Federal debt will continue to skyrocket, eventually squeezing out funding for legitimate programs such as title I or school lunches. The most important step the Federal Government can take to improve the opportunities for young people is to control Federal spending and eliminate the deficit. I look forward to working with my colleagues to this end.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Pennsylvania.

Mr. SPECTER. How much time remains?

The PRESIDING OFFICER. The Senator's side has 16 minutes remaining.

Mr. SPECTER. Mr. President, I will be in a position to yield back time after a brief statement. The Senator from Massachusetts has claimed the prerogative of the last argument. I do not know that he is entitled to it, but I will let him have the last minute.

The essence of this matter is that the Senator from Massachusetts has offered an amendment to restore funding in education to the 1995 level, and that is a proposition that I agree with on the merits. I chair the subcommittee which has jurisdiction over the Departments of Labor, Health and Human Services, and Education. When the subcommittee received an allocation which was $1.534 billion more than the House, all of that money was put into education, with the leadership of the distinguished ranking member, Senator HARKIN, and myself.

While I agree that we ought to have more money in education, I must oppose this amendment. If the allocation stays as it is, and no additional money is added to the subcommittee allocation by an agreement reached between the President and the leadership in the Congress, then there will be a 10.5 percent cut on many, many very, very important programs. These programs included the National Institutes of Health, employment and training and older workers' jobs programs, Social Security Administration, nutrition and other programs for the elderly, LIHEAP fuel assistance, community and migrant health centers, Ryan White on AIDS, maternal and child health substance abuse, railroad retirement benefits and many, many others.

Now, that is simply an intolerable situation. What the Senator from Massachusetts may be intending to do here is to get momentum to have more money in education. I have already suggested that I believe that is counterproductive because I would favor that as a matter of principle, but cannot support this amendment. There are other Senators I know who would also favor it as a matter of principle. So if you take a look at the number of Senators who are going to vote in favor of this amendment, it is not going to be representative of those who would like to have more funding in education.

Mr. NICKLES. Will the Senator yield for a question?

Mr. SPECTER. Mr. President, I yield to Senator NICKLES.

Mr. NICKLES. I ask my colleague from Pennsylvania, is it not correct that the House has finished their business, and if we amend this, we jeopardize—or have the possibility of having another Government shutdown because of this amendment?

Mr. SPECTER. That is correct. That argument was made earlier. It led to the counterargument of should we have to defer because the House is not in session? I am somewhat unwilling to base action on the House not being in session. But the Senator from Oklahoma is correct that the House is not in session and that the practical reality would be that there would be no continuing resolution. I had said earlier to the Senator from Illinois that, as much as the funding is in jeopardy in Illinois and Pennsylvania and Oklahoma, it would be more so if we shut down the Government.

I have relied principally on the substantive arguments that this amendment simply takes too much away

from Peter to pay Paul, and that the resolution is going to have to come with the subcommittee bill and with the reallocation of funds. I think there will be more funds, Mr. President. There have been signals given that there will be an additional $5 billion on a number of programs, which will have to be shared with the Environmental Protection Agency and the Veterans Administration. But I expect a significant amount of money to be added as a result of the negotiations to the subcommittee which has jurisdiction over education.

That concludes my argument. I will allow my colleague from Massachusetts to take his last minute, and then I will seek to regain the floor before formally yielding the remainder of the time before making a point of order under section 311 of the Budget Act.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, in response to Senator NICKLES, the House is in session for a pro forma, or whatever, and it can be ratified by the House later this afternoon.

The Republicans will raise a point of order. The point of order is based on section 311 of the Budget Act, which requires that levels of all spending should not exceed the totals in the budget reconciliation for the whole year. By that standard, we are already over the 1996 allocation because there is no budget reconciliation bill enacted at this point. So by the majority's reasoning, the two underlying continuing resolutions and previous continuing resolution, as well, also would violate the Budget Act, and a point of order could have been raised against them, as well, which shows the double standard applied to this education amendment.

Mr. President, with this amendment, we are taking the commitment of the President and the Republican leadership in the House and Senate that says we are going to protect education, and we are going to insist that that be the case by, at least, assuring the 1995 levels for the next 49 days so that the budget can be worked out between the President and the Congress and enacted—and protect education. This provides the basis for that program.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

Mr. SPECTER. Mr. President, I do not believe I have yielded back my time yet. I intend to do so, but first I wish to say that the current level of budget authority and outlays exceed the aggregate levels set forth in the budget resolution for fiscal year 1996. The pending amendment provides additional new budget authority and will result in additional outlays in that year and its adoption will cause the aggregate levels of budget authority and outlays to be further exceeded. I, therefore, raise a point of order section 311 of the Budget Act against this amendment.

Mr. KENNEDY. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that act for the consideration of the pending amendment and the underlying bill.

Mr. SPECTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. CAMPBELL], the Senator from Indiana [Mr. COATS], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from Arizona [Mr. KYL], and the Senator from Alabama [Mr. SHELBY], are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado [Mr. CAMPBELL] would vote "nay."

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 40, as follows:

[Rollcall Vote No. 1 Leg.]

YEAS—51

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Hatch	Nunn
Bryan	Heflin	Pell
Bumpers	Inouye	Pryor
Byrd	Jeffords	Reid
Chafee	Johnston	Robb
Cohen	Kennedy	Rockefeller
Conrad	Kerrey	Sarbanes
Daschle	Kerry	Simon
Dodd	Kohl	Snowe
Dorgan	Lautenberg	Warner
Exon	Leahy	Wellstone

NAYS—40

Abraham	Grams	Murkowski
Ashcroft	Grassley	Nickles
Bond	Gregg	Pressler
Brown	Hatfield	Roth
Burns	Helms	Santorum
Cochran	Hutchison	Simpson
Coverdell	Inhofe	Smith
Craig	Kassebaum	Specter
D'Amato	Kempthorne	Stevens
DeWine	Lott	Thomas
Dole	Lugar	Thompson
Domenici	Mack	Thurmond
Frist	McCain	
Gorton	McConnell	

NOT VOTING—8

Bennett	Faircloth	Kyl
Campbell	Gramm	Shelby
Coats	Hollings	

The PRESIDING OFFICER. On this question, the ayes are 51, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The amendment fails.

Mr. SPECTER. Mr. President, I move to reconsider the vote.

Mr. BURNS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority leader. The Senator will suspend for a moment. The Senate will come to order.

The Chair recognizes the minority leader.

COMMENDING SENATOR SAM NUNN FOR CASTING 10,000 VOTES

Mr. DASCHLE. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

A resolution (S. Res. 213) commending Senator SAM NUNN for casting 10,000 votes.

S. RES. 213

Whereas, the Honorable Sam Nunn has served with distinction and commitment as a U.S. Senator from the State of Georgia since January 1973;

Whereas, his dedicated service as a U.S. Senator has contributed to the effectiveness and betterment of this institution;

Whereas, he has dutifully and faithfully served the Senate as chairman of the Armed Services Committee (1987–1994);

Whereas, his expertise and leadership in defense and military policies has been of tremendous benefit to our Nation and to our men and women in uniform;

Resolved, That the U.S. Senate congratulates the Honorable Sam Nunn, the senior Senator from Georgia, for becoming the 17th U.S. Senator in history to cast 10,000 votes.

SEC 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Sam Nunn.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, it was on January 23, 1973, that a young, newly elected, freshman Senator from Georgia cast his first vote in this chamber—a vote to confirm a nominee to be Assistant Secretary of Defense.

Today, 9,999 votes later, that Senator has become the Senate's leading authority on defense policies.

Mr. President, it is with great pride and pleasure that I announce that Senator SAM NUNN has just become the 17th Senator in U.S. history to cast 10,000 votes. I am pleased to congratulate him for this remarkable achievement and thank him for his service to this institution and our country.

In his leadership role on defense policies, Senator NUNN is following in the footsteps of two other great legislators from the State of Georgia.

Representative Carl Vinson, who happened to be Senator NUNN's great

uncle, chaired the House Armed Services Committee. Senator Richard Russell, who held for 38 years the Senate seat that Senator NUNN now holds, chaired the Senate Armed Services Committee.

Senator NUNN served as chairman of the Senate Armed Services Committee from 1987 to 1994, and is currently the ranking Democrat on the committee.

He has introduced or cosponsored the most important legislation concerning military and defense issues of the past two decades, including defense reorganization, measures to reduce the threat of nuclear war, Pentagon procurement reform, base closing, and restructuring of military pay and benefits.

He has earned the respect of both Republican and Democratic Senators through his efforts to ensure the integrity and mission of our military establishment in the face of massive budget cutting. Thanks to his efforts, while we now have a leaner military, it is a more cost-effective military, rather than a weaker one.

Senator NUNN's expertise in military and defense policy has been recognized and appreciated far beyond Capitol Hill. Every administration since the Carter administration has consulted him on military matters. And each of those administrations has considered him for a top level position in the administration. We in the Senate are extremely fortunate that Senator NUNN has chosen to serve here.

Most importantly, his expertise and leadership has been recognized by the people of Georgia. In 1984, they reelected him with 80 percent of the vote—defeating his opponent by a 4 to 1 margin. That was exceeded in 1990, when Senator NUNN was unopposed in both the State's primary and the general election for U.S. Senator.

Still, I would like to point out that Senator NUNN's career has not been confined to or consumed by military and defense issues. In the Senate, he has played monumental roles in laying the groundwork for national service legislation, on deficit reduction, and on efforts to redirect our national economic and tax policies.

Put simply, Senator NUNN has been a leading figure in American government. The Senate's foremost historian, Senator ROBERT C. BYRD, has appropriately remarked that Senator NUNN is one of those rare and extraordinary Senators "who would have been recognized as [a] great senator in any age * * * in any period during the [past] 200 years" of the Republic.

Indeed, he would, and how pleased and honored I am to have the opportunity to recognize and congratulate our Senator, Senator SAM NUNN.

The PRESIDING OFFICER. Without objection, the resolution and preamble are agreed to.

The resolution (S. Res. 213) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas, the Honorable Sam Nunn has served with distinction and commitment as a U.S. Senator from the State of Georgia since January 1973;

Whereas, his dedicated service as a U.S. Senator has contributed to the effectiveness and betterment of this institution;

Whereas, he has dutifully and faithfully served the Senate as Chairman of the Armed Services Committee, (1987–1994);

Whereas, his expertise and leadership in defense and military policies has been of tremendous benefit to our nation and to our men and women in uniform,

Resolved, That the U.S. Senate congratulates the Honorable Sam Nunn, the senior Senator from Georgia, for becoming the 17th U.S. Senator in history to cast 10,000 votes.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Sam Nunn.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from West Virginia.

Mr. BYRD. Mr. President, as a Senator who has witnessed the services that have been rendered to our country by this very remarkable American and extraordinarily remarkable Senator, I wish to add just a few words about SAMUEL AUGUSTUS NUNN.

He is the second individual who has served in the Congress by the name of Nunn. The first was David Alexander Nunn, who served from the State of Tennessee, elected to the House of Representatives in 1867, served for 2 years, and then was not reelected, but in 1873, was elected to a second term.

I was looking over these names last night, and something struck me about them in particular. There is David Alexander Nunn. David, as we all know, is a Biblical name. Alexander, as we all know, was a great military general and ruler. And Nunn is a Biblical name. It is spelled N-u-n in the Bible. And often I have asked SAM, facetiously, if he named one of his sons Joshua. We are told that Joshua was the son of Nun.

And then I noted SAM's name—SAMUEL, again a Biblical name, who answered God's call. He said, "Here am I. Send me."

And I saw this Senator who said in response to the needs of the people of Georgia, "Here am I. Send me." "Speak, Lord, thy servant heareth."

And then his middle name is, as I indicated, AUGUSTUS. I do not know how many of you knew that. But Augustus was the first Roman emperor. He defeated Cleopatra and Anthony at the Battle of Actium in 31 B.C. on September 2, the same birth month as SAM's. SAM was born September 8th, not that long ago, but in 1938. But he was born in September, the same month that this great battle was fought in 31 B.C.—it has been called one of the decisive battles of the world. The Emperor Augustus was one of the great administrative geniuses of all time.

So I think of SAM NUNN as someone who has demonstrated a great genius in his work in this body. He has demonstrated that work as chairman of the committees. He has been a remarkable chairman. And he has been a remarkable Senator.

He will be leaving us after this year, and I will have more to say about that later. But today, I could not constrain myself. I had to say something by way of tribute to this fine Senator. I watched him come here. I have watched him grow. I served in the House of Representatives with his granduncle, Carl Vinson, who lived to be 97. He was in his 98th year when he died. He was chairman of the Armed Services Committee of the House of Representatives when I was in the House.

So this has been a long line of famous Georgians who have been great chairmen, who have rendered great services in the field of national defense—Carl Vinson, Senator Richard Russell, and now Senator SAM NUNN.

I close with the words of a poet, if I can remember them, which I think are appropriate at this moment.

It isn't enough to say in our hearts
That we like a man for his ways;
It isn't enough that we fill our minds
With psalms of silent praise;
Nor is it enough that we honor a man
As our confidence upward mounts;
It's going right up to the man himself
And telling him so that counts.

If a man does a work that you really admire,
Don't leave a kind word unsaid.
In fear to do so might make him vain
And cause him to lose his head.
But reach out your hand and tell him, "Well done."
And see how his gratitude swells.
It isn't the flowers we strew on the grave,
It's the word to the living that tells.

I will break the Senate rules in this instance by addressing another Senator in the second person. Congratulations to you, SAM NUNN. We will long wait to see someone who can fill your shoes as you have filled the shoes of that great patriarch, Richard Brevard Russell. Congratulations!

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, SAM NUNN is a man of integrity, ability, and dedication. I have been on the Armed Services Committee since 1959, and I was so pleased that he joined the committee when he came to the Senate. He rendered outstanding service as a member of the committee and as chairman of the committee. He is known as an expert on defense matters. Not only in defense; he has done a fine job in every endeavor since he has been in the Senate. This country would be better off today if we had more people like SAM NUNN in the Senate and the House as well as the judicial and executive branches. I am proud of his friendship,

proud to have worked with him. He has been a great citizen of America and he has rendered outstanding service of which we can all be proud.

Thank you, Mr. President.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

Mr. EXON. Mr. President, many of my most distinguished colleagues, including the minority leader, including the great, distinguished member and the former chairman of the Appropriations Committee and now the ranking Democrat, Senator BYRD, my very able colleague from South Carolina, the chairman of the committee, and others will follow to give their accolades to our dear friend, SAM NUNN.

I rise as a man who has worked closely with him under his tutelage for the last 18 years on many matters in the Senate and primarily with regard to the national security interests of the United States of America.

I simply wish to add my name to the accolades of others who have spoken so eloquently on this true favorite son of the State of Georgia.

SAM NUNN, you have set an example for all of us to follow while you have been here, and you are setting an example as others have set in other work for other people who are most concerned about the United States of America. Regardless of political affiliation, you have set a record for others to follow.

Thank you, SAM, for all the help you have been. You have been great for the United States of America.

I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Mississippi.

Mr. LOTT. Mr. President, on behalf of the majority—and, of course, our distinguished President pro tempore has already spoken—I would like to join our colleagues in congratulating the outstanding Senator from Georgia for this monumental accomplishment of 10,000 votes.

We came to Congress together in 1973. I am going to have to go back and check to see how many votes I have cast, both in the House, of course, and the Senate. But it truly is a remarkable achievement. I had no idea actually how few had achieved this mark in history. But I also concur in the statements that have been made about the tremendous contributions the Senator from Georgia has made over the years. He has really continued the tradition of leaders from Georgia, particularly in this body, the Senate, who have left an indelible mark on the history of our country.

We have all grown to respect and admire Senator NUNN, from Georgia, his integrity, his intelligence, his leadership in armed services and budget matters. It is one that we truly appreciate. I had not had an opportunity to express my admiration to the Senator and say how much I enjoyed working with him. I am glad we have at least 11 more months to work together. And I know that even though he will be leaving this body, the leadership he has provided will live on in many, many ways and we will be working together on other issues. So I congratulate the Senator on this fine achievement.

I yield the floor, Mr. President.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. NUNN. Mr. President, that vote was easier cast than to respond to the aftermath. I would have to say that I was surprised. I knew that I was nearing the 10,000 mark, but I did not know I would reach it today.

I must say that to be honored in this fashion is, indeed, touching and is a reminder of how much serving in this body has meant to me. I thank my friend from Mississippi, and my friend from South Carolina, and my friend from Nebraska. I thank the majority leader, and I thank the man that is really the person we all look to to carry on the traditions and ideals of the Senate, Senator ROBERT BYRD of West Virginia.

Mr. President, I am also delighted that my friend and colleague from Georgia, Senator COVERDELL, is presiding at this special moment in my life. I think this has been a historic week not because I have cast my 10,000th vote but because we have placed in the Russell Building, named after my predecessor from Georgia, Senator Dick Russell, a statue of Senator Russell, and as the Vice President said, Dick Russell, one of the greatest Senators who ever served in this body, is now where he belongs. He is standing tall in the Russell Building.

So this is the culmination of a very historic week, and I cannot help but recall the words that Senator BYRD offered in the dedication of that statue this week when he said that he had never—in spite of the fact of serving with Senator Russell all those years, had such reverence for him; he knew him well—called him anything but "Senator Russell."

That is a tribute that cannot be exceeded. I have used the word "ROBERT" time and time again because we are such good friends, but in that tradition I would like to address you for the rest of my days here as "Senator BYRD," in the great respect that I have for you because in the heat of battle, when we have so many substantive differences, I think too many times all of us forget what a tremendous honor it is to serve in this Senate, which is in my mind, without a doubt, the greatest legislative body not only in the world today but in history.

We have all of our frustrations with delays and schedules, and we always have a hard time knowing what we are going to do from day to day, but when you think about the things that make the schedule so uncertain here and the things that make us so many times so frustrated are also the things that make this body unique, the right of any Senator to take the floor and continue uninterrupted as long as they choose until there is an appropriate implementation of cloture, and even then someone has to get the floor, it is a rare body. It has its distinctions from any other body in the world and I think we should always remember that.

I cannot say, I say to my friend from West Virginia, and my colleagues, that I have enjoyed every vote I have cast here. Some of them have been agonizing, as we all know. And I cannot say I have enjoyed every hour I have served here. But I can say I have enjoyed every day I have served here, and I will always cherish as long as I live my service in the Senate and my friendship with each of you. So I thank the Chair and I thank my colleagues, and I look forward to a lot more votes before my day is done.

[Applause, Senators rising.]

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. MOYNIHAN. I thank the Chair.

THE BALANCED BUDGET DOWNPAYMENT ACT, I

The Senate continued with the consideration of the bill.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 3120

(Purpose: To increase the public debt limit)

Mr. MOYNIHAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN] proposes an amendment numbered 3120.

At the end of the bill, add the following:

TITLE V—PUBLIC DEBT LIMIT

SEC. 501. INCREASE IN PUBLIC DEBT LIMIT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking the dollar amount contained in the first sentence and inserting "$5,400,000,000,000".

Mr. MOYNIHAN. Mr. President, I will remark, if I might, on the brevity of this measure, the succinctness of its purpose, which is to increase the debt ceiling of the United States from the present $4.9 trillion to $5.4—one should not use decimal points when referring to trillions—$5.4 trillion. This $500 billion increase will provide sufficient borrowing authority for the Federal Government until about the end of May 1997.

Mr. President, I offer this amendment on the circumstance of the 11th time since 1984 that the Federal Government has been in a "debt issuance suspension period," commonly known as a debt ceiling crisis. The repeated past crises of the debt ceiling, and the present unprecedented, protracted crisis that has been upon us since the debt ceiling was reached over 2 months ago, has left the Secretary of the Treasury, the distinguished Secretary Robert Rubin, with little recourse under law by which he could allow the Government to continue. But he has now stated that there are three remaining ones, with the very specific sums associated with each, and that in no circumstances can the Government meet its financial obligations after the 29th of February or the 1st of March.

What we face, Mr. President, is the prospect of default. Moody's Investors Service has placed on review for possible downgrading—those are the terms—some $387 billion of obligations of the U.S. Treasury for interest payments falling due between February 29 and April 1, the first time in our history that the credit of the United States has been potentially brought into question by an investment advisory service.

How to scale this event? We are not going to have many people participate in this debate and not many people will be on the floor as we proceed. I wonder if there is not some apprehension about this issue that leads to a kind of avoidance.

How would you scale this prospect of default, Mr. President? I give you the typical prospect. It would be the equivalent of losing a war. We are not talking about a program. We are not talking about appropriations. We are talking about the United States of America.

The War of 1812 was perhaps the closest we ever came to losing a war. In 1814 the British seized Washington. They burned the White House. They burned the Treasury building. They burned the Capitol. But the service of the debt of the U.S. Government went forward undisturbed out of subtreasuries elsewhere, prominently New York and Philadelphia.

We were a debtor then, a debtor nation, rapidly paying off our debt. We would have none whatever by 1837. We had acquired that debt in the course of the Revolutionary War. State governments incurred this debt, and Alexander Hamilton insisted that the Federal Government assume that debt. Paying it off established the credit of the United States in Europe and in a mode that allowed us to be a great importer of capital through the 19th century as we built our industries and infrastructure.

Today we are not only a debtor once again but we are the world's largest debtor, the result, Mr. President, not of the War for Independence, but of the working out of the long-term strategy that took shape in the late 1970's designed to refashion the American National Government by dismantling its finances.

Mr. President, I spoke upon that subject on any number of times in the 1970's. In July 7, 1980, I wrote a long article for the New York Times describing it. And I said of that strategy which came to be known as starve the beast:

> The Republicans' dominant idea, at least for the moment, seems to be that the social controls of modern Government have become tyrannical or at the very least exorbitantly expensive. This impression, so the strategic analysis goes, is made possible by taxation such that cutting taxes becomes an objective in its own right, business cycles notwithstanding.

And 3½ years later, with the new administration in place and a budget deficit now steadily rising, I wrote of this same subject. Might I just add, Mr. President, that on January 20, 1981, the debt was about $900 billion. In the intervening 15 years we have added $4 trillion.

I spoke again of this basic proposition, not easily understood, not widely even noted. The proposition is that the deficits were purposeful, that is to say, that the deficits in the President's initial budgets were purposeful. They were expected to disappear. They have not disappeared.

The then-Director of the Office of Management and Budget, Mr. David Stockman, said there are $200 billion deficits as far as the eye can see. And in that mode, the debt was beginning to accumulate.

I put it up to the whole legislative budgetary agenda at that time. I quote—this is in the New Republic of December 31, 1983. I said:

> There was a hidden agenda. It came out—hidden in plain view like pearls of a purloined necklace.
>
> It came out in a television speech sixteen days after President Reagan's inauguration, when he stated, "There were always those who told us that taxes couldn't be cut until spending was reduced. Well, you know we can lecture our children about extravagance until we run out of voice and breath. Or we can cut their extravagance by simply reducing their allowance."

That was the pattern, starve the beast. It would be pointless to try to argue out of existence this program, that program, another appropriation. Simply make it impossible to go forward because there are no funds, and indeed we looked the unthinkable prospect of default in the very face.

I wrote then that there was an alternative, that the possibility of a historical compromise was present.

Democrats might come to understand the sense of the opposing party that Government, indeed, had become too big, too interventionist, at times, indeed, an obstacle to the private lives and private fortunes of the citizenry. There is that edge, the regulatory state.

Republicans would have to understand that they could not put it in service of the political strategy, they could not put the integrity of the United States of America at risk and that compromise may finally have been reached. It has been agreed that we will balance the budget in 7 years. This will involve reducing a great many programs. It will involve preserving others.

I stand here, Mr. President, to say to the Republican Members across the aisle, "Your strategy has worked." The President, in the State of the Union message 2 days ago, declared: "The era of big government is over." He said it not just once, he said it twice.

The debt service did it, not quite as anticipated but effectively so. The strategy has worked. I might give you a specific, and I will not be long. In 1994–97, the period we are in, spending on Government programs is less than taxes for the first time since the 1960's. If you go back 30 years to the Kennedy-Johnson era, you will find a time when we were spending less than we collected in revenues, and at that time, a great source of concern arose for economists: the phenomenon of fiscal drag. Congress was not spending as much money as it brought in.

That changed so dramatically. The deficits of the 1980's, as far as the eye can see, continued until, in 1993, under President Clinton, we passed legislation that reduced spending and increased revenues by half a trillion dollars. After that, the deficit premium, as it is called, on interest rates declined. The anticipation that we would deal with the deficit reduced interest payments, and outlays were reduced by another $100 billion.

So right now, revenues are running ahead of outlays, save for the debt service. The debt service has done its work. Debt has done its work, and now it seems to me, it appears to me, that we have an understanding of the reality. However little either side might like it, it is there.

Can we not go forward now to agree to extend the debt ceiling in the context of an agreement to bring about a balanced budget, not to put the United States at risk in a world in which we are the largest debtor, and our debt is held by central banks and elsewhere all around the world? To bring it into question is to bring the fundamentals of the American Government into question as well.

I urge the Senate, I urge my friends on the other side of the aisle to declare victory and preserve the authority and integrity of the United States Government because, Mr. President, nothing less is at issue.

Mr. President, I ask unanimous consent that the two articles I mentioned be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New Republic, Dec. 31, 1983]

THE BIGGEST SPENDER OF THEM ALL—REAGAN'S BANKRUPT BUDGET

(By Daniel Patrick Moynihan)

In his first thousand days in office Ronald Reagan increased the national debt of the United States by half. If he should serve a second term, and the debt continues to mount as currently forecast by the Congressional Budget Office, the Reagan Administration will have nearly tripled the national debt. In eight years, one Republican Administration will have done twice, you might say, what it took 192 years and thirty-eight Federalist, Democratic, Whig, and Republican predecessors to do once. The numbers are so large they defy any ordinary effort at comprehension (a billion minutes ago St. Peter was fourteen years dead), but for the record they are as follows. On President Reagan's inauguration day, January 20, 1981, the national debt stood at $940.5 billion. In the next thirty-two months, $457 billion was added. The projected eight-year growth is $1.64 trillion, bringing us to a total debt, by 1989, of $2.58 trillion.

Debt service, which is to say interest on the debt, will rise accordingly. It came to $75 billion in fiscal year 1980. By the end of this fiscal year, it will be something like $148.5 billion. And so it might also be said that the Reagan Administration will have doubled the cost of the debt in four years.

A law of opposites frequently influences the American Presidency. Once in office, Presidents are seen to do things least expected of them, often things they had explicitly promised not to do. Previous commitments or perceived inclinations act as a kind of insurance that protects against any great loss if a President behaves contrary to expectation. He is given the benefit of the doubt. He can't have wanted to do this or that; he must have had to do it. President Eisenhower made peace, President Kennedy went to war; President Nixon went to China.

Something of this indulgence is now being granted President Reagan. Consider the extraordinary deficits, $200 billion a year, and continuing, in David Stockman's phrase, as far as the eye can see. This accumulation of a serious debt—the kind that leads the International Monetary Fund to take over a third world country's economic affairs (or in olden times would lead us to send in the Marines to collect customs duties)—is all happening without any great public protest, or apparent political cost.

As such, this need be no great cause for concern. If Ronald Reagan is lucky, good for him. There is little enough luck in the business. But, unfortunately, something much larger is at issue. If nothing is done, the debt and the deficit will virtually paralyze American national government for the rest of the decade. The first thing to be done, to use that old Marxist terminology, is to demystify the Reagan deficit.

If I may say so, what I now write, I know. That is not and should not be enough for the reader. I will ask to be judged, then, by whether the proposition to be presented is coherent, and whether any other proposition makes more sense.

The proposition is that the deficits were purposeful, that is to say, the deficits for the President's initial budgets. They were thereafter expected to disappear. That they have not, and will not, is the result of a massive misunderstanding of American government. This is not understood in either party. Democrats feel uneasy with the subject, one on which we have been attacked since the New Deal. Republicans are simply uncomprehending, or, as Senator John Danforth of Missouri said in a speech on the debt ceiling in November (referring to the whole Senate, but permit me an inference), "catatonic."

Start with the campaign. Although we may be forgiven if we remember otherwise, as a candidate, Mr. Reagan did not propose to reduce federal spending. Waste, yes, that would be eliminated, but name a program, at least one of any significance, that was to go. To the contrary, defense spending was to be considerably increased. That was the one program issue of his campaign. It was the peculiar genius of that campaign that it proposed to increase defense expenditures while cutting taxes. This was the Kemp-Roth proposal, based on Arthur Laffer's celebrated curve. As a candidate, Mr. Reagan went so far as to assert that this particular tax cut would actually increase revenues.

What follows is crucial: no one believed this. Obviously a tax can be so high that it discourages the taxed activity and reduces revenue. This is called price elasticity and is a principle that applies to pretty much everything from the price of The New Republic to the price Justice Holmes said we pay for civilization. But any massive reduction in something as fundamental as the income tax was going to bring about a massive loss of revenue. And this was intended.

There was a hidden agenda. It came out in a television speech sixteen days after President Reagan's inauguration, when he stated, "There were always those who told us that taxes couldn't be cut until spending was reduced. Well, you know we can lecture our children about extravagance until we run out of voice and breath. Or we can cut their extravagance by simply reducing their allowance." The President genuinely wanted to reduce the size of the federal government. He genuinely thought it was riddled with "waste, fraud, and abuse," with things that needn't or shouldn't be done. He was astute enough to know there are constituencies for such activities, and he thought it pointless to try to argue them out of existence one by one. He would instead create a fiscal crisis in which, willy-nilly, they would be driven out of existence.

If his understanding of the government had been right, his strategy for reducing its size would have been sound. But his understanding was desperately flawed. There is waste in the federal budget, but it is of the kind generic to large and long-established enterprises. Thus we have an Army, a Navy, and an Air Force. They compete, they overlap, they duplicate. Well, yes. But they also fight, in no small measure because these uniforms mean something to those men and women, and have, in the case of the Army and Navy (and of course the Marine Corps, which is part of the Navy) for more than two centuries. A management consultant might merge them. I sure as hell wouldn't, except perhaps way at the top. For the rest, well, there is the F.B.I. at $1 billion; the Coast Guard (equally long established) at $2.5 billion, and so on. Welfare? In the sense of welfare mothers? The Aid to Families with Dependent Children program comes in at about 1 percent of the whole budget. (The Washington Post has half-seriously proposed that it be abolished altogether so that people will stop talking about it.) There are areas in the budget where expenditure is indeed growing at enormous rates, principally that of medical care. But for the most part, and especially in the case of medical care, expenditure is growing at similar rates in both the private and public sectors. Large social forces are at work, not simply a peculiarly pathological tendency of government.

A notable area of miscalculation, or rather misinformation, among the Reaganites was that of foreign affairs. President Reagan has acted much as his predecessors have done in foreign affairs, and for the elemental reason that he is faced with much the same situations. Invariably, this has meant spending money. This fall the President had to plead with Congress to increase appropriations for the International Monetary Fund, something he cannot have expected ever to be doing, but there you are. As I write, the Kissinger Commission on Central America is no doubt drawing up a massive "Marshall Plan" for the area. Is there any doubt that in the next session the President will be pleading with Congress to increase this particular form of foreign aid? (Just as, had his supporters in the Senate been successful in blocking the Panama Canal treaties in the Carter years, he would be pleading today with the Senate to consent to their ratification.)

President Reagan's tax cut—the largest tax reduction in history—became law in August 1981. Critics, if they are members of Congress, typically must begin by explaining why they voted for the tax cut. I am one. (There were only eleven Senators who voted no.) I have an explanation, but no excuse.

After years of intense inflation and the accompanying "bracket creep" in the income tax, we did need to reduce personal tax rates. A year earlier, the Senate Finance Committee, controlled by the Democratic majority, had reported out just such a bill, but Mr. Carter's White House would not hear of it. This helped lose the Senate for the democrats, but the lesson was not lost.

The great recession of 1981–82 made it painfully clear that the tax cut was too small for the first year, when a neo-Keynesian stimulus was in order. At the time, however, a bidding war broke out in the House, sending the parties into senseless competition to offer loopholes to special interests. The result was a tax cut much too large for the later years. Thus the $200 billion annual deficit. Again, no excuses from this quarter, but in the Democratic response to the President's televised speech of July 27, 1981, I did say, "In the last few days something like an auction of the Treasury has been going on . . . what this is doing is taking a tax cut we could afford and transforming it into a great barbecue that we can't afford. I would say to the President that some victories come too dear.

Enter the Federal Reserve Board which looked at the huge tax cuts in the midst of high inflation and decided to create an economic downturn. Of all the structural anomalies of American government, the arrangements for setting macroeconomic policy are the most perverse. Although fiscal policy (the amounts of money the government spends, receives, and borrows) is made through a painfully elaborate public process by an elected President and an elected Congress, monetary policy (the total amount of money in the economy and the cost of borrowing it) is made in secret by appointed officials. The Reserve Board tightened the growth of the money supply so strenuously that it actually declined in the third quarter of 1981. Real interest rates reached the highest levels in our nation's history, and the economy fell off the cliff. At the end of September 1981, the steel industry was operating at 74.5 percent of capacity; by the end of 1982, it was operating at 29.8 percent of capacity.

To be sure, the Fed does not control the precise money supply and cannot precisely determine interest rates. But it can set the direction and range for both and this it did. Anyone who tried to dissent was soundly rapped. Its two dozen or so central bankers decided to bust the economy, and bust it they did. In a White House appearance in October 1982, Nobel Economist George Stigler used the term "depression" to describe the economy.

There is a tendency for any government to live beyond its income. The Reagan Administration transformed this temptation from a vice into an opportunity. Put plainly, under Ronald Reagan, big government became a bargain. For seventy-five cents worth of taxes, you got one dollar's worth of return. Washington came to resemble a giant discount house. If no tax would balance the budget, and no outlay would make it any worse, why try?

A boom psychology moved through government. Defense came first, from space wars to battleships—the latest defense appropriations reactivates the World War II-vintage *U.S.S. Missouri*. Hog wild is the only way to describe the farm program. Jimmy Carter left behind a $4 billion enterprise, somewhat overpriced at that and the object of incessant right-wing criticism. Whereupon the fundamentalists and their political brethren took over. Within thirty-six months they increased the annual cost of the farm program more than fourfold. Their most recent enthusiasm, signed into law by President Reagan, is a program paying dairy farmers not to milk their cows.

What is to be done? The economy is at stake. The country can bankrupt itself. According to the latest budget projections, prepared by the Congressional Budget Office under the impeccably conservative new director, Rudolph G. Penner (formerly of the American Enterprise Institute), the deficit for the six years 1984 to 1989 will come to approximately $1,339,000,000,000. In order to support and service this debt, the government will have to absorb more and more of the capital that is coming available in the nation's credit markets. Direct federal borrowing for the deficit and federally guaranteed loans absorbed 62 percent of all credit raised on the nation's financial markets this year, compared to an average absorption rate of 8.3 percent in the 1960s and 15.3 percent in the 1970s. This "crowding out" was not much felt, because few others were borrowing to invest. But when the day comes that business, consumers, and government all compete for the same funds, interest rates will go up, with predictable consequences.

Under these circumstances, the only thing a Republican Administration and a Republican Senate will be able to consider doing will be to revert to their original agenda: use the budget deficit to force massive reductions in social programs. This time they will be able to cite not mere illusions but necessity. Even if interest on the debt climbs to $200 billion a year, as now seems likely, presumably there will still be an Army, an F.B.I., and some kind of customs service and border control. What then will be left to cut?

Entitlements, or more precisely, Social Security.

The word is already the rage. There is scarcely a Republican member of the Senate who does not know that entitlements must be cut, and cut deeply. Many Democrats agree; almost none dissent. Remember, at least twenty Senators are millionaires, living at considerable social distance from those who would be most affected. It will be much the same in the House. The budget deficit in the year ahead will threaten any sustained recovery. The members of the House, as a rule, are not millionaires, but they know their street corners. The street corners will say, "Cut. Something must be done."

Cut back Social Security in desperation, and you abandon a solemn promise of the Democratic Party and of American society. This promise, once broken, will fracture a little bit of society. (Moreover, cutting Social Security will not improve the deficit problem. As Martin Feldstein, chairman of the Council of Economic Advisers, has noted, Social Security is funded by separate payroll taxes and contributes not a cent to the deficit.)

There is an alternative. There is the possibility of a historic compromise that can bring the now dominant branch of the Republican Party to grips with reality, while shaking the now dominant branch of the Democratic Party from its illusion that no one will listen to Republicans for very long. Such a compromise cannot await a change in the political culture. It must be negotiated. We need a structure, a forum in which negotiations can take place. A Presidential commission might be such a structure.

The National Commission on Social Security Reform—on which I served—would provide a model. It was established by President Reagan in December 1981, after Congress rejected his original plan to sharply reduce Social Security benefits. One point in particular is crucial. Alan Greenspan, who chaired the commission, adopted a simple rule: each member was entitled to his own opinion but not his own facts. Within a year Mr. Greenspan had established the facts, which showed that the problem was neither trivial nor hopeless. The commission as such could reach no agreement. But with the facts established, we put together a bipartisan legislative package last January in exactly twelve days.

The budget crisis presents a harder problem, but it can be approached in the same way. Martin Feldstein made a good beginning in a speech to the Southern Economic Association on November 21. He agreed with the Congressional Budget Office that by 1988 the deficit will absorb 5.1 percent of the nation's G.N.P. Of this, Feldstein noted, 2.4 percent will come from increased defense spending, 1.7 percent from the tax cut, and the remaining 1 percent from higher interest payments. The facts about the structural deficit flow readily from such quantification.

The members of the budget commission—representatives from the Administration, Congress, the Federal Reserve, and the Congressional Budget Office—would determine the actual effects of deficits on employment, real interest rates, capital formation, investment, and the prospects for vigorous economic growth. Then they would propose the steps to reduce the deficit, making certain that the burden of these reductions did not fall disproportionately on any economic or social group. Delaying tax indexing, reforming corporate tax law deductions and credits, cutting defense spending, and reducing farm price supports, among other proposals, would have to be considered. Medicare, secure in the short term, will be in deep trouble before the end of this decade. The deficit commission must face up to this problem. Democrats should agree to do so in return for assurances that the Social Security agreement will be respected and that the Social Security trust fund will not be raided (the plain purpose of those who say entitlements are the problem).

Moreover, a solution to the deficit crisis will require more than adjustments in spending and taxation. It will demand change in the way we make fiscal and monetary policy and the way those policies are coordinated. Monetary policy and the operations of the Federal Reserve must be an integral part of any fiscal resolution. Nothing can be achieved without a joint monetary-fiscal effort to promote an expanding economy and an approach to full employment—a one percentage point drop in unemployment alone reduces the budget deficit by $30 billion.

But let's stop here. I have my own thoughts. The reader will have his or hers. On the final day of the last session of Congress, I introduced legislation to establish the National Commission on Deficit Reduction. Now, can we get the President to join?

[From the New York Times, July 7, 1980]

OF "SONS" AND THEIR "GRANDSONS"

(By Daniel Patrick Moynihan)

Once upon a time, before the Coming of the New Deal, there was a group of Republican Senators who were not sound men on subjects such as the High Tariff. Their names were well enough known—Johnson of California, Norris of Nebraska, La Follette of Wisconsin, Shipstead of Minnesota—but you might say their families were not. They were definitely Western, arguably Populists, and assuredly Not Quite in the Best of Taste.

In a speech on the Senate floor in 1924, an Eastern Republican, drawing on Jeremiah 14:6, referred to them as "sons of the wild jackass." The phrase was much in vogue in the brief period remaining to that era, after which Republicans generally lapsed into an undifferentiated and glum opposition.

Soon the wild jackasses were no more. But of a sudden their grandsons have appeared. In the Senate surely, and in their party generally, and the reaction has been much the same, except that this time it has come from—Democrats!

Take this business of cutting taxes. The Secretary of the Treasury was not amused. The White House received unimpeachable intelligence from the Best Sources that it was a Bad Idea. Dissenting Democratic Senators were informed that the Chief Executive Officer of the largest corporation in Delaware had reported that industry was not at all impressed by the Republican proposal, whilst the head of the Federal Reserve branch in New York City reported that The Street was definitely not in favor.

Psychologists call this role reversal. As a Democrat, I call it terrifying. And to miss it is to miss what could be the onset of the transformation of American politics.

Not by chance, but by dint of sustained and often complex argument there is a movement to turn Republicans into Populists, a party of the People arrayed against a Democratic Party of the State.

This is the clue to the across-the-board Republican tax-cut proposal now being offered more or less daily in the Senate by Dole of Kansas, Armstrong of Colorado and their increasingly confident cohorts.

It happens that just now they are "right." The economy is in a steep recession, facing a huge tax increase (windfall profits and Social Security payments, combined with the "bracket creep") next year. Certainly a $30 billion cut in 1981 taxes is in order, and ought to be agreed on quickly, with luck using the opportunity to get better depreciation schedules for industrial investment.

But these same Republicans were calling for tax cuts in 1978 and 1979 when clearly they were "wrong—by, that is, established

standards of fiscal policy. The point is that these are no longer men of that Establishment.

The process of change has been unremarkable enough. After a half century of more or less unavailing opposition (Republicans have controlled the Congress only four years since 1930) it was possible to agree that new ideas were necessary.

Observe Bill Brock, chairman of the Republican National Committee, announcing the appearance, in 1978, of A Republican Journal of Thought and Opinion: Commonsense:

"We must not forget that the last great partisan coalition of American politics was built on ideas. These were no less forceful and appealing, if also debatable, for all their identification with a political party. The notion of an activist federal government, with an obligation to use its centralized power to meet new social problems with new social controls, was a new idea in the 1930s. But it took hold, built a durable coalition, became the foundation for decades of programmatic public policy, and tended to capture the terms of the political debate.

"As an idea, it had consequences. Only lately have these come to be generally understood as having mixed implications for the nation and for individuals in it. Accordingly, the Republican Party finds itself in opposition, at this writing, not only to a majority party that controls the machineries of government, but to the force of certain such idea. It is our continuing obligation, therefore—to articulate our own."

This journal has been faithful to its promise: The material is first-rate. (We Democrats have nothing approaching it.) Of a sudden, the G.O.P. gas become a party of ideas.

The Republicans' dominant idea, at least for the moment, seems to be that the social controls of modern government have become tyrannical or, at the very least, exorbitantly expensive. This oppression—so the strategic analysis goes—is made possible by taxation, such that cutting taxes becomes an objective in its own right, business cycles notwithstanding.

Similarly, "supply-side" economics speaks to the people as producers, as against the Government as consumer. Within the Republican Party this is put forth as populism and argued for as such. To be wild jackasses, to be Teddy Roosevelts, and to trust the people. Asked by a commentator whether an across-the-board tax could really lead to the needed increase in savings, a Republican Senator replied that he took for granted that the people would know what to do with their own money.

There is much G.K. Chesterton in this—indeed, Brock cites how in another passage to his introduction of Commonsense—who raged against the elitism of Tory and Socialist alike. Beer and Liberty, as it has been put, verus Soap and Socialism. And property for all versus the goods for all, if such goods came only from giant businesses.

And then there is also much of the Frontier in this New Republicanism. Some get plenty; and some get none. But it is surely also a challenge. For we Democrats have been in power so long we have not been able to avoid becoming in ways the Party of the Government, and it shows. The party, to be specific, of those classes and professions and enterprises, public and private, that depend on Government subvention and guarantee. With the public sector at a third of gross national product, (and the Federal share tending toward one quarter), this is no small constituency. But it is not yet a majority. And we would do well to take heed when Republicans start campaigning, as indeed they have, on platforms that they are the "party of the working man." Do us both good.

Mr. MOYNIHAN. I see my distinguished chairman of the Committee on Finance is on the floor, and I look forward to his agreement and collaboration.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise to urge my colleagues to vote against this amendment to raise the debt ceiling on this occasion. Without a doubt, the debt ceiling will eventually be raised as it needs to be and as it should be in order to avoid default.

The problem with addressing the debt ceiling issue at this point is that there is some urgency in our need to enact the continuing resolution. To keep Government from shutting down, this resolution must be enacted today and it must be clean.

This CR has already been negotiated with the House, the Senate, and the White House. The President has said that he will sign this bill tonight. This is critically important to maintain uninterrupted Government services for the American people.

To open the CR now for amendment is to create an obstacle that will most certainly keep this bill from passing and result in a Government shutdown. We must reach closure today.

We will address the debt ceiling. Secretary Rubin has asked us to do so before March 1. That's over a month away. Consequently, there is no urgency to extend the debt limit now—not if it means once again shutting down the Government.

The Finance Committee is currently in discussions with Treasury regarding various aspects of this issue. And we will move forward with the debt ceiling issue when the moment serves. But not now.

The amendment violates the Constitution. Revenue bills must arise in the House, and that includes legislation affecting the debt ceiling. If we adopt this amendment, the House will blue slip the legislation, and we will be further behind than if we pass this CR and address the debt at a more appropriate time.

It is customary for Congress to consider debt ceiling legislation together with provisions to reduce the deficit. The House is in the process of fashioning such a package. The Speaker has talked with the President.

Leon Panetta has indicated the administration is willing to work on such a package. This amendment derails that effort. It is clear, then, that this amendment, even if it were legal, would not be well received in the House. Rather than achieve gridlock once again with the Moynihan amendment, we need to send this continuing resolution to the President.

Mr. President, again, I urge my colleagues to vote against the amendment to raise the debt ceiling on this occasion.

Mr. MOYNIHAN. Mr. President, may I say to my friend, the distinguished chairman—and I understand his reasons full well, and they are wholly appropriate—what separates this moment from others in the past is that the full faith and credit of the United States is even now being questioned in international markets. That has never happened. It has not happened since 1792 when Hamilton worked out the assumption of the State debt.

I think the fact that the President and the Republican leaders in the House and here in the Senate have come to an understanding that there will be a balanced budget agreed to—and the distinguished chairman of the Budget Committee was there—that should be enough for us to say that will happen. And, incidentally, do not for a moment ever think that the United States would default on their debt. That is all we seek in the spirit of good will.

I point out that the budget agreement, already tentatively marked up, cuts domestic discretionary spending of the Federal Government by one-third in 7 years. David Stockman, in his moment of the utmost optimism, could never have conceived that such an amount of drastic reduction would not only be agreed to but hardly remarked upon. The era of big Government is, in fact, over. But the era of default, bankrupt Government, surely must not commence.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, the Senate can be assured that I want to expedite the vote on this issue as much as anyone else. So I will be very brief. There are some people in the country that are concerned about the full faith and credit that has been such an advantageous thing for our Treasury bills and the financing of our debt. Our Treasury bills have been almost the greatest currency in the world. They are the money market in many parts of

the world. Certainly, it does not behoove the Senate or the U.S. House, Democrat or Republican, to do anything to tarnish that.

But I believe today the issue before us is: Shall we open the Government, pay our workers, and get on with the ordinary daily activities of the Government and, at the same time, assure the marketplace and those who are concerned that there is no intention on the part of those on this side of the aisle that are in a position during the next 4 or 5 weeks to get that debt limit extended, and that there is no intention on our part that we let the Treasury bills of the United States go into default?

I stand before the Senate because some of those people that are influenced by our actions are, from time to time, interested in my opinion and my views. Frankly, I am saying tonight that I think we ought not cause the Government of the United States to be closed down even for 24 hours while we add an amendment that is not necessary tonight.

We are saying as strongly as we can—I have been with our leader; there is no intention to do anything other than to work with the President to extend the debt limit. I cannot say here to Senator MOYNIHAN that it will be absolutely a clean debt limit, but I can say there is an intention to extend it in a way that would be signed by the President.

I remind everyone it would be almost historic if in this kind of a situation you had a clean bill. There would be some things worked out between the White House and the Congress. It is always a vehicle that sends some things to the White House that get done that everyone wants done. I do not believe we ought to leave the notion out there in America that if this proposal of Senator MOYNIHAN is tabled, and I hope it is tabled, that there is any intention to do anything but have a debt limit extension in an orderly and timely manner.

Mr. WARNER. Mr. President, I thank the distinguished Senator from New Mexico and the distinguished Senator, the chairman of the Finance Committee, because I have risen in both our caucuses here recently and expressed my grave concern about this issue of the full faith and credit of the United States, how that could be combatted by the actions with relation to the debt limit.

I, like the distinguished Senator, the chairman of the committee here, feel very strongly, as does the Senator from Delaware and the Senator from New Mexico, that we cannot shut down the Government tonight.

I ask unanimous consent that two editorials on this subject be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Plain Dealer, Jan. 24, 1996]

HITTING THE DEBT CEILING

It is all well and good for House Republicans to fight hard for their budget priorities. But using the good faith and credit of the United States government as a weapon in that fight is short-sighted and dangerous. It is also likely to backfire.

Until very recently, at least a few top House Republicans seemed to understand this. Both House Speaker Newt Gingrich and Budget Committee Chairman John Kasich had signaled a willingness to pass legislation that would allow the government—which will soon reach its credit limit—to borrow more money to avoid default. But on Sunday, House Majority Leader Dick Armey took a different tack.

Speaking on NBC's "Meet the Press," Armey said Congress would not increase the debt ceiling unless conditions were attached. The conditions, he said, would have to advance the GOP agenda of "decreasing the size and the intrusiveness of government."

The next day, Gingrich adjusted his tune to harmonize more closely with Armey's. To get a debt-ceiling bill from Congress, Gingrich said, President Bill Clinton will have to propose "substantial reforms" in future spending.

However much dissent there may still be in Republican ranks, clearly some party leaders are again embracing the notion that the goal of forcing an ideologically palatable budget deal warrants dramatics of the highest order. That is troubling.

Though deficit-reduction and long-term entitlements reform are supremely worthy ends for Republicans to pursue, they do not justify any means. Forcing the U.S. government to default on its obligations is irresponsible. It is bad policy and bad politics.

The price of a default—which could include a dive in the stock market, a leap in interest rates, and a worldwide ripple of doubt about the reliability of U.S. securities—is simply too high. If the goal of the most ardent GOP budget cutters is to promote America's long-term economic well-being, they defeat their purpose if they ruin America's credit rating along the way.

It is not hard to understand why some House Republicans would be feeling acutely frustrated these days. Not only has budget-making become mired in an extended state of indecision, but numerous policy initiatives have become stuck. . . .

[From the Chicago Tribune, Jan. 24, 1996]

THE MADNESS OF COURTING DEFAULT

For months, Treasury Secretary Robert Rubin has used every loophole and opening he could find to extend the government's borrowing powers and keep Republican lawmakers from using the debt ceiling to muscle budget concessions out of President Clinton.

But now, Rubin says, he has run out of options that are legal and acceptable to Clinton. Unless Congress raises the debt ceiling, he warns, the nation will for the first time in its history default on its debts—probably by March 1.

Don't worry, some cynics say. Rubin has more tricks up his sleeve and will do anything to avoid default.

Start worrying, say others. The Treasury is at the end of its line, and House Speaker, Newt Gingrich won't raise the debt ceiling unless Clinton agrees to some GOP-proposed reforms on entitlements or welfare. The president insists he won't be blackmailed.

Wherever the truth lies, it's time to stop this reckless gamesmanship. It's one thing to reach an impasse over how to balance the budget and agree to take the issue to the voters, which both Democrats and Republicans seem content to do. But it's totally irresponsible to jeopardize the credit of the United States.

Congress' primary concern in the weeks ahead must be to protect the reputation of the nation as a rock of financial stability and as a debtor that always has honored its obligations. Despite their frustration at being stymied on budget reforms, Gingrich and the Republican hard-liners must pass an extension of the debt ceiling, without extraneous conditions.

So far, the financial markets haven't been roiled by the budget gridlock in Washington. And no one can be sure what default, or even the imminent threat of it, could mean to the economy and markets. But it couldn't mean anything good.

Felix Rohatyn, the respected investment banker who is being considered by the Clinton administration for vice chairman of the Federal Reserve Board, wrote recently that it "could create a catastrophe." Politically, the rest of the world would think America's institutions had collapsed and the country was no longer governable. Financially, because more than $500 billion of the nearly $5 trillion in U.S. debt is held overseas, a default could "trigger a global financial crisis of completely unpredictable proportions."

Mr. WARNER. As I understand, both Senators are giving the assurance to the Senate that we will, in an orderly manner, work this thing out in a manner that will not have an adverse impact upon the financial markets of our Nation. I believe the Senator is giving that assurance.

Mr. ROTH. I say to the distinguished Senator from Virginia, that is exactly what we are doing. We are acting in a responsible way today; we are taking action that will ensure that the Government can continue to function, which I know is of primary interest to our distinguished Senator from Virginia. That is the reason we do not want it to be amended further. That would only delay the process and bring about the shutdown that I think no one wants.

As a second step, we are working already, together with the House, with the administration. I was in contact yesterday with the Secretary of the Treasury. We are proceeding to do something about the debt ceiling because I, like Senator WARNER, want full faith from the President. So we are working to provide the type of legislation that meets everybody's requirements and can be enacted by the Congress.

Mr. WARNER. I thank the distinguished Senator from Delaware. Yesterday we had a discussion about this in our caucus, and he responded in a way similar to that of today.

Mr. MOYNIHAN. Before yielding to the distinguished Senator from Rhode Island, may I welcome the statements by the chairman of the Committee on Finance and the chairman of the Committee on the Budget. I take them wholly with integrity and give them the full faith and credit of the U.S. Senate.

I have to point out that we have not always had as good an experience on the House side. A Member on the House side, the counterpart to the distinguished chairman of the Budget Committee, once openly said, "Let's do this," and then disappeared. We cannot put the United States, the integrity of the United States of America, at risk this way with complete understanding of the Senator from Virginia's concern that the Federal Government stay open. I still hope we might have a vote on this. I do not want to prolong matters.

The Senator from Rhode Island has risen. I yield 3 minutes.

Mr. PELL. Mr. President, I wanted to rise in full support of the amendment by the distinguished Senator from New York. If ever there was a valid reason for stalling an increase in the debt limit, I believe it has evaporated. The basic agreement has been achieved on the objective of controlling the deficits that contribute to the debt.

While policy disagreements still persist on some issues, including Medicare, there appears to be sufficient agreement on other budget issues to provide $700 billion in long-term savings. Surely, there has been more than adequate demonstration of good faith.

The apprehensions of Moody's Investor Service with respect to the credit rating of the U.S. Federal securities should dispel any glib assurances that the Secretary of the Treasury can still perform acts of fiscal wizardry to stay under the present limit.

We can only wonder what the motive might be of those who would delay further. There is no good purpose economically or fiscally.

I want to commend the Senator from New York for raising this matter and bringing the amendment to the floor. The full faith and credit of the United States should not be clouded for another single day, and the Senator from New York is acting responsibly. I yield the floor.

Mrs. BOXER. Mr. President, I rise today to voice my support for the amendment offered by Senator MOYNIHAN to attach a clean debt limit extension to the continuing resolution. Congress must not play politics with the full faith and credit of the United States. We must extend the debt limit within the next 5 weeks or the consequences will be catastrophic.

If we fail to raise the debt limit by March 1, the United States will default on its financial obligations for the first time in the history of our Republic. As a result, bondholders will not receive the payments they are due. Social Security recipients and veterans may not receive their monthly benefits, and long-term interest rates will increase across the board.

Interest rate increases mean that the United States will waste billions of dollars on increased debt service costs, ironically, making it even more difficult to balance the budget. But perhaps most important, higher interest rates mean that the millions of Americans with any kind of loan—mortgages, car loans, even credit card balances—can expect higher monthly payments for years to come.

I would urge my colleagues to heed the words of former Treasury Secretary James A. Baker, who stated in 1985, "It would be an absolute disgrace if the United States defaulted for the first time in its over-200-year history. Any default will have swift and severe implications both domestically and internationally."

On November 9, 1995, six former Secretaries of the Treasury, who served in Democratic and Republican Presidential administrations, wrote, "We urge that prompt action be taken either to raise the debt limit permanently * * * or that a sufficient short-term increase be enacted to allow the debate over priorities to proceed in an orderly manner without impairing market confidence in our Nation's commitment to discharge its obligations".

Alan Greenspan, Chairman of the Federal Reserve, has written, "a failure to make timely payment of interest and principal on our obligations for the first time would put a cloud over our securities that would not dissipate for many years".

Furthermore, former Chairman of the Federal Reserve Paul Volker wrote that "The appropriate approach, short of early agreement on a comprehensive budget program * * * [is] raising the debt ceiling so that authorized expenditures—including payment of interest on Treasury debt—can be made in a timely fashion."

In addition to these current and former leaders of the Treasury Department and the Federal Reserve, leading credit agencies have warned of the dire consequences of default. Standard & Poors has warned, "Even a short-lived default on the U.S. Government's direct debt obligations would profoundly impact a broad range of securities and financial market participants."

Again, Mr. President, I thank the Senator from New York for offering this very important amendment.

Mr. DOLE. Mr. President, let me reinforce the statement made by the chairman of the Finance Committee, Senator ROTH. I have been meeting with Republican Senators throughout the afternoon. We are, I think the Senator from New York would appreciate, acting in good faith. We believe we can resolve this.

Having been chairman of the Finance Committee and having to deal with debt ceilings, I know there is always a problem. When there is a Republican in the White House, the problem is on that side of the aisle; when there is a Democrat in the White House, the problem is on this side of the aisle, the problem as far as the administration is concerned.

I remember going to conference with amendments on Nicaragua. I think there were 19 amendments—foreign policy, everything you could think of was on the debt ceiling. I assure the Democratic leader on the floor and the former chairman of the Finance Committee, as I did Secretary Rubin the night of the State of the Union Message, we believe we can get this done in a timely fashion so no checks will be late, nothing will be interrupted in any way.

Having said that, as one who did not favor the shutting down of the Government in the first place, I do not think we ought to risk doing it on a Friday afternoon. If this amendment should be accepted, it has to go back to the House. The House is in recess. I assume they could come back Sunday or whenever.

I really believe we have an agreement here that has been approved by the White House and by the leadership in both parties, in both the House and the Senate. I hope we will not make it more difficult by—I know that is not the intent of the Senator from New York, do not misunderstand me, but I think it would make it more difficult. I know that is not the Senator's intent. I respectfully move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. CAMPBELL], the Senator from Indiana [Mr. COATS], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from Arizona [Mr. KYL], and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado [Mr. CAMPBELL] would vote "yea."

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is necessarily absent.

The PRESIDING OFFICER (Mr. NICKLES). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 45, as follows:

[Rollcall Vote No. 2 Leg.]

YEAS—46

Abraham	Chafee	D'Amato
Ashcroft	Cochran	DeWine
Bond	Cohen	Dole
Brown	Coverdell	Domenici
Burns	Craig	Frist

Gorton	Kassebaum	Santorum
Grams	Kempthorne	Simpson
Grassley	Lott	Smith
Gregg	Lugar	Snowe
Harkin	Mack	Stevens
Hatch	McCain	Thomas
Hatfield	McConnell	Thompson
Helms	Murkowski	Thurmond
Hutchison	Nickles	Warner
Inhofe	Pressler	
Jeffords	Roth	

NAYS—45

Akaka	Feingold	Lieberman
Baucus	Feinstein	Mikulski
Biden	Ford	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Graham	Murray
Bradley	Heflin	Nunn
Breaux	Inouye	Pell
Bryan	Johnston	Pryor
Bumpers	Kennedy	Reid
Byrd	Kerrey	Robb
Conrad	Kerry	Rockefeller
Daschle	Kohl	Sarbanes
Dodd	Lautenberg	Simon
Dorgan	Leahy	Specter
Exon	Levin	Wellstone

NOT VOTING—8

Bennett	Faircloth	Kyl
Campbell	Gramm	Shelby
Coats	Hollings	

So the motion to lay on the table the amendment (No. 3120) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. MOYNIHAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I would like to thank all of those who have participated in the debate. I would like particularly to thank the chairmen of the Committee on Finance and the Committee on the Budget for the undertakings that they have made, and to say again that I hold them in full faith and credit of the United States. I think we can work this out, and clearly we intend to do so. It can be done.

Mr. LEAHY. Mr. President, I assume one of the votes that we will have today will be the continuing resolution. The fiscal year 1996 Foreign Operations conference report has been attached in its entirety to this continuing resolution. That means that foreign aid programs will be funded through the fiscal year at the levels agreed to by the House and Senate conferees.

The conference report represents a devastating assault on many foreign operations programs that are vital United States interests abroad. For that the House Republican leadership bears primary responsibility. But our alternative, a year long continuing resolution, would be far worse. It would cause irreparable harm to these programs and many of the Federal employees who implement them would have to be laid off. For that reason it is essential that this conference report be enacted into law.

The conference report funds a wide range of activities that are strongly supported by both Democrats and Republicans. Although I believe the funding provided for many programs falls far short of what is required to effectively combat global threats to the American people—whether it is environmental pollution, the spread of infectious disease, unchecked population growth, political and economic instability caused by enormous numbers of people living in abject poverty, the growing problem of international crime and terrorism, and the proliferation of nuclear and conventional weapons, it is better than no funds at all.

On a more positive note, it also contains a provision of special importance to me, which was passed by two-thirds of the Senate, Republicans and Democrats, to impose a moratorium on the use of antipersonnel landmines.

Since the NATO operation began in Bosnia just a little over a month ago, over 20 NATO soldiers have been injured or killed by landmines, including 1 American. That is in addition to the 225 UNPROFOR landmine casualties in Bosnia, and the thousands of civilian landmine victims, since the war began 4 years ago. Of the estimated 100 million unexploded landmines in the world, 6 million are in the former Yugoslavia. Landmines are killing and maiming an average of one person every 22 minutes, every day of the year.

My amendment aims to put the United States in the forefront of the effort against these inhumane weapons. It follows by just 1 week the announcement by the Canadian Government that it will unilaterally halt all production, use and export of antipersonnel landmines. In just the past year, Belgium, France, Austria, Switzerland and the Philippines have taken similar steps.

It follows by just 2 weeks the announcement in Geneva that 22 nations have called for an immediate total ban on these weapons.

Mr. President, this amendment represents a dramatic shift in the policy of the U.S. Government, from one which has lagged behind several of our NATO allies to one which aims to exert U.S. leadership to build international support for ridding the world of these inhumane weapons.

That is the goal President Clinton announced at the United Nations over a year ago. This amendment sets the stage for making that goal a reality. Once this provision is signed into law, the President, the Vice President, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, the Pentagon bureaucracy, the Secretary of State, and our U.N. Ambassador should all speak forcefully and with one voice. The message should be that antipersonnel landmines are unacceptable. They are indiscriminate, inhumane, impossible to control, and the United States is going to stop using them and do whatever we can to convince other governments to join with us in making their use a war crime.

Mr. President, the one amendment in disagreement in the Foreign Operations conference report which deals with international family planning has also been resolved, but I want to be sure Senators understand what the House has done. Essentially, the House has presented us with a fait accompli. The choice is either take their offer on the amendment in disagreement, with no opportunity to amend it, or the entire Foreign Operations budget, with none of the policy language, will be governed by a continuing resolution.

I know that the distinguished chairman of the Appropriations Committee, Senator HATFIELD, is as frustrated about this as I am. I certainly intend to do whatever I can to resist these heavy handed tactics in the future. But given the choice, we have no alternative. A year long CR at either the House level or 75 percent of fiscal year 1995 levels would be far worse for many important programs.

Our conference report categorically prohibits the use of any funds for abortion. Yet the House, at the behest of the right-to-life lobby, would cut $88 million from programs that have only one purpose—to give couples the means to avoid unwanted pregnancies and reduce the incidence of abortion. Why anyone would want to do that is beyond me, but that is what the House has done. Anyone who wants to see fewer abortions, and fewer women die from botched abortions, should deplore this action.

The provision in this CR would prohibit the obligation of any family planning funds—funds to purchase and distribute contraceptives, to provide technical assistance for improving the quality and safety of contraceptives, to educate couples about birth spacing—none of these funds could be spent before July 1 unless they are specifically authorized.

If there is no authorization bill by that date, and I have yet to meet anyone who thinks there will be, only 65 percent of the fiscal year 1995 level for family planning could be obligated, and then only in monthly installments. The net effect of this will be an $88 million cut in family planning assistance.

That is the pound of flesh the right-to-life lobby will have won, if it does not succeed in its goal of reinstating the Mexico City policy—a policy that has been ridiculed around the world, repeatedly rejected by the Senate, is opposed by a majority of Americans, and which the President has said he would veto.

I am very pleased that we successfully resisted attempts to reinstate the discredited Mexico City policy. I will continue to oppose any effort to do that. But I will vote for this continuing resolution only with great reluctance,

because of the harm it will do to family planning.

If I thought there was any way to amend this provision without jeopardizing the entire conference report, I would not hesitate because I know a majority of the Senate would support me. Indeed, a majority of the House would too—although perhaps not a majority of House Republicans—but the House Republican leadership would never have the courage to put it to a vote.

Mr. President, the United States has been a leader in the effort to stabilize the world's exploding rate of population growth. Tens of millions of people are born into abject poverty every year, but today we are cutting programs to give couples the means to avoid unwanted pregnancies. Anyone with an ounce of brains can see that the logical result will be more abortions, not less. That is what the right-to-life lobby, and their defenders in the House have accomplished.

Mr. President, I want to thank Senator MCCONNELL, for his efforts to get this conference report enacted. I also want to pay special tribute to Senator HATFIELD, who has been a strong supporter of funding for family planning assistance and who played a central role in the negotiations with the House over the past few days.

INTERNATIONAL FAMILY PLANNING

Mr. FEINGOLD. Mr. President, of the many controversial issues in the continuing resolution we are considering today, few have been as contentious as the debate about international population programs in the foreign operations appropriations bill. Astoundingly, the entire foreign aid bill has been held up for months by several antichoice Members, mainly in the House, who have, illogically, sought to impose restrictions concerning abortion on international family planning assistance.

These misguided provisions are not included in today's CR. Instead we are faced with provisions withholding population funds until July 1, unless there is an authorization, and then limiting funding for the program to 65 percent of today's levels. It is a victory for those of us who are prochoice on the question of abortion, but not very good news for those of us—presumably the vast majority of the Congress, and including most of the people who fought against the original Senate provisions—who support family planning. What a bizarre, if not ridiculous, situation we are in today.

As my colleagues will remember, in the name, supposedly, of stopping abortion, the House sought to prohibit U.S. contributions to the United Nations Population Assistance Fund, and reimpose the regressive Mexico City policy on population. Of course, such propositions would not do anything to reduce incidents of abortion, but would actually harm efforts to increase family planning assistance—the best remedy, obviously, for avoiding abortion. Fortunately, these anti-abortion restrictions have all been stripped from the foreign ops bill, and population assistance will not be hindered by irrelevant but damaging restrictions. In that, we have succeeded, finally, in separating population assistance from abortion, and have scored a victory for family planning. The Mexico City policy has been rebuffed by the 104th Congress, and our support for the work of the UNFPA has been reaffirmed.

But, Mr. President, the cause of curbing abortion will not be served well by the cuts in population assistance legislated in this bill. In fact, the only inroads the antifamily planning forces made today was in taking gratuitous and harassing shots at the budget for population. While other programs will be held to 75 percent of current funding levels, population programs will be funded at only 65 percent of today's budget. The money will not be distributed until July 1, and even then, it will be apportioned only on a month-to-month basis. Mr. President, this is nothing more than a formula for disarray, and will do nothing to achieve the goals of its sponsors.

Who really believes that the rapid, exponential growth of the world's population—regardless of our positions on abortion—does not impact American interests? Population pressures are a linchpin of so many global concerns, such as economic development, health, food security, migration, environment, and improving the status of women. Through the U.S. bilateral population program, as well as our contribution to the UNFPA, we have affected significant successes in all those fields.

It is beyond me—and saddens me—that these issues have been entangled in a debate about abortion. It reflects a fundamental misunderstanding that family planning and abortion are not the same. Supporters of family planning have been subjected to charges and insinuations that we support China's appalling coercive abortion policy; that we want to fund lobbies that promote pro-abortion policies worldwide; and that we actually want to promote abortion as a method of family planning. All these propositions are untrue, and are in fact red herrings. I'm pleased that they have been recognized as such, and dropped in the final provisions of this bill.

Unfortunately, however, the presumptions that underlie this thinking—that family planning is somehow not essential to curbing abortion—are prevailing in this bill. Population assistance should be treated just as any other foreign aid account, and by subjecting it to deeper cuts, and odd distribution guidelines, no one's goal is being reached.

THE EFFECTS OF THE CONTINUING FUNDING RESOLUTION ON THE ENVIRONMENTAL PROTECTION AGENCY

Mrs. BOXER. Mr. President, this morning Administrator Carol Browner of the Environmental Protection Agency testified before the Senate Appropriations Committee on the consequences of this continued funding resolution. She said that it: "represents a severe cutback that will not allow us to adequately protect public health and our environment. Our air, our water, our land, will not be as safe".

The cuts in this continued funding resolution compromise our Nation's public health and environment. This bill appropriates 5.7 billion dollars for EPA—that's a 14-percent cut—or nearly one billion dollars from the fiscal year 1995 level. It's a 22.5 percent cut—or 1.7 billion dollars—from the President's fiscal year 1996 request.

Mr. President, the cuts to the Environmental Protection Agency in this bill mean that an already stretched agency will not be able to carry out critically important work that ensures the health and safety of all Americans, and will result in a set-back of national efforts to ensure that every American citizen breaths clean air, drinks clean water, and is safe from the dangers of hazardous waste. These are the EPA funds that are spent working with States and municipalities in the development of our air quality, water quality, lead abatement, and food safety standards; the funds that allow EPA to keep track of the level of pollution in our air, our water, our food, our environment; that allow the EPA to work with states and with industries to help them discover the sources of pollution problems and helps they comply with Federal safety standards; that allow the EPA to give technical assistance to State pollution control agencies and county air and water quality boards; that allow the EPA to carry out environmental impact statements on industry actions that may hurt the environment; that allow EPA to work all over this country to educate industry and small business and help comply with the law so that enforcement actions are avoided. In the long run this will mean more water pollution, more smog in our cities and countryside, more toxic waste problems. For example funding cuts are seriously jeopardizing cleanup of 12 toxic superfund sites in and around the Los Angeles area including the Newark San Bernadino site and San Gabriel sites.

Republicans seem to take great pride in their efforts to dismantle key social programs that Americans hold dear, but they have chosen to take their war against the environment underground. The cuts to the EPA budget show us the covert war that is being waged by Republicans against our environment. It has to be covert because they have

seen the results of poll after poll showing that the vast majority of Americans feel that our environmental laws should be strengthened not stripped away. In my many years in public office not once has anyone told me, "Senator, our air is too clean," or "our water is too safe." The back door attack on our environmental laws seen here is cuts in EPA's budget that will cripple EPA's ability to set and enforce environmental standards.

This continued funding resolution cuts enforcement of all environmental programs by 14.6 percent, $77 million from fiscal year 1995. It hits at the heart of EPA administration and management in EPA's ability to set and enforce environmental and public health standards with a 7-percent cut, $115 million from fiscal year 1995.

This bill also cuts EPA's budget in other crucial areas: A 9-percent $110 million cut from fiscal year 1995 in funds that go straight to the States to help cities all over the country build sewage treatment plants that keep raw sewage from flowing into our coastal waters, rivers, lakes, and streams.

A 79-percent; $1 billion cut from the pre-rescissions fiscal year 1995 level in funds that go to States to protect our drinking water nationwide.

A 13-percent; $168 million cut from fiscal year 1995 in funds that go toward cleaning up hazardous waste sites.

Mr. President, it is for all these reasons that I am very distressed at having to have to vote for this continuing resolution.

Mr. LEVIN. Mr. President, I cannot support the continuing resolution which is before the Senate today. This resolution cuts education funds to the House passed level, except for those programs that were not funded by the House in which case they are cut by 25 percent. If we were to extend this continuing resolution for the remainder of the fiscal year, the impact would be an unprecedented $3.1 billion cut in education funds from the fiscal year 1995 funding level. And, it contains deep cuts in a range of important domestic priorities, like a 25 percent reduction in the funds to put 100,000 cops on the streets of America. This in a year in which $7 billion more has been appropriated in defense spending than the Pentagon asked for.

We are presented on the last day before funding once again runs out for these agencies of the Government and for their programs with a continuing resolution that makes deep cuts in vital and proven education programs.

The failure to support a simple continuing resolution that adequately funds education programs at fiscal year 1995 levels is creating serious problems for schools, teachers, and students. Our children—America's future—are the innocent victims of this retreat from education. Here are just a few examples, Mr. President, of the devastating impact if the funding level in this continuing resolution is continued through the remainder of the fiscal year.

The $1 billion cut in title I funding will deny 1.1 million educationally disadvantaged children the crucial help they need in reading, writing, math, and critical thinking.

The Safe and Drug Free Schools Program in almost every school district in the country—more than 14,000—is cut by 25 percent, $115 million less than the fiscal year 1995 level of $466 million. These programs help schools reduce drug abuse and prevent violence.

The innovative School-to-Work Program, which helps youths make the transition from school to future careers and education by forming a three-way partnership between Government, educators, and private industry is cut by $55 million.

The $93 million cut in Goals 2000 comes at a time nearly 17,000 schools and communities have already completed planning and are beginning to implement comprehensive reforms based on their own academic standards and will deny funding to programs serving over 5.1 million children.

The Eisenhower Professional Development Teacher Training Program, which supports State and local efforts to better prepare educators to reach high standards in core academic subjects, such as mathematics and the sciences, is cut by 25 percent or $63 million.

Mr. President, the impact of this continuing resolution will be immediate and long-lasting because of the way in which school budgets are set. Now is the time for teacher contracts to be signed. Schools must by law send layoff notices to teachers as early as March and April, advising them they will not be rehired in the fall, but communities cannot make these decisions because the funding is uncertain. Plans for professional development, technology purchases, training, and school safety programs could be delayed or eliminated. Now is the time for cities to submit their school budgets, but they cannot adequately do this because they do not have any numbers to work with. Now is the time for colleges to project what aid they will have to offer newly enrolled students, but they cannot make funding projections because they have not been told how much they are going to have to offer students. If students cannot be assured they will have financial aid, many will have to forgo plans to go to college.

The strategy of causing Government shutdowns and threatening to raise the debt ceiling, thereby threatening the credit rating of the United States, has been inappropriate and discredited. We are told by the majority that there is no longer a quorum available in the House of Representatives, so we cannot amend this continuing resolution. The implication is that we have to accept these cuts and make no adjustments, otherwise the Government would be shutdown tomorrow—the third time this year. Again, we are painted into a corner. Well the House can return to work at the call of the Speaker. If we do the right thing by education, they can quickly do so too.

I think we should reject this bill which does not reflect priorities, particularly in education and the environment. The Congress should stay here, all night, all weekend, if necessary, and work out and adopt a clean continuing resolution with adequate domestic funding and a clean bill to raise the debt ceiling so that the credit rating of the United States is not in doubt for weeks to come.

Ms. MOSELEY-BRAUN. Mr. President, I want to say at the outset that our Federal employees, our financial markets, and our economy in general, should never have been subjected to the risks created by shutdowns, threats of shutdowns, and the failure to act responsibly with respect to the debt ceiling. Hostage-taking and legislative blackmail is not the way to arrive at the kind of solution we need to solve our budget problems.

I am a firm believer in tightening our Government's fiscal policies and will continue to work toward that end. I am convinced that restoring budget discipline will help ensure that our children—and future generations—will be able to achieve the American Dream. We have an obligation to our children to protect their future opportunities, and not to leave them a legacy of debt.

But passing one short-term funding bill after another—one every few weeks or so, is not the way to do it. This is unfair to our students who want to pursue educational opportunities. It is unfair to our science community whose research is interrupted. It is unfair to Government employees who want to work. And it is unfair to all others who depend upon the appropriations contained in these bills.

Of the 13 appropriations bills Congress is supposed to pass every year, 6 are still undone even though the fiscal year is almost one-third over. Nine Federal Cabinet departments have been without fully approved spending plans.

Now, 4 months into the fiscal year, we are considering a fourth extension. Mr. President, it's time to act on these appropriations bills—not just by temporary extension, but by getting them passed. We should not hold these six appropriations bills hostage in the name of balancing the budget.

It is ironic, isn't it, that the activities financed by these uncompleted appropriation bills, or what is also known as domestic discretionary spending, is not the part of Federal spending that has caused the budget crisis the Federal Government is facing. Discretionary spending is not the sole problem. Domestic discretionary spending

has not grown as a percentage of the GDP since 1969, the last time we had a balanced budget. Domestic discretionary spending comprises only one-sixth of the $1.5 trillion Federal budget, and it is steadily declining.

Every dollar of Federal spending must be examined to see what can be done better, and what we no longer need to do. However, the budget cannot be balanced by looking in this one area, no matter how large the cuts.

We are debating issues that have little or nothing to do with balancing the budget.

The budget proposed by the majority party calls for $349 billion in savings from discretionary spending, but that comes from a portion of the budget that constitutes only 18 percent of the overall Federal budget—the part of spending that is not growing and the part of the budget that funds education and police and basic services we all count on. This part of the budget is not the major source of our deficit problem. We need to focus our savings on those areas of the budget that don't conflict with our priorities and values.

How we bring back fiscal discipline makes a real difference. If we care about our children, if we care about our future, if we care about our Nation and ensuring an opportunity for every American to achieve the American Dream, we cannot abandon our commitment to education, access to health care, and to creating economic opportunity.

That is why I cosponsored and voted for Senator KENNEDY's education amendment because I believe that we should meet our obligation to our children and to the future. If the current CR were extended for a full year, education funding would be cut $3.1 billion below last year's level. Illinois would lose $72.4 million, including a $54 million cut in title I funding.

Continuing to fund education programs at 75 percent of their 1995 levels will, at some point, simply become a 25-percent cut in education funding. Schools that are trying to plan for the coming year will soon have no choice but to assume a 25-percent cut and plan accordingly.

There are scientists at my alma mater, the University of Chicago, and at universities all throughout the Nation, who are awaiting approval of their grants because the National Science Foundation and NASA do not know how much money is available and cannot make decisions about grant awards.

Health and safety inspections at public housing may be forced to cease. In Chicago last week a tragic fire took four lives; HUD couldn't check fire alarms due to budgetary uncertainty.

The Fish and Wildlife Service will experience delays in issuing wetlands permits—Illinois already has a backlog of permit requests from the last shutdown that is 8 feet tall.

Furthermore, there are five Superfund sites in Illinois, including Waukegan, Rockford, and East Cape Girardeau, that will experience delays in cleanups.

Mr. President, these are just a few examples of how my State will be affected. We need to move to a balanced budget. And we need to do it in a way that does not sacrifice the long-term goals of the American people to achieve illusory short-term cuts. We need a budget that restores fiscal discipline to the Federal Government. We need a budget based on the realities facing Americans. Most importantly, we need a budget for our future.

I believe that we can achieve that kind of budget, if we put aside partisan bickering and political point scoring, and if we get down to the work the American people elected us to do.

I will reluctantly support this bill not because it's the answer but because we must avoid a shutdown. I hope we will use the next 45 days that this CR gives us to reach the kind of overall permanent budget agreement that the American people want and deserve.

INTERNATIONAL FAMILY PLANNING

Mr. KENNEDY. The continuing resolution being considered will severely undermine the Nation's support for the International Family Planning Program. According to the terms of the CR, the International Family Planning Program will receive funding at only 65 percent of its fiscal year 1995 level. Also, program administrators will be forced to spend money in predetermined monthly allotments. Let's not pretend that any program can work efficiently and effectively in this manner.

We all know the purpose of this provision—the elimination of the International Family Planning Program. Opponents of abortion apparently believe that less family planning will lead to fewer abortions. Nothing could be farther from the truth.

We know that abortions are reduced when family planning services are available. This CR will lead to serious reductions in family planning. The effect will be an increase in abortions in other nations. Our colleagues opposed to abortion should not be encouraging this result.

International family planning is also good international health care policy. By providing a wide range of services and information, family planning makes a difference to millions of women around the world. It is estimated that approximately 300 million women will require family planning services in the next decade. It is estimated that such services can prevent 125,000 women from dying of complications related to pregnancy and childbirth. We know that these programs have reduced infant mortality. Inevitably, disease, unintended pregnancies, abortions, and maternal deaths will increase if this restrictive language continues to apply.

International family planning programs are important to the overall health of large numbers of women and children in many other countries. The family planning provision in this CR is bad policy, and it should be reversed at the next opportunity.

Mrs. FEINSTEIN. Mr. President, today I will gladly vote for the Kennedy amendment to restore funding for education to last year's level. Education is an area that we should not shortchange.

The bill before us today will continue funding for programs that do not yet have year-long funding until March 15. Education programs are cut $3.1 billion on an annual basis, the largest Federal education cut in history. This is a cut our schools cannot sustain.

Under this bill, California's elementary and secondary schools could lose at least $169.8 million. For title I, programs for disadvantaged students, service to 1 in 5 students could be eliminated. Schools will have to lay off title I teachers and teaching assistants that provide those extra services that help these students learn. Programs like Safe and Drug-free Schools, Goals 2000, and student loans could lose 25 percent. The University of California will lose $111 million, much of which is student aid.

I am also concerned about the stop-and-go pattern of Federal funding that we have undergone this year. This is the ninth short-term bill we've considered. We are almost 4 months into the school year and 3 months into the fiscal year. Once again, we are called on to vote on a short-term funding measure. This bill only funds programs for 49 days, until March 15.

These short-term bills are particularly unfair to our schools. Like businesses, they have to plan. In my State, at the end of January, courtesy notices go out to teachers who are likely to be laid off. School districts are beginning to plan their budgets for the next school year. For title I programs, schools are preparing contracts for teachers and other personnel. Our school districts cannot effectively plan with this on-again, off-again funding stream.

Our students, teachers, and administrators should not be held hostage any longer. I urge my colleagues to join me in voting to restore these education funds and put education funding on a more stable footing.

Mr. BIDEN. Mr. President, I think it is outrageous that, of all things to choose, this latest temporary spending bill cuts spending for the 100,000 Cops on the Beat Program under the 1994 crime law. I want to make clear that the only reason I'm voting for this continuing resolution is because it is a compromise and would allow States and localities to continue hiring cops

for the next 49 days. The alternative is no cops.

But this is a terrible way to implement public policy. This continuing resolution would, if extended over a full year, cut the Cops on the Beat Program by over one-half—over $1 billion promised to the American people for cops on the street. That means that communities across the Nation would lose over 13,000 police officers. That is totally unacceptable.

This continuing resolution funds the Cops Program at 75 percent of the 1995 level for outlays, which was $1.187 billion. Seventy-five percent of that would be $890 million for the year.

In contrast, full funding for the 100,000 Cops Program for 1996 is $1.9 billion. That is what we agreed on in the 1994 crime law. That is what was requested by the President. So this resolution would actually cut over $1 billion from the Cops on the Beat Program—over one-half—if it continued for the full year.

Let no one be fooled. This continuing resolution is a back door attempt by Republicans to reverse the gains of the 100,000 Cops Program and the American people will not stand for this the next time around. We all know the Republicans want to change the crime law now at work. They said so in their Contract With America. We all know the Republicans want to eliminate the 100,000 Cops on the Beat Program.

They would rather see the money squandered away in a block grant that funds virtually anything under the sun than to send the money directly to COPS for the one anticrime measure we know works—community policing. Cops on the Beat.

The Cops on the Beat Program is overwhelmingly supported by the American public as well as every major law enforcement group in the country. I don't know a single responsible police leader, academic expert, or public official who does not agree that putting more police officers on our streets and in our neighborhoods is the best way to fight crime.

Community policing enables police to fight crime on two fronts at once—they are better positioned to respond and apprehend suspects when crime occurs, but even more importantly, they are also better positioned to keep crime from occurring in the first place.

The reports from the field all across the Nation are the same—community policing works. When it comes to anticrime efforts, the one thing we know is that more community police officers means less crime. And we should keep our word to the American people.

The 1994 crime law targets $8.8 billion for States and localities to train and hire 100,000 new community police officers over 6 years.

And as we pass the 1-year mark, it is already clear that the Cops Program is working even beyond expectations. Already, more than 33,000 out of 100,000 cops are funded in every State in the Nation. And because of the way we've set it up—with a match requirement and spreading out the cost over a period of years—the money will continue to work, keeping these cops on the beat and preventing crime in our communities far into the future. In a word, the law is working.

But that progress will come to a screeching halt if my Republican colleagues get their way—either through drastic spending cuts as under this continuing resolution or through block grants with loopholes you could drive a truck through.

What is one to conclude from the efforts of the Republicans to gut the 100,000 Cops on the Beat Program? Is it that tax cuts to a few are more important than protecting the safety of average Americans?

Apparently my Republican colleagues in Washington just don't seem to get the message. So let me make this crystal clear. If they think that they will use their new targeted appropriations strategy to kill the Cops on the Beat Program—to cut $1 billion and thousands of cops—they are sorely mistaken. I will do everything in my power to prevent the Republicans from further undermining the 100,000 Cops Program.

So, although this continuing resolution funds cops at 75 percent of last year's outlays for the next 49 days, this indirect ambush on the 100,000 Cops on the Beat Program—a program demanded by the American people—will not be tolerated for the full year.

TAXPAYER FUNDING OF HUMAN EMBRYO RESEARCH

Mr. SMITH. Mr. President, I want to congratulate my colleagues in the House for adding the language in section 128 of this bill, which prohibits the use of taxpayer funds to create human embryos, to perform destructive experiments on them, and ultimately, to destroy and discard them.

We funded the National Institutes of Health in the earlier targeted appropriations legislation, but that bill did not contain this important restriction on the use of Federal funds. I have been working on this issue for the past several months, trying to call attention to the issue, and I am very pleased that we are very close to getting this important provision enacted into law.

Many of my colleagues might not totally understand what exactly we mean when we talk about human embryo research. So, before we vote on this critical legislation, I would like to give a brief explanation of the issue.

Mr. President, this is an issue that calls upon us to reaffirm the ethical limitations that govern taxpayer-funded scientific research. It is an issue that calls upon us to uphold the dignity of humanity itself.

We know that science has benefited all of humanity in countless ways, but every one of us knows that the history of scientific inquiry also has its dark chapters. We have learned painful lessons from the atrocities that have been committed in the name of scientific progress. We have learned that the human subjects of scientific experiments must give their fully informed and voluntary consent. We have learned that ethical experimentation requires a proper respect for the dignity of the human subject. We have learned that an experiment that is likely to result in the death of, or disabling injury to, the human subject cannot be ethical and must never be permitted to occur.

These principles are enshrined in the Nuremberg Code. They can also be found in the World Medical Association's Declaration of Helsinki as well as other major international conventions governing scientific ethics. They make it clear that no human being can be ethically regarded as an instrument—a mere means to serve the ends of another person or group of persons.

These are absolute principles. Their framers clearly intended to establish limits beyond which an ethical science would not be permitted to go. Suppose for a moment that it could be proven that a large number of people could benefit and live happier lives if we all agreed to use a few of our fellow human beings as research subjects in experiments that we knew would harm or kill them. Of course, the benefits of scientific research are never certain, but let's put that aside. It wouldn't matter. Certain ethical principles are inviolate. That means that we do not subject them to cost-benefit analyses.

I must commend President Clinton for his Executive order banning taxpayer-financed creation and destruction of research embryos. In making this decision, the President acted on the belief that ethics imposes certain limits on science. I only wish he had followed that logic to a more honest and consistent conclusion.

Unfortunately, however, President Clinton continued to allow so-called spare embryos from in vitro fertilization programs for experimentation and destruction. In other words, it's still permissible to use developing human beings as raw material for bizarre experiments that will result in death.

First of all, the distinction between specially created embryos and so-called spare embryos is unenforceable and meaningless in practice. When the Australian Parliament considered this issue, Dr. Robert Jansen—an advocate of embryo research—put it very plainly:

> It is a fallacy to distinguish between surplus embryos and specially created embryos . . . any intelligent administrator of an in

vitro fertilization program can, by minor changes in his ordinary clinical way of going about things, change the number of embryos that are fertilized. . . . It would be but a trifle administratively to make these embryos surplus rather than special.

The Warnock Committee, which investigated this issue in Great Britain, reached an identical conclusion. Furthermore, how can we say that it is wrong for Government to use taxpayer money to fund the creation of life for experimental purposes but say that it is nevertheless permissible to fund its destruction?

More importantly, just because a private party plans to destroy life, why should Government force taxpayers to give their blessing to that act? Let private parties use private money for their ethically challenged experiments. Taxpayer dollars should be used to protect and uphold human life, not to destroy it.

Columnist Ellen Goodman has stated that scientific inquiry must recognize the existence of ethical stop signs. President Clinton also acknowledged that there are ethical limits on scientific inquiry when he drew the line and prohibited the creation of human life for research purposes. Former NIH Director Bernadine Healy probably put it best:

It's a rather profound decision to say that a government agency will use taxpayer dollars to designate a class of subhuman humans that will be there solely to be experimented upon and then discard them at the whim of science.

Mr. President, the supposed benefits of a kind of scientific research do not make that research ethical. Today, when we pass this legislation we will be saying to the American people that ethics determine the limits of science and not vice versa. We will be saying that in the interest of science, we should not violate the fundamental principle of the sanctity and dignity of all human life. I urge the President to support this important provision.

BALANCED BUDGET

Mr. GREGG. Mr. President, the provisions of the Balanced Budget Downpayment Act that relate to the Commerce, Justice, State, the judiciary, and related agencies [CJS] appropriations bill provide for funding at the levels outlined in the fiscal year 1996 conference report under fiscal year 1995 terms and conditions, with certain exceptions which are spelled out in the legislation.

Along with the distinguished ranking member of the subcommittee, Senator HOLLINGS, I want to notify all departments and agencies funded under the CJS bill that the fiscal year 1996 conference report and statement of managers and the House and Senate reports relating to the fiscal year 1996 CJS bill should be used to the maximum extent possible in allocating resources under this legislation. With very few exceptions, the guidance provided in these documents will likely become the final guidance for expenditure of fiscal year 1996 funds.

DEPARTMENT OF JUSTICE

Office of Justice Programs—Funding is included for discretionary and formula grants under the Edward Byrne Memorial State and Local Law Enforcement Program. It is the committee's intent that discretionary grants should be made in accordance with the joint statement of managers, and, that among those grants, the Justice Department should make funding the requirements of State and local law enforcement related to the 1996 Olympic Games a priority.

Truth-in-sentencing grants—The pending bill contains language that withholds all funding for a new Truth-in-Sentencing Prison Grant Program until an agreement on revised legislative language can be reached. The sole exception to this provision is funding included under this program in the conference report to help reimburse States for the costs of incarcerating criminal aliens.

The pending bill includes a provision that applies the terms and conditions of the 1996 conference report and statement of managers to amounts provided in the previous targeted appropriations legislation for various Department of Justice programs for the remainder of the fiscal year. Within these terms and conditions, Senator HOLLINGS and I want to clarify the following points:

Under the Interagency Crime Drug Enforcement Program, it is the committee's intent that the Attorney General, in consultation with the Office of Investigative Agencies Policies, will allocate resources among agencies participating in interagency crime and drug task forces based on current task force requirements. It is our intent that this review include a results-oriented analysis of task force operations.

It is the committee's intent that funding provided for the Federal Prison System includes both the construction of new prisons under the terms specified in the statement of managers and continued support for the National Institute of Corrections.

DEPARTMENT OF COMMERCE

Advanced Technology Program—The pending bill provides funding for the Advanced Technology Program [ATP] at a rate of operations of up to 75 percent of the final fiscal year 1995 appropriated level. The bill contains language which would prohibit funding for new ATP awards or grant competitions during the period covered by this legislation. During this period, ATP funding will be restricted to program administration and continuation grants for ATP projects awarded in fiscal year 1995 or earlier.

The pending bill includes language similar to a provision contained in the conference report on the fiscal year 1996 Commerce, Justice, State Appropriations Act requiring that costs associated with personnel actions resulting from funding reductions included in subsection 201(a) bill be absorbed within the total budgetary resources available to each department or agency. This provision allows each department or agency to transfer funds between appropriations accounts as necessary to cover the personnel costs associated with program closeouts or downsizing requirements. This transfer authority is provided in addition to the authorities available under fiscal year 1995 terms and conditions and is subject to the committee's standard reprogramming procedures.

DEPARTMENT OF STATE AND RELATED AGENCIES

With respect to title IV of the CJS bill, covering the Department of State, the United States Information Agency [USIA], and the Arms Control and Disarmament Agency [ACDA], funding at the conference level generally provides an operating level above what has been in effect under the previous continuing resolutions.

For contributions to international organizations and contributions for international peacekeeping activities, the amount of funds available to be obligated is intended to be no higher than the proportionate amount of the full-year funding level provided in the conference report that corresponds to the number of days covered by this legislation.

Under USIA, continued funding for the inspector general [IG] has been provided for the term of this legislation. The funding is to be derived from the conference level of funding for the State Department's inspector general, because that level of funding was based upon the merger of the USIA IG office into the State IG office. Both offices are to continue to prepare for the merger, which is fully anticipated to occur during this fiscal year.

With respect to educational and cultural exchange programs, the statement of managers language in the conference report concerning the tenth paralympiad should be carried out on an expedited basis. Sufficient funds should have been appropriated under previous continuing resolutions and the pending bill to permit this issue to be addressed during the period in which the current legislation is in effect.

RELATED AGENCIES

FEDERAL TRADE COMMISSION

The committee expects that amounts provided in the bill for both the Federal Trade Commission and the Justice Department's Antitrust Division will allow these agencies to function at the full operating levels assumed in the conference report on H.R. 2076, based on estimated offsetting collections of $48,262,000 for each agency.

LEGAL SERVICES CORPORATION

Funding in this bill for the Legal Services Corporation [LSC] includes interim funding for basic field programs

until a new competitive grant program is implemented. The committee expects LSC to begin a competitive grant program on April 1, 1996, and to be prepared to implement restrictions outlined in the conference report on H.R. 2076.

SMALL BUSINESS ADMINISTRATION

Small Business Development Centers—the bill provides funding for the Small Business Administration [SBA] Small Business Development Center [SBDC] Program at the fiscal year 1996 conference level. This will allow SBA to continue to make funding commitments with State resource partners in the SBDC Program based on the fiscal year 1996 funding level provided in the conference report.

Disaster assistance—the committee is aware that funding levels provided for the SBA Disaster Loan Program subsidies and administrative expenses may be insufficient to continue the program for the full fiscal year, especially considering the rate of disasters thus far this fiscal year. The committee notes that there are two primary reasons for the shortfall. First, the request for subsidy amounts for the loan program was based on proposed legislative changes modifying the interest rate on SBA disaster loans. While the full request for loan subsidies was appropriated, the proposed legislative changes, which are not under the jurisdiction of the Appropriations Committee, have not been enacted yet. Additionally, the administration has not amended its budget request to provide additional resources needed to maintain program operations, nor has it identified the offsets necessary to provide those resources.

The second reason for the shortfall is the failure of the Small Business Administration to adequately budget for the appropriate level of administrative costs for even a normal disaster year within the appropriate account for this program. The committee expects SBA to reprogram an amount to cover the base requirements for disaster loan making within the funds provided under this act. Furthermore, the committee expects that future budget requests for administrative expenses under the Disaster Loan Program account will fully cover the costs of providing the services required to manage the loan program level assumed in the budget request.

The committee recognizes the severity of disasters such as the devastating flooding in Pennsylvania and other Mid-Atlantic States following recent storms, and is confident that the SBA will be able to respond appropriately and responsibly to these dire situations within the resources currently available under the Disaster Loan Program during the period covered by the Balanced Budget Downpayment Act. The committee recognizes that additional funds for the SBA Disaster Loan Program may be required prior to April, and believes that if additional resources are needed, they can be provided through the reprogramming process to assure continuation of the program through March 15. The committee will work with the administration to determine the appropriate level of funding for this program as well as potential sources of funding offsets.

Ms. MIKULSKI. Mr. President, today I will vote for the continuing resolution that will prevent another Government shutdown. I do so because I do not believe our country can withstand another Government shutdown.

I am budget weary. My home State of Maryland is budget weary. I have 260,000 Federal employees in my State. They are budget weary. And the Nation is budget weary.

Running our Government by shutdown and 30-day funding measures is wasteful and irresponsible. It's harmful to our country—harmful to our international standing, harmful to our credit rating, and harmful to the future of our country.

Mr. President, the State of Maryland is home to some of the flagship agencies of the Federal Government. It is home to the National Institutes of Health, where dedicated researchers are fighting to discover a cure for Alzheimer's disease, to Parkinson's disease, to cancer, and other devastating ailments. We are the home to the Food and Drug Administration, to the National Institute of Science and Technology, and to Goddard which is piloting the Mission to Planet Earth.

During the last shutdown, I spent time throughout my State talking to Federal Employees about how the shutdown was affecting them. I talked to the dedicated doctors, nurses, and lab technicians at our excellent Veterans' Administration Hospital in Baltimore. They were on the job, tending to our veterans health care needs, but they weren't getting paid.

I met with agents of the Federal Bureau of Investigation. They were working to protect our safety, to fight the war on drugs and crime—but they weren't getting paid.

I spoke with the good people at NASA's Goddard Space Flight Center—where they are scanning the universe for the secrets to life here on Earth. But their work was imperiled because essential contractors were not getting paid.

After having met with these essential and valuable Federal employees, I am more determined than ever that we can never have another Government shutdown.

So, Mr. President, I will vote for this continuing resolution today. But I must say that I have profound problems with many of the terms and conditions of this bill. The need to avoid a third shutdown cannot ignore the very real harm that will result from the terms of this CR.

First of all, I am very disappointed that we are not providing the same furlough protection for Federal employees that we did in previous continuing resolutions. This CR will allow agencies to furlough employees for 1 workday per pay period. This could amount to a 10 percent pay cut for Federal employees in Maryland and across the Nation.

I don't see how we can expect to maintain an effective and dedicated work force when Federal employees are under constant attack. These assaults must stop.

I am also deeply distressed by the inadequate funding for education that this measure contains. For this reason, I supported Senator KENNEDY'S amendment to protect education programs. I know all too well that schools in my State of Maryland could use any additional Federal funding because times are hard right now for the public school in my State.

Without the Kennedy amendment, Maryland's college students will not know if they can afford to go back to college next semester, services for Maryland's disadvantaged youngsters in elementary school would end, and teachers would be laid off.

As an appropriator, I know first-hand how difficult it is to allocate and balance limited Federal dollars. But if the current funding levels are extended over the next year, it would cut education by $3.1 billion—the largest education cut in history. That's why I supported the Kennedy amendment. I'm disappointed it could not be approved today.

Furthermore, the cuts to agency budgets will have very negative consequences. Cuts in the Environmental Protection Agency [EPA] truly threaten public health and safety.

This continuing resolution will cut the EPA by $1 billion. That's a 25-percent reduction in enforcing environmental and public health standards for air pollution, pesticides, and clean water. It's a 45-percent cut in funds needed to protect community drinking water. It's a 30-percent cut in funds going directly to States to build wastewater and sewage treatment plants, and a 25-percent cut in Superfund hazardous waste cleanup.

The American people want clean drinking water. The American people want hazardous and contaminated waste sites cleaned. But these deep cuts would make it impossible for EPA to protect the environment and public health and safety and it would cause staff cuts at EPA.

I am also opposed to the way HUD is treated in this process. This Nation cannot run its housing programs by continuing resolution. HUD cannot effectively enter into contracts to provide basic housing services. Community development and emergency housing services have been unable to spend any funds to meet the very real needs

of the people. The uncertainty of program funds and guidelines make it difficult for HUD to proceed in an intelligent fashion.

In addition to concerns over the education, the environment, and the housing provisions, I strongly oppose the provisions in this bill that deal with international family planning. By delaying and reducing our contribution to international family planning, we are denying healh care to the world's poorest women.

Those who support this provision claim to want to reduce the number of abortions. But the effect of this provision will be just the opposite. Family planning prevents unwanted pregnancies and abortions. You would think this basic fact would not need to be restated on the floor of the U.S. Senate.

U.S. international family planning funds are not spent on abortion. So now they are going after basic health care services that prevent pregnancy.

Over 100 million women throughout the world cannot obtain or are not using family planning because they are poor, uneducated, or lack access to care. Twenty million of these women will seek unsafe abortions. Some women will die, some will be disabled. We could prevent some of this needless suffering.

This issue won't go away. The majority of the Senate opposes this irrational and cruel provision—and we will continue the fight to enable the world's poorest women to control and improve their lives.

There are other examples of how running a government by CR makes no sense and hurts the employees of those agencies. But the bottom line remains that we cannot afford another shutdown. Despite the onerous provisions contained in this continuing resolution, shutting down the Government would be worse. This is why I will vote for this bill, but I do so with great anguish.

Mr. McCAIN. Mr. President, I rise to voice my strong support for section 126 of H.R. 2880. That provision was sought by many American Indian and Alaska Native communities throughout the Nation who rely on the Indian Health Service and the Bureau of Indian Affairs to provide essential governmental services and to build, operate, and maintain critically-needed facilities for them. I comment the House and Senate leadership, as well as the leadership of the Appropriations Committees, for including this provision.

Earlier this week, Senator STEVENS and I asked that the House include funding, through September 30, 1996, for all Native American-related projects and activities within the Interior and related agencies appropriations bill at the level of funding provided for in the Interior conference report approved by the House and Senate last December. Most of what we sought finally was adopted as section 126 by the House late yesterday and is before the Senate for consideration today.

Section 126 of H.R. 2880 provides funding through March 15, 1996, at the December 1995 conference markup for all projects and activities funded through two Federal agencies under the Interior and related agencies appropriations bill—the Indian Health Service and the Bureau of Indian Affairs. It is my understanding that this includes all health services and related health facilities projects and activities administered by the Indian Health Service, as well as all those projects and activities administered by the Bureau of Indian Affairs under the account headings operation of Indian programs, construction, Indian land and water claim settlements and miscellaneous payments to Indians, technical assistance of Indian enterprises, and the Indian guaranteed loan program account.

Mr. President, on January 5, 1996, Senator STEVENS and I and many other Senators and Representatives were able to secure funding through September 30, 1996, for all projects and activities administered by Native American tribes and organizations under self-determination contracts and self-governance compacts authorized by Public Law 93-638, as amended. Under Public Law 104-91, the full-year funding level for these tribal operations was set at the amounts provided for in the December conference report.

Although a substantial number of native American tribes and organizations have assumed operational responsibilities under Public Law 93-638, many of the more dependent tribes have not done so and thus continue to rely on Federal employees of the Bureau of Indian Affairs and the Indian Health Service to provide essential governmental services. Under the continuing resolution expiring tonight, these non-Public Law 93-638 activities have been funded at a sharply lower rate than that provided Public Law 93-638 activities carried out by tribes, because of the great differential between the funding levels passed by the House and Senate last summer in the Indian accounts. As a result, there has been a huge disparity between funding levels for tribally operated activities and projects and for those operated by Federal agencies on behalf of other tribes in recent weeks.

Section 126 of the bill under Senate consideration today will fund all remaining federally operated projects and activities under the Bureau of Indian Affairs and the Indian Health Service at the same level the Congress funded tribal-operations earlier this month. This will remove any difference in funding levels between tribally-operated and federally operated projects or activities for the benefit of native Americans. I urge my colleagues to support this provision.

CLARIFICATIONS ON RESTRICTIONS

Mr. BROWN. Mr. President, I rise today to express my strong support for the foreign operations provisions included in today's continuing resolution.

Some questions have been raised concerning the Brown amendment on Pakistan and the extent of its application. I would like to take a minute to clarify the intent behind the amendment. The purpose of the Brown amendment was to release equipment bought and paid for by Pakistan that has been held by the United States and prevented from delivery. As a party to the contract between the United States and Pakistan, it is my firm belief that the United States has significant obligations to tender goods that meet our contractual obligations. It is my view that the United States should deliver to Pakistan military equipment and technology that is in full working order, and that costs accrued in the process of bringing the equipment up to full working order should come from reprogramming funds from within existing budgetary resources.

Second, questions have been raised about the provision of defense services. The Brown amendment specifically states:

(4) Notwithstanding the restrictions contained in this subsection, military equipment, technology, or defense services, other than F-16 aircraft, may be transferred to Pakistan pursuant to contracts or cases entered into before October 1, 1990.

It is the specific intent of this subsection to ensure that all contracts or cases entered into prior to October 1, 1990, are able to be reinstated, as well as all military equipment or technology transferred other than F-16 aircraft. This authorizes the provision of depot level assistance, contract follow-on support and contractor engineering, management and technical services, including engine depot repair. Included would be the ability for Pakistan, under existing foreign military sales cases, to renew existing support contracts or to enter into new contracts for the support of the equipment that is transferred.

Also questioned has been the subsection permitting the President to reimburse the Government of Pakistan for any amounts paid in storage costs. The subsection requires that the payments have no budgetary impact, which means that the President may reprogram any existing funds to repay the Pakistani Government, but that he is not authorized to expend funds that would be scored by the Congressional Budget Office as requiring an additional appropriation.

Pakistan has been an important friend and ally of the United States. It is my hope that this amendment will begin the process of reinvigorating our relationship.

OPPOSITION TO PROHIBITION OF FEDERAL FUNDING FOR HUMAN EMBRYO RESEARCH

Mrs. BOXER. Mr. President, I rise in opposition to the language in the continuing resolution which prohibits Federal funding of human embryo research.

All this prohibition does is close out venues for medical research that could save people's lives. Prohibiting Federal funding of human embryo research will hold the health of millions of Americans hostage to antichoice politics.

Let me highlight a few important facts about human embryo research. Human embryo research does not involve human embryos or fetuses developing inside the body. Rather, this research involves the examination of embryos only in a culture dish.

Nor does human embryo research involve abortion or the use of aborted fetal tissue. Human embryo research also does not involve cloning or the creation of nonhuman life forms. Lastly, human embryo research does not involve genetic engineering or the sale of embryos.

This research involves embryos donated by couples who have undergone certain medical treatments which help them have children. A woman receives hormone shots that cause her ovaries to produce eggs, which in turn are removed and fertilized in a petri dish by a man's sperm.

Some of the embryos are returned to the womb with hopes a pregnancy will result. If there are remaining embryos, they can be used for research with the couples permission.

A prohibition on embryo research will severely restrict high-quality scientific research that could lead to a variety of beneficial medical treatments. Medical research on human embryos shows promise for the treatment and prevention of some forms of infertility, cancers, and genetic disorders, and may help lead to a reduction in miscarriages and the development of improved contraceptive methods.

Human embryo research could help enable hospitals to create tissue banks which would store tissue that could be used for bone marrow transplants, spinal cord injuries, and skin replacement for burn victims.

As doctors have discovered, Alzheimer's disease and Parkinson's disease are the result of damaged degenerating nerve cells and tissues. Human embryo research could ultimately result in development of universal donor cells and tissue to replace what was lost to nerve damage.

Human embryo research is also vital in the prevention of cancer. Knowing how cells divide and grow will help researchers to better understand how and why cancer cells grow. This research may lead to better methods of prevention and treatment for leukemia, breast cancer, prostate cancer, and many other cancers.

Between 1975 and 1993, due to a combination of regulatory restrictions and administrative inaction, no Federal funding was made available for human embryo research. As a result, the United States has fallen far behind the rest of the world in this area.

Although the United States often leads the world in biomedical research, the most recent breakthroughs in assisted reproductive technologies and human embryology have come from England, France, Italy, and Australia.

In 1994, the Director of NIH created a Human Embryo Testing Research Panel to recommend guidelines for reviewing applications for Federal research funds. In September 1994, the panel endorsed human embryo research finding that "the promise of human benefit from research is significant, carrying great potential benefit to infertile couples, and to families with genetic conditions, and to individuals and families in need of effective therapies for a variety of diseases."

Federal funding for these studies will help assure that a single set of scientific and ethical standards is put in place for this research. No such official standards exist now.

Compromise language was proposed in the House and should be considered in the Senate as well. Pursuant to recommendations developed by an NIH panel of experts the language would state: "None of the funds made available by this Act may be used to support the creation of human embryos for research purposes."

This prohibition on medical research, which could save people's lives, is yet another example of the misguided attack by anti-choice forces on women's health and on their reproductive rights.

We cannot let this happen. I urge Members to vote to strike the language in this continuing resolution which calls for a total prohibition of Federal funding for human embryo research.

FOREIGN OPERATIONS CONFERENCE REPORT

Mr. BROWN. Mr. President, I rise today to congratulate the distinguished Senator from Kentucky, Senator MITCH MCCONNELL, on his unending efforts to produce a foreign operations conference report. It has been a very difficult and controversial process, but he has persevered and deserves the Senate's praise as we pass the bill today. Robin Cleveland of his staff and Jim Bond of the Appropriations staff also deserve recognition for their hard work.

Mr. President, I would also like to ensure that the language included in the continuing resolution will enact all terms, conditions and general provisions that were included in the original conference report passed by both Houses of Congress. Is that the intent of the chairman of the subcommittee?

Mr. MCCONNELL. Mr. President, the Senator from Colorado is correct. It is our intent that the language included in title III of the continuing resolution, H.R. 2880, will incorporate by reference the entire conference report for H.R. 1868, the appropriations bill for all Foreign Operations, Export Financing and Related Programs other than the substitute for amendment 115 included in the language of the conference report.

Mr. BROWN. I thank my distinguished colleague, and note that included will be important legislative provisions such as the Middle East Peace Facilitation Act, clarifications on restrictions in our relationship with Pakistan and improvements to the NATO Participation Act of 1994.

Mr. MCCONNELL. Mr. President, I would like to make a few brief remarks on one section of the continuing resolution which includes the foreign operations conference report.

Over the past several months the Senate and House have sent the bill back and forth because of differences over the population program and abortion restrictions. After no less than nine votes on the issue we have finally produced a solution which satisfies the concerns of those of us who strongly oppose abortion with the interests of those who wish to fund AID's current population programs. It is not a perfect solution by any account, but it is the best we were able to achieve.

I am pleased we were able to negotiate a solution to the abortion concerns because I believe there are many provisions in this bill which serve important national priorities. Let me briefly review some of the key provisions and conditions of the foreign operations bill.

We have fully funded our Camp David partnership and strengthened our interests in the region by extending the Middle East Peace Facilitation Act. Once again, the Congress has made clear how high a priority we place on securing a regional peace and advancing stability. The tragic loss of Itzhak Rabin's life and leadership serves as a reminder of how quickly events may change in the region but our commitment must remain steadfast.

As we are all well aware, there have also been major changes over the past several months in Russia. President Yeltsin has fired or removed every single person who advanced our common interests in economic and political reform. While the administration continues to sing the same tune, that reform is inevitable and there is no looking back, I am deeply concerned about the implications of these developments.

For 3 years, I have pressed for a shift in both policy and resource emphasis to assure balance in our relations with the NIS. With the change in the Congress, we have now been able to change the "Russia first" approach insofar as this bill is concerned. This year, we have earmarked $225 million for Ukraine, a minimum of $85 million for

Armenia and recommended $30 million for Georgia. We have also directed $15 million be made available to establish a Trans-Caucasus Enterprise Fund and $50 million for the Western NIS and the Central Asian Enterprise Funds to support the emerging private sectors.

Within those earmarked resources we have set aside funds for specific programs which directly serve American interests including a nuclear safety initiative in Ukraine to prevent another Chernobyl incident and resources targeting law enforcement training and exchanges.

The alarming increase in international crime emanating from Russia and other NIS republics is already having an impact here in the United States. The $12.6 million included in the conference report will allow the FBI, DEA, and other U.S. agencies to aggressively address these problems. It is my expectation that Judge Freeh will have primary responsibility for developing and coordinating a strategy for the region and, he will, in turn, work closely with his counterpart agency heads to disburse funds either through our international law enforcement center in Budapest or on a country by country, case by case basis.

The final provision regarding the NIS which I believe serves our interests links aid to Russia to termination of the nuclear deal with Iran. In the interest of maximizing the administration's leverage the condition begins 3 months after the date of enactment of this bill giving the administration ample time to negotiate a solution to this problem.

Beyond the NIS, I think it is worth pointing out that the Senate's positions on a range of issues have been included in the conference report. We linked the provision of assistance to the Korean Peninsular Energy Development Organization to concrete progress in the North-South relationship. We resolved the long standing dispute over equipment purchased by Pakistan. We included legislative language introduced by Senator BROWN which I cosponsored and strongly supported outlining a specific strategy for expanding NATO. We have earmarked $2 million to support democracy and freedom of the press in Burma, one of the most repugnant and repressive regimes on Earth. And, the bill also included the terms of the Humanitarian Corridors Act which should help guarantee safe passage of crucial assistance to countries with dire needs.

Finally, I think we provide strong support for our export agencies and activities. I just received a note from Ken Brody, the recently retired Chairman of the Export-Import Bank. He pointed out that with billions of people joining the free market for the first time, "initial market shares are being established that will set the patterns for years to come. We cannot afford to let other countries give their companies an unfair advantage." With the strong backing of this bill, Exim and our other trade agencies have helped U.S. companies and "exporters compete and win the global economy and thereby create high paying American jobs."

We have included each of these initiatives and funding levels while still affording the administration a measure of flexibility. Specifically, flexibility has been enhanced by consolidating a variety of development assistance accounts into a single flexible fund and we have provided transfer authority between accounts. For example, NIS resources can be used to fund the Warsaw Initiative and Partnership for Peace programs.

In conclusion, this bill sets a new course for our foreign assistance programs. The taxpayers should be enormously relieved to learn that we were able to reduce foreign assistance from last year's level by nearly $1.5 billion and were $2.6 billion below the administration's actual request. Even with these significant cuts, I believe the foreign operations bill effectively promotes democracy, free markets, and U.S. economic interests and protects our national security.

Mr. President, I would appreciate inserting a colloquy between Senator BROWN and myself in the RECORD immediately following my remarks. Apparently, because of the abbreviated nature of the text of the continuing resolution, there appears to be some confusion over the meaning of the language. I hope this colloquy clarifies that the entire conference report funding levels, terms, and conditions accompanying H.R. 1868 are included in this bill and will be law when the President signs the continuing resolution.

AUTHORITIES EXERCISED UNDER THE CONTINUING RESOLUTION

Mr. DOMENICI. Mr. President, I seek recognition to engage in a brief colloquy with the chairman of the Interior Appropriations Subcommittee.

I ask the distinguished Senator from Washington the following question: Does the continuing resolution we are about to adopt fulfill our commitment to continue funding for departments and agencies for which regular appropriations measures have not been provided, and our commitment to Federal workers at those departments and agencies that they will continue to go to their jobs and be paid for their hard work?

Mr. GORTON. The continuing resolution we are about to adopt fulfills a commitment to continue reasonable funding of those departments and agencies for which regular appropriations measures have not been signed into law. It also fulfills our commitment to eliminate significant uncertainty for Federal workers who will stay on the job through the resolution's coverage period, seeing that the Federal Government continues to operate.

Mr. DOMENICI. In that context, I believe we must also be very clear about certain priorities we expect to see addressed by the departments and agencies that will continue to operate under this resolution. First, employees who are at work are expected to fulfill their administrative and other regular program duties within the funding level provided. Under this measure all activities are covered through March 15, not just visitor services. Those duties that are necessary to continue the revenue generating activities of the Federal Government should certainly be a priority for continuation under this resolution as should other statutory responsibilities assigned to the agencies. That means that normal approval of permits for such activities as oil and gas operation on Federal lands and offshore should continue, as should the administration of other programs that provide income to the U.S. Treasury. Surely the continuation of such activities should join those necessary to protect human health and safety as priorities under the reduced spending levels of the continuing resolution we are considering. Would my distinguished colleague agree that this is a reasonable expectation under continuing authority for agency operations?

Mr. GORTON. I fully agree with the Senator from New Mexico that routine operations should continue under this continuing resolution.

Mr. DOMENICI. I thank the Senator for this understanding. I yield the floor.

Mr. GORTON. Mr. President, every Senator is aware that the continuing resolution now before the Senate represents a less than perfect solution to the impasse over the unsigned fiscal year 1996 appropriations bills. As chairman of the Interior Appropriations Subcommittee, I'd like to take a moment to discuss why the Interior bill remains unsigned, and why I am beginning to question whether we will be able to enact a bill this year.

Our system of Government is based on checks and balances. To enact legislation and govern effectively, cooperation, and compromise are required. Indeed, the President made cooperation and compromise the central theme of his State of the Union Address Tuesday night.

Sadly, there seems to be little cooperation and virtually no compromise with regard to the Interior bill. Despite the fact that House and Senate negotiators have made many significant changes to the bill to address the President's concerns, the administration has shown little willingness to accommodate a number of serious congressional policy concerns.

Unfortunately for those agencies funded by the bill, this refusal will result in continued uncertainty and reduced funding. In many cases, the

agencies hit hardest by continued operation under continuing resolutions are the very agencies for which the administration expresses its support.

The administration's demands include complete elimination of a number of legislative provisions, as well as additional funding for a variety of programs.

The House and Senate remain willing to consider additional funding for some Interior programs should such funding become available as part of a broader balanced budget agreement. But in the absence of such an agreement, the subcommittee cannot simply print additional money to fund the President's wish list and agree to send the bill to our children and grandchildren.

Without a budget agreement, any increases for favored programs must be offset within the subcommittee's 602(b) allocation. The administration is well aware of this fact, but has not made a single proposal to reallocate funds within the bill to benefit the programs it has identified as priorities. This is not a constructive approach.

Neither has the administration proposed compromise language to resolve the legislative provisions in dispute. It simply continues to insist that such provisions be removed entirely—refusing to recognize that these provisions address real problems and concerns, expressing little appreciation for the many compromises already made by Congress, and scarcely acknowledging that some provisions objectionable to the administration have already been dropped altogether.

As we have moved through the various steps of the appropriations process, the Interior subcommittees have consciously taken into account the administration's policy statements and the President's veto message of December 18. A deliberate effort was made to address the administration's concerns as well as the concerns of many Members of the House and Senate.

I think it is worth reviewing just how far we have come in addressing the administration's objections.

FUNDING ISSUES

Indian programs

The administration has criticized the level of funding provided for Indian programs. In response to these concerns—as well as those of other Members—House and Senate conferees have agreed to provide $111.5 million more for the Bureau of Indian Affairs than was provided in the original Senate bill. This includes $25 million in new funding added to the bill since completion of the first conference agreement.

Conferees have also agreed to add $25 million to the bill for Indian health programs, giving the Indian Health Service a 1-percent increase over its fiscal year 1995 funding level.

Indian programs account for $3.6 billion of the $12.2 billion included in the Interior bill that was vetoed by the President. This represents 30 percent of the total funding provided. In a year in which overall funding for the Interior bill was reduced by 10 percent from fiscal year 1995, it is remarkable that these Indian programs were reduced by only 4 percent. For the administration to assert that these programs have been treated unfairly is simply false.

Energy conservation

The administration has also expressed its opposition to funding levels for energy conservation programs. While these programs have, indeed, been reduced significantly, 29 percent, from the fiscal year 1995 level, this reduction comes only after a 105-percent increase since fiscal year 1990.

The fiscal year 1996 bill that was vetoed by the President would fund conservation programs well above fiscal year 1993 levels. I cannot think of any other major program in the Interior bill that seen such an astronomical increase over the last 3 years.

National parks, refuges, and forests

Because this Congress shares the President's desire to protect our natural heritage and provide for the effective management of public lands, the operating accounts of the land management agencies were protected.

Though funding provided in the Interior bill is reduced by 10 percent overall, the combined operating accounts of the National Park Service, the Forest Service, the Fish and Wildlife Service, and the Bureau of Land Management are reduced by just 3 percent. The operating account for the Park Service actually receives a slight increase, and $2 million has been added to the continuing resolution as a downpayment for the catastrophic flood damage to the C&O Canal Park.

National Biological Service

Partly in response to administration concerns—and because I personally agree that good science is vital to the effective management of our public lands—funding for research currently conducted by the National Biological Service has been increased by $24 million over the level originally proposed by the House.

Though the Biological Service would be terminated in name, natural resource research critical to the missions of the various Interior agencies will continue to be performed under the strong leadership of the U.S. Geological Survey.

LANGUAGE ISSUES

Mining patents

The fiscal year 1996 Interior bill continues the moratorium on new mining patents demanded by the President and the House of Representatives. This represents a major concession from the original conference provision, which received 53 votes in the Senate and had the support of a majority of conferees.

Endangered Species Act

The fiscal year 1996 Interior bill includes a moratorium on Endangered Species Act listings and critical habitat designations pending reauthorization of the act itself. While the administration objects to this provision, exactly such a moratorium was signed into law by the President in 1995.

Sixty Senators voted to support the moratorium in the hope that a time out would promote enactment of a bill to reauthorize and reform the ESA. To this end, I and several other Members of the House and Senate have introduced legislation to reauthorize the act and make reforms we feel are long overdue. For all its expressions of support for the existing act, the administration has yet to propose legislation to reauthorize it.

It should also be noted that the fiscal year 1996 bill vetoed by the President includes $65 million explicitly for ESA programs—a significant sum considering that authorization for such funding expired in 1992.

Tongass National Forest

President Clinton's veto message states that the Tongass provision in the Interior bill would allow harmful clear-cutting, require the sale of timber at unsustainable levels, and dictate the use of an outdated forest plan.

In response, we have proposed to modify the Tongass language to prevent explicitly the mandating of clear-cutting or the sale of timber. In addition, the language would be modified to stipulate that nothing in the Tongass provision should be construed to limit the Secretary's use any new information, or prejudice future revision, amendment, or modification of the forest plan. These latest modifications would be applied to the most recent Tongass language, which has already been modified substantially from its original form. Modifications already made include dropping sufficiency language, dropping the reference to the preferred forest plan alternative, and dropping the prohibition of habitat conservation areas.

Despite these compromises, the administration continues to insist on complete removal of the language, contrary to the views of a majority of Alaskans and those who represent them.

Mojave National Preserve

The Interior bill vetoed by the President provides the National Park Service [NPS] $500,000 to develop the general management plan for the Mojave National Preserve. Management of the preserve would remain the responsibility of the Bureau of Land Management, which has had the management responsibility of the area for years.

However, the Bureau of Land Management would be able to use NPS seasonal employees to assist in the management of the preserve. The original House provision did not allow for any Park Service participation in the preserve, and would have provided only $1 to the Park Service for related activities. The effect of the current provision

would be minimal in terms of the management of the preserve, but would be significant in allowing the Park Service an opportunity to gain the trust of the people who will be its neighbors for the foreseeable future before taking over on a permanent basis.

Marbled Murrelet

The administration objects to a provision in the Interior conference agreement that would have prohibited it from redefining the known to be nesting provision included in previously passed timber salvage legislation. The House and Senate offered to remove this provision from the conference agreement in an effort to reach an agreement with the administration on the overall bill. The offer by the House and Senate—which represents a significant compromise—is scarcely acknowledged by the administration.

Columbia basin ecosystem

The administration's veto statement expresses several concerns about the Columbia basin ecosystem provision in the conference agreement. The statement specified that the provision "would impede the implementation of our comprehensive plan for managing public lands," and exclude "information on fisheries and watersheds." The result of the conference provision, according to the administration, is "a potential return to legal gridlock on timber harvesting, grazing, mining, and other economically important activities."

The House and Senate presented an offer to the administration that would have met some of these concerns. That offer would expressly permit the administration to include information on fisheries and watersheds in the Columbia basin plan. Once again, however, even this significant concession was not enough.

There is one point, however, on which the administration and the House and Senate authors of this provision fundamentally disagree—providing increased opportunities for legal gridlock and frivolous lawsuits. The administration's veto statement states that the conference language would present a potential return to legal gridlock. This makes for a nice soundbite—but the exact opposite is true.

We believe that the administration's current policy—based upon the lack of success of similar endeavors by this administration—presents a tremendous opportunity for legal gridlock. The current policy is a one-size-fits all approach, created in response to a legal challenge by environmentalists, and will undoubtedly create opportunity for further challenge by environmentalists. The House and Senate offer to the administration would preclude the filing of frivolous lawsuits—exactly the goal the administration professes to seek.

Rescission bill flexibility

The administration has professed a desire to repeal portions of language relating to timber sales included in section 2001(k) of the fiscal year 1995 rescissions bill. However, when Senator HATFIELD and I put together a proposal to grant the administration greater flexibility in implementing section 2001(k), it was not greeted with much enthusiasm. The provision will allow the administration to trade out of sensitive harvest areas while at the same time keeping the modest harvest levels it promised as a part of a timber settlement.

Mr. President, there are countless other instances in which conferees on the Interior bill modified provisions or increased funding for programs to address administration concerns. Yet these efforts have gone virtually unacknowledged. Until yesterday, during my conversation with the President's Chief of Staff, there had been little indication that there was any serious desire to reach closure on the Interior bill on any basis other than a complete agreement with the administration's big, intrusive Government policies.

In the absence of a settlement, agencies funded in the Interior bill continue to lurch along from month to month, from continuing resolution to continuing resolution. Employee morale is low, and programs supported by both the administration and Congress are suffering.

Mr. President, we have come more than halfway in compromises with the White House on provisions it finds objectionable. It is time for the administration to stop posturing and close the deal.

NINTH CONTINUING RESOLUTION

Mr. KERRY. Mr. President, the Continuing Appropriations Resolution before us today is the ninth, let me repeat, the ninth continuing resolution for fiscal year 1996. I cannot recall during my service in the U.S. Senate another time when the funding of basic services that people need and the concern for people's daily lives have been treated so cavalierly by the majority. This is a misuse of the appropriations process, and the fact that this is the ninth continuing resolution demonstrates amply and clearly in my mind the inability of the party that currently holds the majority in Congress to govern.

In some areas, the amounts contained in this stop-gap resolution will barely keep basic services operating. This is not, in my view, what the American people want, it is certainly not what they deserve, and it most assuredly does not reflect the American people's priorities. The American people will have the opportunity in the elections this fall to express their views on the priorities we have seen the Republicans advance. I am confident the proponents of those misplaced priorities will be shaken by the voice of the people.

The last Government shutdown cost Americans $1.4 billion. Its effects are still being felt. Approximately 170,000 veterans did not receive their December GI bill education benefits on time, delaying action on some 87,000 initial benefits claims and nearly 70,000 certifications. More than 200,000 veterans disability and compensation claims were added to the backlog during the last shutdown. More than 5,000 small businesses saw their government-guaranteed financing delayed. Hundreds of Superfund toxic waste cleanups were suspended, and more than $2.2 billion in American exports were delayed because their licenses could not be processed. Thousands of Americans were prevented from business or other travel abroad because passports were not issued. Thousands of Americans were prevented from enjoying or learning from their natural or historical American heritage as national parks and forests and federally funded museums and art galleries were closed to them.

We simply cannot afford another Government shutdown, so this measure represents a compromise. The funding levels it contains are far from adequate for many Government activities upon which Americans depend or which have a daily impact on their lives. I speak specifically about those items supported through the Labor/Health and Human Services/Education budget—education grants for students, assistance for disadvantged students, worker training and retraining, summer youth jobs, Americorps and Head Start, and through the VA-HUD-Independent Agencies budget, like health care for veterans and environmental cleanup activities.

I also am deeply disturbed by the funding caps imposed by this legislation at 75 percent of last year's expenditures on such critical law enforcement activities as the cops on the beat program—or COPS—and drug courts. Which 25 percent of our communities will not see a cop walk down their streets because of these caps? Which 25 percent of the drug offenders will not be prosecuted in the drug courts because of these caps?

These caps also will hurt the Advanced Technology Program that has helped dozens of entrepreneurs and researchers in Massachusetts with good ideas for new technologies to bring their ideas to the commercialization stage. ATP has worked in Massachusetts to bring forth new products as diverse as hip replacement procedures and fire detection codes to benefit consumers.

Funds are also affected for critical scientific research to help cure diseases, research conducted through National Institutes of Health grants by medical institutions and teaching hospitals in Massachusetts—whose world-renowned research institutions have been chosen to receive grants from NIH

sufficient to rank the Commonwealth third among States in receipt of NIH grants.

Mr. President, it is not with great enthusiasm or, indeed, any enthusiasm that I will support this measure. The process that has brought us to this ninth continuing resolution is a disgrace. And it is also a disgrace that once this bill passes, which I reluctantly hope it will, the Senate will not remain here to work at hammering out an agreement on the budget or to pass the normal appropriations bills, or to cleanly extend the debt limit to honor this Nation's full faith and credit commitment to those from whom it borrows money. I predict we will be back here to repeat this shameful exercise again and again this year. The American people deserve better.

But we are caught in a momentous clash of philosophies and politics—with a new group of Republicans zealously committed to imposing their personal ideological beliefs throughout Government. Those ideologues have proven themselves entirely willing to bring Government to a wrenching, grinding halt, regardless of who is hurt or how badly, if they are not satisfied with the rapidity or extent of movement toward their goals.

In the face of such a group, the best we have been able to hope for is a compromise—with which neither side is satisfied. President Clinton spoke eloquently during his State of the Union Address Tuesday night about the necessity under the circumstances to negotiate and enact such compromises in order to keep the business of our Nation moving forward and minimize injury of innocent Americans who must depend on the services that only Government can provide. Up until yesterday, the Republican majority in the House has been entirely unwilling to countenance any significant compromise.

While I am extremely disappointed about the contents of this legislation, and believe the American people will be the ones who are hurt by its contents—or, more accurately, its omissions—I am relieved that the House Republicans have finally exhibited a willingness to engage in legislative compromise. At least the Government will keep running so that it will continue to provide most of its services to most of those who need them. There will be some who will be hurt, I regret to say. But we will struggle along. That is to be preferred to the unquantifiable and needless suffering that the Republican House majority imposed on the Nation up to this point.

I am hopeful that we will be able during the remainder of this year to reach more suitable solutions regarding more of the services on which Americans depend—while we also find agreement on a fair way to achieve a balanced budget in 7 years that provides for needed investment in our future, human, technological, and infrastructure.

Ultimately, I look toward November for the American people to pronounce their views and priorities, and to elect a Congress that will pursue the best interests of the country and not a narrow ideological agenda. In the meantime, we will pass this resolution, the President will sign it, and the Nation will limp on for a while longer.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I do not know of any other amendments that we have to be discussed or debated on this side.

The PRESIDING OFFICER. If the Senator will withhold just one moment, the Senate will be in order.

The chairman of the Appropriations Committee is recognized.

Mr. HATFIELD. Mr. President, we stand ready to do any further business on this CR. If not, I would ask for a third reading.

The PRESIDING OFFICER. If there is no further amendment——

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I know there is a lot of anguish on the part of our colleagues who would like to exercise the constitutional right of the Senate to amend a bill on revenue related matters that comes to us from the House, even though the Constitution says it must be originated from the House of Representatives. But as I said in the opening statement today, we are literally here today with a gun to our head in the parliamentary situation in which the House provided us with this product as of today and have declared that they are not in session today for legislative business. Therefore, any changes in this particular product is going to require return to the House.

If they are not in session today for legislative business, we are facing a midnight curfew of whether the Government shuts down. So consequently, as much as I detest and decry this process we find ourselves in—I would like very much to offer some amendments to this myself because family planning is not satisfactory to me—as Senator BYRD, as the comanager of this bill, indicated in his opening statement, he affirmed my analysis of where we were in this particular bind and also urged his colleagues not to offer any amendments, because any change on this continuing resolution we have—any change—is required to go back to the House of Representatives.

They made it very clear that they may be subject to the call of the Chair, but not for legislative business. So there we are.

I want to just say to my colleagues, Senator BYRD and I have not contrived this situation. We have had absolutely nothing to do with it, except in the sense that we had given to them many of our own thoughts and hoped they would incorporate them. They incorporated some. Congressman LIVINGSTON, chairman of the House Appropriations Committee, signed off on a Florida tomato problem. I signed off on a Florida tomato problem. We have another committee that is involved in this and has objected. Therefore, it was not included.

We have been trying to craft this by telephoning across the great rotunda of the Capitol Building. And that is not a satisfactory way to do business either.

So here we are, not just with the House alone, but with the jurisdictions, that are very legitimate jurisdictions, that have a part in these actions that are taken by the Appropriations Committee.

We had a problem on timber salvage. We cannot get the White House to sign off on that one because we are trying to help the White House have more flexibility in that action taken.

So there are a lot of players here involved between the House, the Senate, both sides of the aisle, authorizing committees, the White House. We are in a very complex situation made more so by the gun to the head that we have in dealing with this issue.

So I urge my colleagues to refrain from offering amendments because, as much as I may agree and sympathize, understand the need, I am in a situation as a comanager of this bill. Senator BYRD urged as well, please do not offer amendments because we will have to fight every amendment, not on the merits of the case, but on the parliamentary situation we are in.

I do not think anyone here wants to raise the issue or the possibility of shutting the Government down again. Nobody wins. Everybody loses on that one, I think we have all come to understand.

But if the Senate, constitutional as it is—the House has to take any action on any change we make on this. And they are not in today for legislative business which has freed up their membership. We face the problem of shutting down the Government. So that is the problem we have.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I have listened closely to the words of the chairman of my committee, and my friend, someone I admire very much. I realize he is in an untenable kind of position. But it is this Senator's understanding that the House is in session subject to the call of the Chair.

The chairman of our committee, the Senator from Oregon, has stated that they would be in subject to the call of the Chair, but not for the purpose of working on this continuing resolution. It seems that we have been put in a position that no matter how bad the CR might be, we have to take it or else.

If we have an amendment—and I do have an amendment that no one can argue does not save us money. It saves money by getting the Office of Inspector General funded so they can go after waste, fraud and abuse. I have a letter from her dated 2 days ago where we are literally losing millions of dollars every day because the Office of Inspector General has not been funded fully. I think this is not anyone's purpose. I think this is probably just an oversight of the House that they did this.

I cannot imagine that, if we were to adopt that amendment, send it back to the House, they could not approve that in 30 seconds. It does not add to the debt or anything like that. In fact, it is going to save a lot of money for our taxpayers by going after waste, fraud and abuse in the Medicare Program.

So I, as much as I sympathize with the chairman of the committee, must really object to having a gun held at our heads to the point where we cannot even add an amendment that will save hundreds of millions of dollars for our taxpayers by going after the scam artists and others who are ripping off the Medicare system. I just find this startling that we cannot do that, if I understand this correctly.

So, Mr. President, I will be sending an amendment to the desk. It is very straightforward. It simply assures that our efforts to stop fraud, waste and abuse in Medicare will not be cut. The funds are our main line of defense against Medicare fraud by the Office of the Inspector General of Health and Human Services through the end of the fiscal year at last year's level.

I am told that it would add about $5.2 million to this effort. That is, in the scheme of things, not a lot of money. But what does that get us? The GAO has reported that as much as 10 percent of Medicare funds are lost each year to fraud, waste and abuse.

How much money is that? Well, this year the Medicare funds are going to send out about $180 billion. So 10 percent of that is $18 billion, this year alone, lost to fraud, waste and abuse. That is over $500 for each and every Medicare beneficiary.

As I said, the inspector general's activities are our main line of defense against Medicare fraud. Even at last year's funding level, they do not have enough to do the job. Now they are being cut even further. At a time when there is a discussion of major cuts to Medicare, doubling the Medicare premiums that seniors have to pay, we should not be cutting our effort to stop the fraud, waste and abuse.

I think it makes common sense to stop the waste first. It is clearly documented that for every dollar we invest in the inspector general's activities, we save the taxpayers $15. That is not something in the future. That is actual money that they are recouping for us on a daily basis. Yet this bill before us cuts that program.

Mr. President, I was very concerned about the possible impact that Government shutdowns and these cuts have had and is having on our national fight against Medicare fraud, waste and abuse. So last week I wrote to the inspector general, Inspector General June Gibbs Brown, to ask her what the impact was. I received her letter the day before yesterday. The findings are shocking and deserve our immediate action.

In her letter she said:

Dear Senator HARKIN: Thank you for your recent letter expressing concern about the extent to which the critical anti-fraud and abuse activities of the Office of Inspector General . . . are suffering from the government shutdowns and under the current stopgap spending bill. Specifically, you asked the following questions:

And this is what I asked of the inspector general.

[First] [w]ere major enforcement initiatives, investigations and audits suspended?

[Second] [a]re fewer initiatives, investigations, and audits being initiated?

What is the potential impact on Inspector General activities of being forced to operate under another short-term funding measure similar to the one currently in effect?

Three questions. Here are her answers:

Presentations of cases to United States attorneys for prosecution dropped from 92 in the first quarter of Fiscal Year (FY) 1995 to 51 in the first quarter of this FY 1996—

Almost a half.

Criminal convictions dropped from 84 for the first quarter of last year to 36 for the same period this year.

Investigative receivables—this is money that they actually brought back, money that they recouped for our taxpayers—fell from approximately $77.7 million for the first quarter of last year to about $30.8 million for the same period this year.

Recoveries are down more than 50 percent; 60 percent of ongoing and plant audits will be stopped or reduced if these cuts remain in place.

Last year, Mr. President, these audits saved over $5.5 billion. So the losses to Medicare and taxpayers from the reduction in audits could be in the billions.

There is one other point in her letter. The Inspector General said that considering the program savings generated in past years as a result of their reports, as much as $1 billion could be lost from the drop in program inspections alone this year.

Mr. President, I ask unanimous consent to have printed in the RECORD the full text of the letter from the inspector general dated January 24.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH
AND HUMAN SERVICES,
January 24, 1996, Washington, DC.

Hon. TOM HARKIN,
Ranking Minority Member, Subcommittee on Labor, HHS, and Education, Senate Committee on Appropriations, Washington, DC.

DEAR SENATOR HARKIN: Thank you for your recent letter expressing concern about the extent to which the critical anti-fraud and abuse activities of the Office of Inspector General (OIG) in the Department of Health and Human Services (HHS) are suffering from the government shutdowns and under the current stop-gap spending bill. Specifically, you asked the following questions:

Were major enforcement initiatives, investigations, and audits suspended? Are fewer initiatives, investigations, and audits being initiated? What is the potential impact on Inspector General activities of being forced to operate under another short-term funding measure similar to the one currently in effect?

SUSPENSION AND CURTAILMENT OF PENDING OIG WORK

[Note: Social Security related activities have been removed from FY 1995 figures because the Social Security Administration became an independent agency on March 31, 1995 with its own Inspector General. The FY 1996 figures include some activities funded by Operation Restore Trust—a limited Medicare demonstration project funded through the Health Care Financing Administration.]

Investigations and Audit Activity—Comparison of the first fiscal quarters of 1995 and 1996:

Presentations of cases to United States Attorneys for prosecution dropped from 92 in the first quarter of Fiscal Year (FY) 1995 to 51 in the first quarter of FY 1996 while indictments fell from 50 to 34.

Criminal convictions dropped from 84 for the first quarter of last year to 36 for the same period this year with civil judgments going from 27 to 19.

Investigative receivables fell from approximately $77.7 million for the first quarter last year to about $30.8 million for the same period this year.

The OIG issued 33 percent fewer reports (54 reports compared to 82 reports), processed 30 percent fewer nonfederal audits (861 compared to 1,223), identified 40 percent fewer dollars for recovery to the Federal Government ($14.2 million compared to $23.8 million), and is collecting 30 percent fewer dollars approved for recovery ($83.2 million compared to $120.1 million).

HHS Financial Statement Audits

The Government Management Reform Act requires that agencies have financial statement audits beginning FY 1996. The HHS-wide financial statement audit requires audits of eight operating agencies accountable for about $280 billion. The financial statements of the Health Care Financing Administration alone comprise expenditures in excess of $230 billion that are material to the

overall departmental financial statements and to the General Accounting Office effort to report on governmentwide financial statements. If travel funds are not obtained, all such audit work will be suspended with resultant impact on HHS-wide and governmentwide statements. Audit activity must be performed at multiple State agencies and Medicare contractor locations, all requiring substantial travel funds. In addition, funding must be sought for expert medical assistance to review medical claims.

Administrative Sanctions—Fines, penalties, and exclusions:

The shutdowns prevented us from excluding individuals and entities from participation in Medicare and Medicaid. Providers were allowed to continue to bill the Medicare and Medicaid programs even though they should have been excluded due to convictions or because they are abusive to patients.

By comparison, there were 493 health care exclusions implemented for the first quarter of 1995 versus 210 exclusions for the same period this year. Approximately 400 exclusion cases are presently awaiting implementation.

IMPACT ON NEW OIG INITIATIVES

During the first quarter of last year, the OIG investigations component opened about 560 cases and closed about 605 cases. For the same period this year, under the continuing resolution, we opened only 425 and closed about 390. During the furlough period this year, we opened and closed only 2 criminal cases.

Starts on 100 audit assignments were delayed or postponed indefinitely because of the furlough. An example of this is the national review of prospective payment system (PPS) transfers. The United States Attorney in Pennsylvania proposed a joint review of PPS transfers based on prior audit work that identified over $150 million of overpayments to hospitals. If we are able to follow the Department of Justice proposal, we anticipate recoveries of over $300 million under the provisions of the Federal False Claims Act. The project has been suspended due to the furlough and lack of adequate travel funds.

POTENTIAL EFFECT OF CONTINUED UNDERFUNDING

Lack of funds for travel and other expenses of field work:

For investigations, audits, and inspections not funded under Operation Restore Trust, travel has been reduced to about one-third of the prior year's expenditure for the same period. If the underfunding of OIG activities continues, most travel will be suspended and employees furloughed. Approximately 60 percent of ongoing or planned audits will be curtailed or severely reduced in scope because of travel requirements with the resultant loss in program savings. The FY 1995 audit-related savings totaled $5.5 billion.

Last year the OIG issued 68 program evaluation reports. Under the continuing resolution scenario, the number of completed inspections may drop to approximately half that number. Considering the program savings generated in past years as a result of such reports, as much as $1 billion could be lost from the drop in program inspections alone. Program inspections identify sources of fraud and abuse and recommend program adjustments to prevent future occurrences.

Effect on sanctions activity:

The OIG expects a decline in potential settlements and exclusions as a result of fewer investigative and audit initiatives. In addition, since many of the false claim cases originating from the Department of Justice are generated through OIG investigations and audits, we expect a decline in that caseload as well.

Currently, the OIG administrative sanctions staff has under development 292 cases including false claims, Qui Tams, and civil monetary penalties, all of which will be put on hold during another furlough. Activity on them would be greatly reduced if we are operating under a continuing resolution with an inadequate level of funding.

Since the furlough, we have not been able to respond to more than 2,217 inquiries from licensing boards and private sector providers, who are required by law to inquire about the exclusion status of a practitioner before hiring, concerning the current status of a health care practitioner.

The minimum funding that would allow the OIG to meet its basic obligations and maintain its infrastructure is the amount shown in the Senate markup of the HHS appropriations bill ($75,941,000). We have enclosed at Tab A a copy of the Committee recommendation.

We sincerely appreciate the effort you have made toward achieving a level of funding for the OIG that would allow us to sustain basic services. We also appreciate your consistent support year after year toward curtailing waste, fraud, and abuse in Medicare, Medicaid and other HHS programs. The attention you give to our findings and recommendations and your enthusiastic encouragement assist us greatly in strengthening the integrity of these important programs.

Sincerely,

JUNE GIBBS BROWN,
Inspector General.

Mr. HARKIN. Mr. President, so much of the problem is that they are funded but they do not have funds for travel. Most of their investigative and audit work requires travel. So what we really have is hundreds of audit professionals, auditors sitting at their desks unable to do their jobs. Every day that they are underfunded, our taxpayers lose money.

What kind of actions are not happening? Convictions, recoveries in fines relating to a wide range of abuses. In fact, the inspector general even said in her letter that they are unable to cut off people who are receiving money from Medicare even though they have been convicted.

Here it is, she says:

The shutdowns prevented us from excluding individuals and entities from participation in Medicare and Medicaid. Providers are allowed to continue to bill even though they should be excluded due to convictions or they are abusive to patients, again, costing us millions of dollars each and every day.

So I do not think there should be any disagreement on either side of the aisle with this amendment that simply ensures the inspector general efforts to combat Medicare fraud are not cut from last year's level. Again, we seem to have our priorities out of whack.

The previous continuing resolution provided full-year funding to a number of programs, including, for example, the Kennedy Center for the Performing Arts. I have no problem with that. I support that. However, this bill does not even provide last year's funding for the Office of Inspector General to go after fraud, waste, and abuse. I think that just defies common sense.

I want to also, just for the RECORD, read a couple of examples from the semiannual report of the Office of Inspector General about the kind of cases they have gone after and what they have earned for the taxpayers.

Here is a Michigan carrier that agreed to pay $27.6 million to settle a suit initiated by a former employee. The carrier was responsible for auditing, participating in hospitals' cost reports to ensure accuracy. An investigation by the OIG showed that the carrier performed inadequate cursory audits in which it disregarded hundreds of dollars in overpayments.

The carrier later gave HCFA, the Health Care Financing Administration, fraudulent work papers in an attempt to show that complete and accurate audits had been performed. The precise amount of loss to the Government could not be determined because it would have required auditing more than 200 hospitals. As part of the settlement, the carrier agreed to pay the entire amount that HCFA had paid to perform audits over the last 4 years, approximately $13 million. Mr. President, $13 million, one case, recouped for the taxpayers of this country. And yet for $5 million, we cannot even provide for that kind of investigation.

A Texas ophthalmologist signed an agreement to pay the Government $849,000 to resolve allegations of submitting false claims for reimbursement for physician and related medical services to the Medicare Program. Many of the fraudulent claims submitted to Medicare were for services not actually provided; were for services not provided as claimed or were billed at an inflated rate. This was a global settlement which also involved a criminal plea based on kickback allegations as well as submission of false claims.

Mr. President, this book is full of these examples of what the Office of Inspector General has done for our taxpayers just in one-half of last year. These are the kinds of audits and investigations and criminal prosecutions that they will not be able to conduct given the reduced funding level that they have.

So my amendment is very simple. It will simply provide for the same level of funding for the Office of Inspector General. That is all, just the Office of Inspector General from now through the end of this year. It will save the taxpayers literally—well, do not take my word for it. The inspector general said this could save up to $1 billion. So anywhere from probably $100 or $200 million to $1 billion just this year alone could be saved.

AMENDMENT NO. 3122

(Purpose: To provide for additional funding to the Office of the Inspector General of the Department of Health and Human Services)

Mr. HARKIN. Mr. President, I send my amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa [Mr. HARKIN] proposes an amendment numbered 3122.

Mr. HARKIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill insert the following: "Notwithstanding any provision of this Act, all projects and activities funded under the account heading "Office of the Inspector General" under the Office of the Secretary in the Department of Health and Human Services at a rate for operations not to exceed an annual rate for new obligational authority of $58,493,000 for general funds together with not to exceed an annual rate for new obligational authority of $20,670,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund."

Mr. GLENN addressed the Chair.

Mr. HARKIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. We are not in controlled time.

The Senator from Ohio.

Mr. GLENN. Mr. President, I rise in strong support of the Senator from Iowa. I have been involved with the inspector general issue for a long time. The Governmental Affairs Committee, back about 1980, put in legislation to establish inspectors general across Government. There were some that were voluntarily in place at that time. We put it into 10 more agencies of Government on sort of an experimental basis. They ran for 10 years, and in 1990, I put in legislation that expanded the IG's.

We have them now in 61 different agencies or departments of Government. They have done a superb job. They save in the billions and billions of dollars, and I do not know how many dollars they return for every dollar spent, but they have done a great job. To cut back on funding in those areas may be penny wise, but it is tens of dollars short.

It is sort of indicative of the problem we have right now. We passed a Chief Financial Officer Act a little bit along the same line. We require audits in all departments and agencies in Government, and GAO is to supervise that, monitor them, and try and get decent accounting systems in Government. We are cutting those when we should be expanding the money for that kind of operation.

We talk every day here about a balanced budget, yet to do the things that will get efficiency in Government, like IG's and CFO's, we cut the money for them. There was an article in the paper this morning about how the GAO is not going to have enough money now to do the supervising of the Chief Financial Officer Act that just comes into full compliance requirements this year. They have been building up to this since 1990, and now we are going to not even provide them the money for this.

I cannot imagine what people are thinking about to put this kind of requirement in over in the House to cut back on money that is going to make more efficiencies in Government.

Another one along the same lines is the IRS. There is something over $115 billion, $118 billion owed to the Government that we do not collect. Most of that is in bankruptcies, individual and corporate bankruptcies. But we say there is $28 billion, I believe it is, that they estimate is collectible. Yet, we are cutting the money for the tax system modernization system. We are cutting the personnel requirement or provisions at IRS, when we have $28 billion out there that we should be going after. It is collectible from people who are deadbeats, and it means that you and I and every other American that is honest about their taxes has to pay more taxes. Yet, in the interest of economy over in the House, they are cutting those fundings back. I just think it is ridiculous.

Now the argument is that we are up against a Government shutdown. I agree that we sure are. I add that we are up against it for the third time, and every single time what they have done over in the House is put part of their legislative agenda on the CR, send it over to us on a short-term basis and say, "Take it or leave it," and "You have to get it passed on our basis, you cannot change it. And if you do, the Government shuts down."

I am tired of legislative blackmail. That is exactly what this is. I plan to vote against this whole thing this time, just in protest. I think it is ridiculous. We are cutting back at least one-fourth for funding for VA and HUD, national service, EPA, and education. We are changing right-to-life matters in this. I just think we are legislating on a CR that should be passed as a clean CR to keep the Government running for a certain period while we then take up these individual matters, see what the proper level of funding should be, and make a rational decision on how we go ahead with funding all these things that are very important.

We brought up the farm bill. What do the farmers in Iowa think about this? Do they know what their loans are going to be and deficiency, guaranteed next year? Do they know how much to borrow at the bank? No, they do not, because we have not done our job here. Yet, we try and take some of these things up and sock them on to a CR because now we are up against it. We are going to say the Government shuts down tonight unless we pass this on the basis that the House sent it to us, which has half of their legislative agenda on it that we do not agree with. They deliberately waited until a day before the deadline to send it over to us, and we can take it or leave it.

Well, I do not plan to vote to take it. I just think we have been jerked around too many times here. And to say once again that, well, this is the last time and next time we are going to be tough, this is the third time we have done this. How many times do we have to get hit in the head before we do something about it?

I think the Senator from Iowa makes a good point. I hope he keeps his amendment in, and I hope we have to vote on it. If there are other amendments to try and correct this, so be it. I think for us to be made the heavies here and say we cannot possibly vote against this or have amendments without being irresponsible, that we are going to stop the Government, it is the House that sent this over and put us in this short timeframe. I disagree with that way of doing business. I do not think we should accept these things. If there are changes we want to make, we ought to make them.

Mr. HARKIN. Mr. President, I thank the Senator from Ohio for his comments. He has long been a champion of inspectors general. I ask the Senator again, with his long experience in the area of inspectors general and what they do, is it not true that this is real money we are talking about? In other words, we always pass bills and they say this is going to save us so much money in the future. We are all akin to doing that. But this is money right now, and every single day the inspector general's office is out there getting fines, payments. I just read examples from last year. This is real money that people have to pay back to the Government. Is that not true?

Mr. GLENN. It is absolutely true. If the Senator will yield further, there is not a single Senator in the U.S. Senate that would come out and say they favor fat, fraud, waste, and abuse in Government. Who is cutting out the fraud and abuse in Government? Who is on the front line out there in every department looking into fraud and abuse, stopping it, getting money back, referring cases to the Justice Department by the hundreds—hundreds and hundreds of them, that we did not used to have? It is the inspectors general.

I just cannot say how shortsighted I think it is that they have cut these funds to begin with and cut the funds for the chief financial officers, for IRS compliance. It just is the most foolish activity in Government that I possibly can think of. I certainly urge my colleagues on both sides of the aisle to

back the amendment of the Senator from Iowa.

Mr. HARKIN. I thank the Senator. Again, it seems to me—I know the Senator said something about having them hold a gun at our head. The House is in session. They are in session subject to the call of the Chair. If they can hold a gun at our heads, why can we not adopt this, which saves the taxpayers' money, and send it back to them? We will see what they do. We have until midnight. I bet they can pass this in 5 minutes. I cannot imagine there would be any opposition to this whatsoever.

So why do we have to not save the taxpayers' money because they have a gun at our head? Why do we not adopt this amendment and send it back and let the gun be at their head. I bet they will pass it in a New York minute—whatever that is; I do not know what that is because I am not from New York.

I yield the floor.

Mr. HATFIELD. Mr. President, the Senator from Ohio and the Senator from Iowa raise the issue of logic. Unfortunately, neither this body or the other body has always functioned under the great label of logic. We are in a ridiculous situation. Obviously, we are, and we are having to deal with it in a very—we will attempt to do it in an orderly fashion. I would like to point out that this is the seventh CR since October 1—six were signed into law—and the Office of Inspector General has been operating at the House level since October 1. They have not been required to furlough any employees. This is the first time this issue has been raised in six of those CR's. Consequently, they have survived, you might say, or have functioned at a reduced level, or whatever. But the point is they are functioning.

I also want to add that the Senate has not been able to act on the Labor-HHS appropriation bill due to the objections raised primarily by the Democratic side of the aisle, and on a couple of occasions by the Republican side of the aisle. Those usually circulated around rider issues rather than the substance of these issues, such as the inspector general's office. We are, therefore, in a further deficient role as with the House because the House did pass a Labor-HHS, and we have not yet passed such appropriation bill here in the Senate.

This is not a permanent situation because of the fact that it goes until March 15. I am very hopeful that we can find $5 billion more. Let me say, very frankly, that I have said in my leadership meeting, and in other areas of this process of trying to resolve these appropriations bills, that even if we got rid of the riders that have become a strong problem for the Labor-HHS bill, different issues and riders that reflect a problem for both sides of the aisle, we still do not have enough money to satisfy the administration's requests in order to get them to sign the bill. I have said whatever budget comprehensive agreement can be reached has to have $5 billion to get the Labor-HHS; HUD and Independent Agencies; State, Justice, and Commerce, signed by the President. I think from time-to-time we have to remind ourselves that the President has a role in the legislative process. We cannot just think of the President as someone downtown that does not have a legitimate constitutional role in the legislative process. I can say to you, in dealing with the administration, that we have that $5 billion more in nondefense discretionary funding. I believe we can resolve these problems and have no more CR's. I am not going to argue what kind of a vehicle we get that $5 billion on. But that is the real guts of the problem. Anytime that you add something back into a bill at this point, or a CR, it is subject to a point of order that I am going to have to make because it exceeds our allocation under the budget resolution.

That is not a comfortable position to be in. I could not agree with the focus and the goal being sought by the Senator from Iowa any more than he has that commitment. I have the same commitment.

Mr. HARKIN. Will the Senator yield?

Mr. HATFIELD. I have a parliamentary question. There is an opportunity for the Senator from Iowa to have further discussion if I offer a point of order. If the Chair sustained a point of order and the Senator from Iowa appeals to waive the Budget Act, then he at that point has additional debate or discussion? I do not want to cut him off.

The PRESIDING OFFICER. If the point of order is made by the Senator before the Chair rules, the Senator may waive.

Mr. HATFIELD. And at that point he may have further discussion?

The PRESIDING OFFICER. On the motion to waive.

Mr. HATFIELD. The current level of budget authority exceeds that of the budget resolution for fiscal year 1996. The pending amendment by the Senator from Iowa provides additional new budget authority and will result in additional outlays in that year, and its adoption will cause the aggregate levels of budget authority and outlays to be further exceeded.

I therefore raise a point of order under section 311 of the Budget Act against this amendment.

Mr. HARKIN. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974, I move to waive the applicable sections of that Act for the purposes of the pending amendment and the underlying bill.

The PRESIDING OFFICER. The motion is made.

Mr. HARKIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HARKIN. I thank the chairman for his kindness. He did raise one question about this—it is the first time it has been raised in six tries; that is so. I have been on this issue for several years, formally as chairman of the appropriations subcommittee and as ranking member now with the Senator from Pennsylvania, Senator SPECTER, as chairman, who has been very supportive in all of our efforts to go after waste, fraud and abuse.

I must say I had no idea that the reduced level of funding for the Office of Inspector General would have the kind of impact it has had. I must also be frank. I thought before Christmas we would have settled this. It was not. I thought it would be settled soon after. It was not. It is going from month to month to month, and you have to stop and say, What is happening? That is what precipitated my letter to the inspector general a couple weeks ago. I wanted to know if they had any data to see what was happening.

They did. They have the data from October, November and December of this fiscal year, the first quarter, compared to last year. It is really shocking what is happening because they do not have adequate funding to recoup money for taxpayers.

I am going on what the inspector general said in her letter. I just indicate to the Senator from Oregon, that was the only reason I had not raised it before, because I had no idea it was as bad as it is. That is why I sent the letter. Now is the time to get the money in to stop this bleeding of the Medicare money.

Lastly, I inquire of the Chair, the Senator from Oregon has stated that this is in violation of the Budget Act and it goes over the allocation. It is this Senator's understanding that the whole CR, the whole continuing resolution, is in violation of the Budget Act. I have a parliamentary inquiry: Is the underlying continuing resolution in violation of the Budget Act?

The PRESIDING OFFICER. The Chair will need some time to make that determination and will give an answer to the Senator in due course.

Mr. HARKIN. Might the Senator inquire as to how long? I do not want to tie this up.

In conversations with the Parliamentarian of the Senate earlier this afternoon, I asked the Parliamentarian that question: If, in fact, the CR was subject to a point of order and if it violated the Budget Act. I was told it was, unless I misunderstood the Parliamentarian.

The PRESIDING OFFICER. The Chair is prepared to rule on the bill. In its current form, it is in violation of the Budget Act.

Mr. HARKIN. I wonder how many Senators know that the underlying

continuing resolution is, itself, in violation of the Budget Act. I do not intend to raise a point of order. I could, within my legitimate rights, raise a point of order against the entire continuing resolution. I do not want to do that.

I also do not want to be told that this amendment that I am offering, which by any accounting will save the taxpayers hundreds of millions of dollars, cannot be accepted because it is in violation of the Budget Act, when the entire continuing resolution is in violation of the Budget Act.

I do not see my distinguished chairman on the floor. Again, with all due respect, I do not know how one can argue that my amendment should not be adopted because it violates—and a point of order raised against it, when it truly saves the taxpayers a lot of money, but then go right ahead and vote for the continuing resolution which also is in violation of the Budget Act. I want the RECORD to show that.

Again, I am not here to throw a bomb or a handgrenade or to blow this thing up. If I was, I could raise a point of order against the continuing resolution and there would have to be 60 votes to pass it. Maybe there is, maybe there is not. That is not my object. My object is to try to save the taxpayers some money, to make sure that the Office of Inspector General is funded, not at any increased level, just at last year's level.

There is a bleeding going on every day, I tell my colleagues. There is a bleeding going on every day in Medicare. Millions of dollars are lost every day. It is the inspector general that is out there on the front lines stopping it and recouping real dollars for our taxpayers. We can close our eyes if we want. We can say it does not amount to a heck of a lot of money. As I pointed out, the inspector general said up to maybe $1 billion will be lost if they are not at least funded at last year's level. We are talking about $5 million to keep the Office of Inspector General going.

I say again, Mr. President, I am not here to disrupt, but I am here trying my level best, as I have for a long time, to cut at the waste, fraud, and abuse in Medicare. The main agent we have to do that is the inspector general's office. I do not cast any aspersions on what the House did. I do not accuse them of anything other than perhaps oversight. I cannot believe they would not accept this. I think it was simply an oversight.

Because of that, I believe if the Senate were to adopt this, send it back to the House—as I said, they are in session subject to the call of the Chair—I bet there would not be a House Member object to it. How could they possibly object to something like this? And then send it to the President and save our taxpayers some of their money.

I yield the floor.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING THE TRADE ACT OF 1974 TO CLARIFY THE DEFINITIONS OF DOMESTIC INDUSTRY AND LIKE ARTICLES IN CERTAIN INVESTIGATIONS INVOLVING PERISHABLE AGRICULTURAL PRODUCTS

Mr. GRAHAM. Mr. President, earlier this afternoon on behalf of my colleague Senator MACK and myself, the Senate was asked to consider, by unanimous consent, S. 1463. It is my understanding that unanimous consent has now been granted.

Mr. President, I rise to urge the immediate adoption of S. 1463, a bill that advances fairness for American farmers in crisis.

The bill, which I introduced last December on behalf of myself and Senator MACK of Florida, would make it easier for seasonal industries, such as winter vegetable growers, to seek relief under section 202 of the Trade Act of 1974.

Sections 201–204 of the Trade Act of 1974 authorizes the President, after an investigation and determination by the International Trade Commission, to withdraw or modify concessions or impose duties for a limited period of time on imports of like or directly competitive articles.

Section 202(c)(6) defines "domestic industry" as the producers as a whole of the article or those producers whose collective production of the article constitutes a major portion of the total domestic industry, including flexibility to define the industry as a limited geographic area.

During early 1995, the domestic winter tomato industry sought relief for injury resulting from surges of imports of Mexican tomatoes. The International Trade Commission, viewing the domestic industry as nationwide and year-round, denied relief.

In its opinion, the ITC recognized that perishable agricultural products have limited marketability. Page I–12 of the opinion states:

> The perishable nature of fresh-market tomatoes precludes the interchangeability of tomatoes harvested and marketed at different times of the year. Given that a fresh-market mature-green or vine-ripe tomato harvested in any month would not be suitable for consumption after about three weeks, arguably a tomato harvested in one month could not be substituted for a tomato harvested a month later.

Nonetheless, the ITC determined that, under the statutory definition, the appropriate domestic industry included all growers and packers of fresh tomatoes during the entire calendar year.

This legislation is intended to facilitate a different result by the ITC in cases with facts similar to those presented in the case filed by the winter tomato growers. If this legislation is enacted, industries such as the winter tomato industry would be deemed to be a separate industry under the modified definition of a domestic industry.

Currently, seasonal growers may be considered to be part of an industry that grows, ships, and sells during an entirely different time during the year. For example, fresh tomato growers in California grow, harvest, and sell during the late spring, summer, and fall, while those in Florida do the same thing in the late fall, winter, and early spring. Quite literally, while one group is in business, the other is not. While the product may be the same, it is a fact that the market, the competition, and the trade involved are totally separate.

S. 1463 would modify the definition of domestic industry in section 202 cases involving perishable agricultural products. In those cases, the ITC would be authorized to define the industry to include only domestic producers who produce the product during a particular growing season if two things are proven.

First, the domestic producers must sell all or almost all of the production during that growing season. Under this requirement, however, sales of a perishable agricultural product during the weeks immediately following the end of the growing season would not disqualify a seasonal industry.

Second, during the growing season, other domestic producers of the article who produce in a different growing season must not supply, to any substantial degree, demand for the article. Again, this would not preclude the other industry from selling any produce during the growing season.

Instead, the purpose of these two limitations is to preclude arbitrary season cutoffs from meeting the standard. The scope of the modified definition is limited to situations where international producers compete directly with domestic producers of the same like product during the same growing season.

This does not mean that there cannot be any overlap between the partial-year growing season in which the domestic industry alleges injury and another growing season. Various factors such as weather conditions may cause one growing season to begin early or end late and yet not affect a separate growing season.

While this change will allow the ITC to conclude that a partial-year industry constitutes a domestic industry under section 202, I believe that it is consistent with the NAFTA and other international obligations.

This amendment, by itself, will not solve the myriad post-NAFTA challenges facing America's winter vegetable industry. Domestic winter growers are suffering from dramatic increases in imports of Mexican squash, eggplant, sweet corn, beans, bell peppers, tomatoes, and other vegetables. These crops are seasonal and perishable.

Without prompt legislative reform, the domestic winter vegetable industry will soon end its second post-NAFTA growing season with unfair rules and hampered ability to redress harm. In human terms, too many farm families have bankrupted, stopped production, and lost confidence in their Government to assure fairness.

In addition to S. 1463, we should enact and implement additional legislative and administrative measures to make NAFTA work as it was designed.

But today, we do have a chance to take a positive step toward fairness for American farmers. Let us not forfeit that chance as we contemplate adjournment until next month. On behalf of fundamental fairness for farm families, I urge you to support this bipartisan reform.

I would like at this time, therefore, to ask unanimous consent that the Finance Committee be discharged from further consideration of S. 1463, a bill to clarify the definitions of domestic industry and like articles in certain trade actions involving perishable agricultural products, that the Senate then proceed to its immediate consideration, that the bill be read three times, passed, and the motion to reconsider be laid upon the table; further, that any statements relating thereto be placed in the RECORD at the appropriate place as if read; provided further that the above occur without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 1463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS OF DOMESTIC INDUSTRY AND LIKE OR DIRECTLY COMPETITIVE ARTICLES.

(a) DEFINITION OF DOMESTIC INDUSTRY.—Section 202(c)(4) of the Trade Act of 1974 (19 U.S.C. 2252(c)(4)) is amended—

(1) by striking "and" at the end of subparagraph (B),

(2) by striking the period at the end of subparagraph (C) and inserting "; and", and

(3) by adding at the end the following new subparagraph:

"(D) may, in the case of one or more domestic producers who produce a like or directly competitive perishable agricultural product during a particular growing season, limit the domestic industry to those producers if the producers sell all or almost all of their production of the article in that growing season and the demand for the article is not supplied, to any substantial degree, by other domestic producers of the article who produce the article in a different growing season.".

(b) DEFINITION OF LIKE OR DIRECTLY COMPETITIVE ARTICLE; CONSIDERATION OF IMPORTED ARTICLE.—Section 202(c)(6) of such Act is amended by adding at the end the following new subparagraphs:

"(E) In the case of a perishable agricultural product produced by a domestic industry described in paragraph (4)(D), the term 'like or directly competitive article' means only the articles produced by the industry during the applicable growing season.

"(F) In the case of a perishable agricultural product, the Commission may limit its consideration to imported articles that are entered, or withdrawn from warehouse for consumption, during the same growing season as the like or directly competitive product.".

(c) RELIEF LIMITED TO CERTAIN IMPORTED PRODUCTS.—Section 202(d)(4) of the Trade Act of 1974 (19 U.S.C. 2252(d)(4) is amended by adding at the end the following new subparagraph:

"(E) The Commission may, in the case of a perishable agricultural product, limit provisional relief to imported articles that are entered, or withdrawn from warehouse for consumption, during the same growing season as the like or directly competitive product.".

(d) CONFORMING AMENDMENT.—Section 202(d)(5) of the Trade Act of 1974 (19 U.S.C. 2252(d)(5)) is amended in the matter preceding subparagraph (A), by striking "subsection" and inserting "section".

(e) EFFECTIVE DATE.—The amendments made by this Act apply with respect to investigations initiated pursuant to section 202(b) of the Trade Act of 1974 (19 U.S.C. 2252(d)) and requests for provisional relief initiated pursuant to section 202(d) of such Act (19 U.S.C. 2252(d)) after the date of the enactment of this Act.

BALANCED BUDGET DOWNPAYMENT ACT, I

The Senate continued with the consideration of the bill.

Mr. LAUTENBERG. Mr. President, I ask the Chair if there is an opportunity to make a statement without interrupting the discussion on the amendment of the Senator from Iowa?

Mr. President, clearly, since there is a moment of time, I just wanted to make a point about an amendment that I was going to offer. I have decided not to do so, not because I do not think it is warranted and justified and ought to be presented, but it is very obvious to me, after having seen the vote that was taken on the amendment offered by the Senator from Massachusetts to increase education funding substantially so we can meet our needs for our young people and to provide the kind of education that is essential if the United States is going to maintain or improve its leadership in global affairs, economics, science, et cetera—I saw what happened with that vote. We did not get 60 votes in favor of it, whatever the technicality was, to waive the budget, et cetera.

So, when I look at an amendment I was going to offer on environmental protection, it seemed to me that the handwriting was on the wall or that the toxics were in the ground or in the air, and that we were not going to get anywhere with a vote.

Mr. President, the American people clearly want to see an end to the partisan bickering, and it seems we are making some progress in that direction.

At the same time, Mr. President, I do want to register my concern about the stop-start way we are now financing much of the Government.

Continuing resolutions and shutdowns are no way to run a Government. The resulting uncertainty and chaos has a serious impact on States and local governments, on Federal employees, and on Americans throughout the country.

I also want to take a few moments to discuss the impact of the current CR on an area of particular concern to me: the environment.

Mr. President, I had planned to offer an amendment to protect environmental programs during the life of this short-term spending measure. My amendment would have frozen EPA's funding at last year's levels, as opposed to the roughly 14-percent cut called for in this bill.

However, I recognize that my amendment would be subject to the same point of order that was raised on Senator KENNEDY's amendment. As with his amendment, I am confident this amendment would receive a majority of votes, but not enough to overcome the parliamentary objection.

I also am concerned that, if my amendment were adopted in the Senate, the House leadership would refuse to put such a CR up to a vote, and the result would be another Government shutdown. I do not want that to happen. And I will not be offering my amendment. But I do want to take this opportunity to emphasize the importance of adequately funding EPA—and preferably doing so on a longer-term basis—when the pending CR expires in March.

Mr. President, it is time to make protection of our environment a national priority. Americans have a right to know that their air is clean enough to breathe, their water is clean enough to drink, and their children are not going to get sick because they live near a toxic waste dump.

The American people feel strongly about this, Mr. President. Poll after poll shows very strong public support for protecting our environment. Even Republican polls have reached that conclusion.

One recent Republican poll by Linda DiVall showed that only 35 percent of voters would support a candidate who supported the one-third cut in EPA funding in the House Republicans' VA/HUD appropriations bill. The same poll showed that while 6 out of 10 Americans say there is too much Government

regulation generally, only 1 in 5 believe that statement applies to the EPA.

Unfortunately, despite the broad public support for environmental protection, this Congress has treated these programs very poorly. Funding for EPA has been under serious attack. And EPA's budget has been subject to stop-start budgeting, which has created tremendous uncertainty and which has had a serious impact on environmental programs.

For example, many toxic waste sites are not getting cleaned up because of budget uncertainties and inadequate funding. These cleanups typically take a long time, and sometimes are costly. Since EPA does not know how much money it will have, it has been forced to shut down many projects that already have been underway, and to delay others.

This will end up costing taxpayers millions of dollars. It also will mean that many sites will remain filled with toxic wastes, placing nearby residents at additional risk.

Mr. President, EPA is not an agency with a fat budget. It has been underfunded for years. EPA has already eliminated all of its temporary employees, and the Agency now has 1,300 employees less than its authorized ceiling. If the level in the continuing resolution continues for the rest of the year, EPA will be forced to furlough all its employees for 10 to 12 workdays.

Mr. President, furloughs at EPA are not what the people want. They want a Federal Government that will take responsible and prudent steps to improve our environment. To to that, in my view, we should be increasing EPA's budget, not cutting it, as this bill would do.

Mr. President, deep cuts in EPA's budget inevitably will have an adverse impact on our environment, and on the many hard-working people who work at the Agency. But I also want to point out to my colleagues—especially those on the other side of the aisle—that cuts in EPA have a direct impact on many businesses in the private sector. Under President Reagan, EPA entered an era of substantial privatization.

Today, over 80 percent of the Superfund budget and 52 percent of the rest of EPA's budget goes to private contractors. Those companies and their employees will suffer needlessly if EPA's budget is slashed.

Other companies that rely on EPA also will be hurt by EPA cuts. For instance, EPA is required to certify new pesticides before they can be marketed. However, under this CR, many of these certifications will not be done. That means these products will not be approved for the coming growing season. Farmers, consumers and the agricultural chemical community all will be adversely affected.

Mr. President, our Nation has made enormous progress since the environmental movement was ignited by Earth Day in 1970. Environmental laws have made our water safer to drink, cleaned up our oceans and rivers, made the air cleaner, and protected our land from destruction. We can not afford to turn back now.

I have heard it said over and over that we need to balance the budget because we are piling debt onto our children. But what about the environment we are leaving our children? In my view, and the view of the American people, that simply has to be a national priority.

Mr. President, at the expiration of this continuing resolution, I really hope that the Congress will approve a budget for EPA that protects the environment. And not for 6 weeks at a time. But for the rest of the fiscal year.

That is important for the Agency to operate effectively. It is important for its employees, who need to plan their work, and their lives. It is important for the many private contractors and their employees, who depend on this funding. It is important for States and localities, which also rely on EPA funding to administer environmental programs. And, most critically, it is important to all Americans who care about the quality of our environment.

Mr. President, I ask unanimous consent an article appearing today in the New York Times, on the front page as a matter of fact, be printed in the RECORD at the appropriate place.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 26, 1996]

WORRIED REPUBLICANS BEGIN BACKPEDALING ON ENVIRONMENTAL ISSUES

(By John H. Cushman, Jr.)

WASHINGTON.—Republicans are increasingly worried that by imposing deep cuts on environmental programs they are doing even deeper political damage to their party, and they are beginning to back away from further confrontations on environmental issues.

As a result, it now appears more likely that Congress might loosen somewhat the fiscal vise that has gripped environmental agencies during the long budget impasse, while a number of proposals favoring mining, logging, oil and other big industries could vanish from the legislative landscape.

Administration officials and environmentalists can hardly claim victory yet. The administrator of the Environmental Protection Agency, Carol M. Browner, said that at a Senate hearing on Friday, she would testify that the cuts already imposed, and the slightly less severe ones still to come, would force the agency to delay some of its highest priorities, including new measures to control dangerous pollutants in drinking water.

But some environmentalists are starting to say, with a hint of wonder in their voices, that they are close to success in making environmental programs what one lobbyist called a "third rail," political slang for issues like Social Security that are best not touched because they carry such voltage with voters.

Increasingly, Republicans are echoing the same message.

This week, 30 Republican moderates in Congress wrote Speaker Newt Gingrich to complain that the party had "taken a beating this year over missteps in environmental policy" and calling on him to correct the course during the continuing budget talks.

"If the party is to resuscitate its reputation in this important area, we cannot be seen as using the budget crisis as an excuse to emasculate environmental protection," said the letter, drafted by Rep. Sherwood Boehlert, a maverick Republican environmentalist from upstate New York.

Even some of the party's more conservative advisers are sounding similar alarms these days.

"Our party is out of sync with mainstream American opinion," wrote Linda DiVall, a Republican pollster, in reporting to congressional clients on a recent nationwide survey on environmental issues.

But many in the party's leadership are reluctant to change course. They say the problem is not their agenda but the way they have explained it.

"What is out of sync is the distortion of our record by the administration and by radical environmental groups who want to continue to overregulate the economy," said Rep. John A. Boehner of Ohio, head of the House Republican Conference.

Environmental groups have mounted a sustained campaign all year to get their millions of members to complain to lawmakers about the Republican agenda, and it appears that the effects are increasingly being felt.

Last week, during the congressional recess, the entire New Jersey delegation of eight Republicans and five Democrats wrote to the Republican leadership asking that full financing be restored to the Superfund program, a reaction to news that the EPA had suspended the clean-up of hundreds of toxic waste sites.

In his State of the Union address, President Clinton spoke at length about environmental issues, which usually take a back seat to others. He won applause and loud cheers when he denounced the environmental proposals of the Republicans and challenged Congress to "re-examine those policies and reverse them."

The problem for the Republican leadership, though, is that many of those proposals are at the heart of their promise to roll back federal regulations, and many of the party's leaders, including Sen. Bob Dole of Kansas, the majority leader, and Rep. Tom DeLay of Texas, one of Gingrich's loyal lieutenants, are among their most vigorous advocates.

In a speech to the National Association of Manufacturers on Thursday, DeLay, the majority whip, accused Clinton of lying in his speech when he said that by voting to cut environmental enforcement by 25 percent, Congress was serving the interests of corporate lobbyists at the expense of clean water and children's health.

"That isn't just misrepresenting the truth; that is outright lying," DeLay said.

But Ms. DiVall, whose clients include a conservative Republican presidential candidate, Sen. Phil Gramm of Texas, said in her polling report that some of the party's environmental policies were broadly disdained by Democrats and Republicans alike—and by most independents, most young people and most women.

"By greater than a 2-to-1 margin, voters have more confidence in the Democrats than Republicans as the party they trust most to protect the environment," her report said. "Most disturbing is that 55 percent of Republicans do not trust their party when it comes

to protecting the environment, while 72 percent of the Democrats do trust their party."

The poll came up with especially strong signals on the Republicans' efforts to cut spending at the EPA.

"Attacking the EPA is a nonstarter," Ms. DiVall wrote.

Her polling found that only 35 percent of the public would vote to re-elect members of the House who supported the Republican-backed bill cutting financing for the agency, by a third, while 46 percent said they would vote not to re-elect them. If voter turnout in November is higher, she warned, the results would be worse.

Warnings like that seemed to be having an effect on Thursday, as the House leadership brought to the floor the latest stop-gap spending bill, to keep the federal government open until March. Previous temporary spending bills have singled the EPA out for especially severe cuts, especially in enforcement and clean-up activities.

The measure, passed by the House on Thursday night, would still cut the agency's financing, just as deeply as the spending bill Clinton vetoed in December but not as deeply as the cuts since Oct. 1, when the fiscal year began.

The Interior Department, another environmental agency that has been operating without a final agreement on its budget, would be financed until March. But the real issue facing that agency is not how much money it can spend, but rather what environmental policies it must follow.

One of the biggest fights of the past year was over changes the Republicans proposed in the mining law. Favored by industry and opposed by environmentalists, the measure was part of Interior bill and the broader budget bill, both of which Clinton vetoed.

On Thursday, Jack Gerard, an industry spokesman, said the budget impasse had "at least for now halted progress toward passage of mining law reform."

Mr. LAUTENBERG. So, I am hoping we get on with the resolution, the CR, not that I like it, frankly, but we do have to maintain the constancy of our work force, get the jobs done as well as we can at the moment. I am terribly disappointed at the relatively low levels of funding——

Mr. HATFIELD. Mr. President, may we have order so the Senator can be heard?

The PRESIDING OFFICER. The Senator is correct. The Senate will please come to order. Senators to the left of the Chair please take your conversations into the Cloakroom.

Mr. LAUTENBERG. Mr. President, rather than take any more time, I will yield the floor at this point.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I do not believe there is any more discussion. Senator HARKIN indicated he had finished his discussion.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. HATFIELD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The question is on a motion to waive.

Is there further debate on the motion?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, what we may propose here, at the Democratic leader's suggestion, is to vote on this matter, vote on final passage, vote on the START treaty, vote on DOD, and then anybody who may wish to discuss these matters can do that.

Mrs. BOXER. Will the majority leader yield for a question? Can we make those votes 10-minute votes?

Mr. DOLE. Sure. I would put them en bloc.

Mrs. BOXER. I would support you fully and completely.

VOTE ON MOTION TO WAIVE THE CONGRESSIONAL BUDGET ACT—AMENDMENT NO. 3122

The PRESIDING OFFICER. The question is on the motion to waive the Budget Act with respect to amendment No. 3122.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. CAMPBELL], the Senator from Indiana [Mr. COATS], the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from Arizona [Mr. KYL], and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

I further announce that, if present, and voting, the Senator from Colorado [Mr. CAMPBELL] would vote "nay."

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is necessarily absent.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 45, nays 45, as follows:

[Rollcall Vote No. 3 Leg.]

YEAS—45

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Murray
Bradley	Harkin	Nunn
Breaux	Heflin	Pell
Bryan	Inouye	Pryor
Bumpers	Johnston	Reid
Cohen	Kennedy	Robb
Conrad	Kerrey	Rockefeller
Daschle	Kerry	Sarbanes
Dodd	Kohl	Simon
Dorgan	Lautenberg	Snowe
Exon	Leahy	Wellstone

NAYS—45

Abraham	Frist	Lott
Ashcroft	Gorton	Lugar
Bond	Grams	Mack
Brown	Grassley	McCain
Burns	Gregg	McConnell
Byrd	Hatch	Moynihan
Chafee	Hatfield	Murkowski
Cochran	Helms	Nickles
Coverdell	Hutchison	Pressler
Craig	Inhofe	Roth
D'Amato	Jeffords	Santorum
DeWine	Kassebaum	Simpson
Dole	Kempthorne	Smith
Specter	Thomas	Thurmond
Stevens	Thompson	Warner

NOT VOTING—9

Bennett	Domenici	Hollings
Campbell	Faircloth	Kyl
Coats	Gramm	Shelby

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected, and the amendment fails.

Mr. DOLE. Mr. President, with the passage of the Balanced Budget Downpayment Act, instead of the headline reading "Government Shuts Down," it will read "Government Scaled Down."

Instead of adding to the frustration that the American people have with Government, we'll be adding to the amount of money we are saving taxpayers.

Instead of punishing Federal employees; we'll be eliminating unnecessary Federal programs.

Everybody knows that this bill is not perfect.

Each of us, if given the opportunity, would write it differently.

Some, like President Clinton, would prefer to spend more tax dollars.

Others, like me, would spend less. But I think we can all agree that this bill is much better than shutting down the Government.

The bottom line here, Mr. President, is that with this Balanced Budget Downpayment Act, we fulfill our commitment to keep the Government open, while at the same time we ensure at least $30 billion in budgetary savings for the current fiscal year.

This puts the focus back where it belongs: On cutting unnecessary Washington spending and reducing the budget deficit.

And let me leave no doubt: The Republican promise to the American people to balance the budget the right way in 7 years is not something we are willing to sacrifice.

We will never relent in our fight to protect future generations of Americans and leave them the legacy of a better America. And today's continuing resolution is a genuine downpayment on that promise.

Let me also briefly mention that this continuing resolution includes the fiscal year 1996 Foreign Operations Appropriations Act, which has been held up for many months by pro-abortion special interest groups.

I am pleased that the resolution contains many provisions which I drafted or strongly supported. These include:

An assurance that countries which have embarked on the peace process in the Middle East—Israel, Egypt, and Jordan—will receive important support for their search for a just and lasting peace.

A restriction on aid to Bosnian Serbs, a doubling to $100 million in military draw down authority to equip, arm, and train Bosnian Government

forces, and a provision limiting assistance to any country which harbors international war criminals.

A requirement of human rights certification before additional assistance can be provided to Haiti. This is in response to the overwhelming evidence indicating that elements of the Government of Haiti have been involved in political assassinations—a sad outcome for a U.S. military operation that was alleged to be about democracy and the rule of law.

Assistance for critical states on the periphery of the newly resurgent Russia—especially Ukraine and Armenia. This bill also provides for the Transcaucus enterprise fund—an idea I first proposed in 1994.

This bill also contains provisions to encourage the administration to honor its stated commitment to expand NATO eastward—sooner, rather than later. The Republican Congress has repeatedly been forced to push the Clinton administration on the issue of NATO expansion—another case where the administration's deeds have not matched their words.

Finally, the bill contains the Humanitarian Aid Corridors Act—a limitation on aid to countries which impede the delivery of U.S. humanitarian aid to other countries. This important provision will help ensure we get the best bang for our foreign aid buck. I was proud to be the lead sponsor of this provision.

Mr. President, it has been a long and difficult process to get the foreign operations conference report to this point. And let me congratulate subcommittee Chairman MCCONNELL for his leadership and perseverance.

Mr. ABRAHAM. Mr. President, I wanted to take this opportunity to address several of the votes cast today. Among other items, the Senate voted today to uphold the Budget Act with respect to the Kennedy and Harkin amendments. Let me make my position clear; I support full funding for education and continued vigilance over Medicare fraud. In the past, I have offered several amendments to protect education spending from cuts as well as to create new initiatives to fight Medicare fraud. My Medicare fraud amendment was a key part of the Medicare reforms vetoed by the President as part of the Balanced Budget Act of 1995.

Nevertheless, I did not support any amendment to the continuing resolution which would result in the shutdown of the Federal Government. By forcing this bill to return to the House for additional debate, these amendments would have done just that. Already we have seen the Government shut down twice in the past few months. The most recent shutdown lasted a record 21 days. Another shutdown is simply unacceptable.

I yield the floor.

Mr. HATFIELD. Before final passage, I would like to take the opportunity to explain further my concerns about several provisions in this bill.

RESTRICTIONS ON POPULATION PLANNING ACTIVITIES

I am dismayed by the provision in this continuing resolution which restricts the funds that may be made available for our international population assistance program and the U.S. contribution to the United Nations Population Fund [UNFPA].

The proponents of this language know that it is extremely unlikely that an authorization bill will pass before the July 1, 1996 deadline. Therefore, the bill provisions restricting funding to 65 percent of fiscal year 1995 levels and the obligation of funds to monthly apportionments of 6.67 percent will go into effect. When this occurs, our international family planning efforts will be devastated. The result—more unintended pregnancies and more abortions.

Let me give you a present day example. The former Soviet Union has the highest abortion rates in the world. In 1991, an estimated 12 to 15 million legal and illegal abortions were performed. The average woman will have between four and six abortions during her lifetime. Some women have as many as 20 abortions. This is appalling. Why do these countries have such high abortion rates? The answer—the unavailability of modern contraceptives.

Last year, in the foreign operations bill I was able to secure funding to allow the Agency for International Development to develop a comprehensive family planning program in the former Soviet Union. AID's efforts in Russia, Moldova, Belarus, and Ukraine have begun to have an impact on the abortion rate. We have data from the Ukraine that shows a reduction in the number of abortions.

So what are we doing today? We are drastically cutting funding to United States-supported international family planning programs, and we are reducing AID's flexibility to respond to areas, like the former Soviet Union, where the need for family planning is so great. We are ensuring that the world will return to the old ways—the old Russian model—with increases in unintended pregnancies and abortions.

As a pro-life Senator who strongly opposes abortion, I am disheartened by the lack of understanding and foresight of our colleagues in the House who have been unrelenting in their insistence on these restrictions.

HUMAN EMBRYO RESEARCH

I remain concerned about using this continuing resolution to place restrictions on research. However, I understand from the National Institutes of Health that this will not effect any current grants because the NIH is not funding research in this area at this time. It is my hope that the authorizing committees will take the time necessary to fully examine the issue of human embryo research and its ramifications before further restrictions are placed on funding. This is an important issue which deserves our full consideration.

EDUCATION FUNDING

I would like to add, Mr. President, that I regretfully oppose the amendment by my colleague from Massachusetts, to increase funding for education programs. While one of my highest personal priorities is to increase funding for these programs. I cannot in good conscience support an effort which gives us all a rhetorical win but not a substantive win. Increasing funding for these programs for 45 days has little to no practical effect. Aside from the fact that most education programs are forward funded and thus, not impacted in the next 45 days—over $13 billion or 54 percent of education moneys are, by law, not available until July 1 and another $7.5 billion or 31 percent are not obligated until the third and fourth quarters of the fiscal year—this amendment does not provide any certainty for the long term. It may also jeopardize our ability to enact legislation necessary to stabilize national education spending.

The best action we can take for education is to pass this continuing resolution and then proceed as rapidly as possible to consider the fiscal year 1996 Labor, HHS, Education appropriations bill. The Senate bill, reported from the committee on September 15, includes $22.3 billion indiscretionary spending for education programs, an increase of $1.5 billion more than the House-passed bill and the entire amount of increase given to the Senate Labor/HHS Subcommittee in its 602(b) allocation. Without a Senate-passed bill we are negotiating from a position of weakness with the House. Passage of this bill will provide the baseline on which true long-term planning can take place in school districts and classrooms all across this country.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I want to ask consent now that we have three consecutive votes. I will make the request here.

Mr. President, I ask unanimous consent that H.R. 2880 be advanced to third reading. I now ask for the yeas and nays on final passage of H.R. 2880.

The PRESIDING OFFICER. Without objection, it is so ordered. Is there a sufficient second? There is a sufficient second. The yeas and nays are ordered.

The yeas and nays were ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 1124

Mr. DOLE. Mr. President, I further ask unanimous consent that it be in order for me to ask for the yeas and nays on adoption of the conference report to accompany S. 1124, the DOD authorization bill, and that the vote

occur on adoption of the conference report immediately following the vote on H.R. 2880.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—START II TREATY

Mr. DOLE. Mr. President, I also ask unanimous consent, as if in executive session, that it be in order for me at this time to ask for the yeas and nays on the adoption of the resolution of ratification to accompany the START II treaty.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Further, Mr. President, I ask unanimous consent as if in executive session that the vote on the resolution occur immediately after the vote on adoption of the DOD authorization conference report.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Is there a sufficient second for the advancement of the rollcall vote? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that the votes be 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent that there be 1 minute in between votes to explain the next vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there be no further amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 2880) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. CAMPBELL], the Senator from Indiana [Mr. COATS], the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from Arizona [Mr. KYL], and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado [Mr. CAMPBELL] would vote "yea."

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 82, nays 8, as follows:

[Rollcall Vote No. 4 Leg.]

YEAS—82

Abraham	Frist	Mikulski
Akaka	Gorton	Moseley-Braun
Ashcroft	Graham	Moynihan
Baucus	Grams	Murkowski
Biden	Grassley	Murray
Bingaman	Gregg	Nickles
Bond	Harkin	Nunn
Boxer	Hatch	Pell
Bradley	Hatfield	Pressler
Breaux	Heflin	Pryor
Bumpers	Hutchison	Robb
Burns	Inhofe	Rockefeller
Byrd	Inouye	Roth
Chafee	Jeffords	Santorum
Cochran	Johnston	Sarbanes
Cohen	Kassebaum	Simon
Conrad	Kempthorne	Simpson
Coverdell	Kennedy	Smith
Craig	Kerrey	Snowe
D'Amato	Kerry	Specter
Daschle	Kohl	Stevens
DeWine	Leahy	Thomas
Dole	Lieberman	Thompson
Dorgan	Lott	Thurmond
Exon	Lugar	Warner
Feingold	Mack	Wellstone
Feinstein	McCain	
Ford	McConnell	

NAYS—8

Brown	Glenn	Levin
Bryan	Helms	Reid
Dodd	Lautenberg	

NOT VOTING—9

Bennett	Domenici	Hollings
Campbell	Faircloth	Kyl
Coats	Gramm	Shelby

So the bill (H.R. 2880) was passed.

Mr. BRADLEY. Mr. President, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

Mr. DOLE. Under the previous order, there is 1 minute between each vote, if anybody would like to have it.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1996—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1124) to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of January 22, 1996.)

Mr. THURMOND. Mr. President, I am disappointed that the Senate has to consider the revised Defense authorization conference report for fiscal year 1996. To the dismay of many Members, President Clinton vetoed the original bill on December 28 because of his objections to: Deploying a missile defense system able to defend all 50 States; certifying that deployments of U.S. forces under U.N. command and control are in the national interest; and, requiring the President to seek congressional approval of funding of unanticipated contingency operations.

The primary reason for the President's veto of the bill was the administration's uncompromising opposition to deploying a system to defend the United States against ballistic missiles. The first duty of the President, as defined in the Constitution, is to defend America. Missile defense for America is a very achievable goal; it is hard to understand the opposition to providing protection for America.

Mr. President, we are told that there is no immediate threat, but I can assure you that when we are threatened, it will be too late to start. We will then be at the mercy of an aggressor's blackmail, or worse. In order to complete action rapidly on the renewed conference without further diluting the national missile defense provisions, the conferees dropped the NMD sections from the conference report. Although the conference report we are now considering does not include language on NMD, Republicans remain determined to enact forceful NMD legislation in the near future. I remain strongly committed to the deployment of a multiple-site NMD system by 2003 and am working with Senator LOTT, Senator SMITH, Senator KYL, and others in formulating a new bill.

Mr. President, the requirement to submit a supplemental request of funds to pay for contingency operations was also listed as a reason for the President's veto.

Unfortunately, President Clinton continues to deploy our military forces overseas for a variety of non-traditional military operations without due regard to cost or funding. These operations absorb significant human resources and funds which had been budgeted and appropriated for military readiness and modernization.

Our provision would merely have required the submission of a supplemental request to ensure that readiness is maintained, while at the same time allowing the Congress to carry out its constitutional responsibility. Although I disagree with President Clinton's argument that such a requirement is unconstitutional, the conferees agreed to change this requirement to a sense of Congress.

In his veto message, the President asserted that he thought his authority as commander in chief would be undermined by a requirement to certify that placing U.S. troops under operational control of the United Nations is in our national security interest. I do not understand how any President can possibly object to a requirement that explicitly states to the American people

that any deployment of American troops is in the national interest. This was a broadly supported provision and the President's veto ensures that neither the Congress nor the President has seen the last of this common-sense legislation.

While I disagree with the objection, since certification is an accepted way for Congress to exercise oversight responsibility, I do not want this important bill delayed by another veto. Further, if we had watered down this section as the President would have liked, the Congress would be abdicating its oversight responsibilities.

For these reasons, the conferees concluded that it would be better to drop the section in its entirety. A separate bill will preserve the integrity of Congress' intention to ensure U.S. forces are placed under U.N. control only when it is in the U.S. national security interest.

Mr. President, the House National Security Committee and the Senate Armed Services Committee have moved swiftly to resolve the President's objections to the previous defense authorization bill because we recognize the importance of the bill to our Armed Forces. This conference report retains the many important initiatives of the earlier bill.

The conference agreement contains a number of acquisition reform provisions which make it easier for Federal agencies to buy commercial technologies, while preserving the standard of full and open competition. Other initiatives range from improved quality of life for servicemembers and their families, to a full pay raise. Our Armed Forces should not have to wait any longer for the support they deserve.

Mr. President, I am pleased to say we will now have the opportunity to express our support for our military men and women by voting to approve the conference agreement on the National Defense Authorization Act for Fiscal Year 1996. I urge my colleagues to pass this conference report in a strong, bipartisan show of support for our Armed Forces.

Mr. President, I wish to express my appreciation to the able ranking Member, Senator NUNN, for the great contribution he has made to this bill. Without his cooperation and counsel it would have been very difficult to get this revised bill enacted.

Mr. NUNN. Mr. President, I am pleased to join with Senator THURMOND in support of the revised conference report on the National Defense Authorization Act for fiscal year 1996, which has just passed. The annual Defense authorization bill is one of the major responsibilities of the Congress each year. It has become the primary vehicle for fulfilling the responsibility of Congress, set forth in article I, section 8 of the Constitution, to raise and support the Armed Forces and to provide rules for the governance and regulation of our military forces. The fact that we have a Defense authorization bill that is likely to be approved by the Congress and signed by the President reflects the determination of Senator THURMOND, and many other Members, to make significant changes in the bill that was vetoed on December 28, 1995.

The Senate debated the first conference report on December 19, 1995. I voted against that conference report, which was the first time in my 23 years in the Senate, that I voted against a Defense authorization conference report. I had supported every previous Defense authorization conference report, including 6 years in which I served in the minority under two Republican chairmen. I concluded then that the conference report contained fundamental flaws that were contrary to the best interests of the taxpayers and the sound management of our national defense activities. On balance, the bill's bad policy outweighed its good policy. My floor statement on December 19 detailed the serious reservations that I had about the first conference report.

MAJOR CHANGES

Mr. President, the revised conference report satisfies a number of the concerns which I addressed in my December 19 remarks on the Senate floor in opposing the bill and in the President's veto message. I view these changes as very substantial.

The revised conference report completely eliminates the objectionable National Missile Defense language from the previous conference report. As I noted on the Senate floor, the language in the first conference report amounted to an anticipatory breach of the Antiballistic Missile Treaty. I had expressed serious objection, as had the administration, to that language. The language in the first conference report could have had a significant impact on Russian consideration of the START II Treaty which is designed to produce a major reduction in Russian nuclear weapons. The language also could have lead the Russians to abandon other arms control agreements if they conclude that it is United States policy to take unilateral action to abandon the ABM Treaty. All that language is has been removed from the conference report.

The revised conference report changes the first conference report in a number of other significant respects:

The new report completely eliminates the proposed restrictions on U.S. forces under U.N. command and control, which the administration had viewed as interfering with the constitutional prerogatives of the President.

The new report eliminates the mandatory requirement in the contingency funding provision for a supplemental appropriation, and replaces it with a sense-of-Congress provision, thereby removing another constitutional concern expressed by the President.

The new report completely eliminates the language which would have repealed the statutory authority for an independent Director of Operational Test and Evaluation—a key position in terms of ensuring unbiased tests of major weapons systems.

The new report makes it clear that the conferees support placing the oversight of special operations under a senior DOD official who is subject to Senate confirmation in order to ensure strong civilian control of special operations activities. The action of the conferees reflects the fact that when Congress created this position of Assistant Secretary for Special Operations and Low Intensity Conflict, we were not simply trying to give visibility to an Assistant Secretary. There are significant substantive differences between the Assistant Secretary of Defense for Special Operations and each of the other Assistant Secretaries. The position of Assistant Secretary for Special Operations is tied directly to a unique combatant command that exercises management powers similar to those of a civilian service Secretary. The conference report makes it clear that there is a continuing requirement for a senior, Senate-confirmed official to exercise these responsibilities as the individual's principal duty.

The new report extends the time period for the sale of the naval petroleum reserve from 1 to 2 years. The 1 year period in the previous version was insufficient to ensure that the taxpayers would obtain the maximum value through knowledgeable competitive bidding.

The new report specifically requires consideration of costs and risks in the development of plans for future submarine technology. The previous report omitted these vital factors, which could have lead to a great deal of wasted effort on theoretical and impractical approaches to modernizing our submarine fleet.

IMPORTANT LEGISLATIVE INITIATIVES

The conference report contains important legislative authorities which I support, such as:

Important military pay and allowance provisions, including a 2.4-percent pay raise for the troops and a 5.2-percent increase in the basic allowance for quarters.

Approval of Secretary Perry's family and troop housing initiative, which would provide new authorities—including shared public and private sector funding—to finance needed construction and improvements in military housing.

Detailed acquisition reform legislation that complements last year's landmark Federal Acquisition Streamlining Act. Key provisions would: Use simplified procedures to streamline the

process of procuring commercial products and services while preserving the requirement for full and open competition; reduce the barriers that inhibit acquisition of commercial products by eliminating the requirement for certified cost and pricing data for commercial products; streamline the bid protest process by eliminating the separate bid protest authority of the General Services Board of Contract Appeals and providing for all bid protests to be determined by the General Accounting Office; consolidate and clarify the standards of conduct for Federal officials in the acquisition process to ensure consistent treatment of such personnel on a governmentwide basis.

Establishment of a Defense Modernization Account. This provision, which I sponsored, will encourage the Department of Defense to achieve savings in procurement, R&D, and operations and maintenance by allowing the Department to place those savings in a new account, the Defense Modernization Account. The Department could use amounts in the account to address funding shortfalls in the modernization of vital weapons systems.

CONTINUING FLAWS

I am disappointed, however, that the conferees retained a variety of flawed provisions that were contained in the previous conference report. I recognize that there was a reluctance to rewrite the entire conference report at this point in time, but I am particularly concerned about a number which are contrary to the best interests of the taxpayers and the national interest. I detailed the problems with these provisions in my floor statement on December 19, and I will simply highlight a number of my continuing concerns today.

EARMARKING

Mr. President, I am particularly concerned about the provisions of the bill which earmark the procurement of specific ships in specific shipyards. These anticompetitive provisions are contrary to the longstanding practices of the Armed Services Committee. In the past, we have provided appropriate guidance on the development and procurement of major weapons systems and to leave to the executive branch the process of awarding contracts. We have done this to ensure that the Government achieves the best price and quality based upon bids and proposals reviewed under merit-based criteria. We have endeavored to avoid legislation and conference report language which earmarks specific contracts to specific contractors. We have avoided earmarking because there is too great a danger that awards under such a system could be based on political and parochial considerations rather than the best interests of national defense. I am very concerned about the shipbuilding provisions of the conference report, which could lead to substantial unnecessary expenditures for the procurement of Navy vessels.

I am also concerned that section 1016 of the bill has the effect of earmarking a ship maintenance contract for a specific shipyard. This is a provision that not only precludes competition, it also directs work to be performed that the Navy says is unnecessary. Once we start down this route, other shipyards—as well as repair and maintenance contractors for aircraft and vehicles—will want their share of these directed, noncompetitive contracts. The Competition in Contracting Act is designed to save money through effective competition. From time to time, there are exceptions which can be justified on the merits in terms of industrial base considerations—but those decisions should be made on the basis of sound analysis and thorough consideration of executive branch views, not on the basis of legislated earmarks.

PROTECTIONISM

The conference report establishes new Buy American legislative provisions for ships and naval equipment which will result in enormous cost increases for naval vessels and which could produce an unfavorable reaction against U.S. military sales abroad—one of the strongest elements of our export economy. As a result of the conference, foreign countries which lose the right to bid on American contracts as a result of this provision will likely retaliate by imposing their own restrictions on American products, thereby damaging the export sector of the United States that currently has a strong surplus.

There is ample existing authority for DOD to exclude foreign companies from competing on contracts when there is a valid industrial base requirement for a domestic producer. The Department of Defense has not requested any additional legislative authority to impose specific Buy-American requirements on the components listed in the conference report. There has been no showing of a critical domestic industrial base need that would justify singling out these vessel components, among the hundreds of thousands of items procured by the Department of Defense, as warranting protection from competition. Mr. President, I find it strange that a Republican majority in the House and Senate committed to free trade and market competition, would inject the most sweeping Buy American provisions we have placed in a Defense authorization bill I have ever seen. This will damage the U.S. defense industry and the American taxpayer.

A more onerous Buy-American provision is set forth in the bill's authority to use sealift funds to purchase vessels for the National Defense Reserve Fleet. Unlike the Buy-American provision that applies to components, which I previously discussed, the provision governing National Defense Reserve Fleet vessels has no waiver authority. As a result, DOD would be precluded from purchasing foreign vessels for the five additional Roll-on/Roll-off ships called for in the mobility requirements study, despite the potential for major savings to the taxpayers. This provision could add over $1 billion to the cost of these ships. The result could be a bonanza for certain domestic shipbuilders at taxpayer expense, or—what is more likely—the Navy will decide that the cost is likely to be so high that the Navy might forego purchasing enough ships to meet mobility requirements. That would be bad for the taxpayers and bad for national defense.

UNWISE PERSONNEL POLICIES

The conferees have approved legislation mandating the discharge of HIV-positive servicemembers. Out of the 1.4 million members of the Armed Forces on active duty, only 1,150 are HIV-positive. That is less than one-tenth of 1 percent. Moreover, these HIV-positive servicemembers constitute only 20 percent of the total permanent nondeployable personnel in the military. The other 80 percent nondeployable for reasons such as cancer, heart disease, asthma, and diabetes. The bill requires discharge only of the HIV-positive servicemembers—not any of the other medically nondeployables.

This is particularly unfortunate because many of those who are HIV-positive are not adversely affected in terms of their ability to perform useful military service.

Mr. President, we need to put a human face on these statistics.

There is a sergeant with 16 years of service, with a wife and two children, who contracted HIV from a blood transfusion. He is performing sophisticated personnel management activities in a nondeployable status. When he heard about our bill, he said to his commander: "The service is my life. I've given everything I have to it. When this bill passes, I'll be out of the service and out of a job. How am I supposed to support my family?" What do we tell that sergeant and his family? How can we justify to the taxpayers the waste of 16 years of military training and education?

There is a female staff sergeant with 8 years of service who is assigned to a high level administrative position in one of the military departments. She contracted HIV from her husband, who subsequently died. She is the mother of a 4-year-old child. Under the bill, she will be out of the service, out of a job, and ineligible to reach retirement. She is perfectly capable of continuing her outstanding performance of duty, but now she will be fired.

There is an E–6 married for 10 years, who has a child and who is HIV positive. His service record includes a Navy Commendation Medal, two Navy Achievement Medals, and four sea-

service deployment ribbons. His Navy Commendation Medal was awarded for automating a warehouse system that saved the Navy an estimated $2 million over a 2 year period. He has 12 years of service and has been HIV positive for 5 years. There is a reasonable likelihood that he could serve for many more yeas, with the potential to develop systems that will save millions more for the Navy. This bill deprives him of his livelihood and deprives taxpayers of the contributions that he can make to greater efficiency and savings.

There is a sergeant with 13 years of service who is married, with three children. He is HIV positive, as is his wife and two of the three children. Under the bill before us, he is the only one of the family who will retain a right to DOD medical care. His family, including his HIV-positive wife and two HIV-positive children, will be excluded from any DOD health care. As a result of the bill, he will be discharged from service, lose his employment, lose his retirement potential, and lose his family's medical care. This is an individual who is perfectly capable of performing military duties, yet we are going to throw away our investment in him and place him in dire financial straits. This is unacceptable.

Mr. President, these are but a few examples of the many productive servicemembers who will be discharged at great personal harm to them and their families, and at a great personnel investment loss to the taxpayers. This is not a situation where we have a large number of nondeployables. The numbers are small—well within the range of the number of nondeployables who have been retained on active duty under longstanding military manpower policies.

In my view, Mr. President, the HIV provision is counterproductive should have been stricken from the bill. In an effort to forge a compromise, I proposed that the conferees establish a waiver procedures. My compromise proposal would have permitted a Service Chief and Service Secretary to recommend waiver of the mandatory discharge, on a case-by-case basis, when retention of the individual would be in the "best interests of the Department of Defense" or would "prevent an unacceptable hardship for the individual service member and the immediate family." The majority conferees, however, refused to consider this approach.

It is my hope, Mr. President, that we will come to our senses, take a rational look at this policy, and repeal it before it can do any harm.

Other flawed personnel provisions include unwarranted restrictions on access of servicemembers and dependents overseas to abortion services at private expense and the unnecessary interjection of the judiciary into POW/MIA determination process.

CONCLUSION

Mr. President, I continue to be concerned about these flawed policies as well as the others I discussed in my December 19 statement. In my judgment, however, in view of the important provisions contained in the conference report and the major changes that were made by the second conference, I believe it is time to enact these provisions into law and put this year's debate behind us. I will vote for the conference report, but it is my intent to propose amendments during the coming year to address the significant flaws that remain in the bill.

As I mentioned, Mr. President, I am pleased to join with Senator THURMOND in support of the revised conference report on the National Defense Authorization Act for fiscal year 1996. Of course, this bill is one of the major responsibilities of the Congress each year. Given the number of people who want to speak, I am going to make my remarks brief and summarize what is a very comprehensive bill.

Mr. President, I congratulate Senator THURMOND for his persistence and his tenacity and his dedication. Without that dedication and energy and leadership, we would not be here on this bill; certainly it would not have come back after it was vetoed.

Mr. President, the revised conference report completely eliminates the objectionable national missile defense language from the previous conference report. As I noted on the Senate floor in considerable detail on a number of occasions, the language in the first conference report amounted to an anticipatory breach of the Anti-Ballistic Missile Treaty.

Mr. President, we did have a compromise proposal that passed the Senate. That compromise proposal passed overwhelmingly in the Senate. It was changed in the conference, and that is what prompted the veto from the President. That Senate language, which is not in the report that has just passed, would still, I believe, be acceptable. Certainly, I hope we can work constructively in that regard this next year.

Mr. President, this conference report made a number of other significant changes, some of which were outlined in the veto message by the President. Others were changes that I had urged and that others had urged, including the extension of the naval petroleum reserve sale to 2 years, which I think is very important. The original bill, which was vetoed, had only 1 year, which could have put a tremendous amount of pressure and resulted in perhaps billions of dollars of loss in the competitive bidding process to the taxpayers of America.

The new report also eliminates restrictions on U.S. forces that the White House had objected to. It eliminates the mandatory requirement on contingency funding provisions for supplemental appropriations, replacing it with a sense of Congress. It also eliminates the language which would have repealed the statutory authority for an independent Director of Operational Test and Evaluation, and makes it clear that the conferees support continued oversight of the special operations under a DOD civilian official who is subject to Senate confirmation.

In addition, Mr. President, this conference report has a number of important legislative provisions, including military pay and allowance, including basic allowance for quarters for our military forces, including Secretary Perry's family and troop housing initiative, including detailed acquisition reform, which is enormously important, which streamlines the Federal Acquisition Streamlining Act, and also including, I think, an important new provision, a defense modernization account, which I sponsored, which in effect says to each of the services, if you save money on any of your research and development procurement, if you find ways to save money, you can put the money in this specific account; and, subject to further approval of Congress, which I think would be almost automatic, hopefully, they will be able to spend this money on modernization.

This gives the military a real incentive to save money and put it into much higher priority purposes because we all know we are going to be very short in modernizing our force in the outyears.

Mr. President, the Senator from Arizona has enumerated a number of provisions which he objects to in this bill. I too have some concerns about this bill. I share his concern about earmarking of specific ships in specific shipyards. I think that works against the best interests of the taxpayers. I think it is very poor procurement policy, and I believe it is a real danger in terms of eroding the kind of support we need for the defense bill from the broad segment of the American people concerned about how much money we spend. This is counterproductive, and it really means there is the danger we could go more and more toward awarding ship contracts to parochial interests or political interests rather than on the merits and based on true competition. That is something I hope we can correct next year. I raised that question over and over again to no avail.

Mr. President, this bill also, as the Senator from Arizona pointed out, has some buy American provisions in it that will cost us lots and lots of money in terms of lost trade because we will basically be taking a trade advantage we have in defense articles and saying we are not going to buy your articles and then we are going to get retaliation and we are going to have our own

defense contractors and our own workers suffer. So in order to help a few defense contractors, we are hurting a much broader segment and we are hurting our overall work force when we do that. I hope we can take corrective steps on those buy American provisions which I will not enumerate in the interest of time.

One other subject which I think has to be mentioned this evening is the provision in this bill on mandating by law the discharge of HIV-positive service members. This was not requested by the Department of Defense, not requested by any of the military services. Out of 1.4 million members of the armed services on active duty, 1,150 are HIV-positive. That is less than one-tenth of 1 percent. Moreover, these HIV-positive service members constitute only one-fifth or 20 percent of the total permanent nondeployable personnel in the military. The other 80 percent are people who cannot be deployed into combat for reasons such as cancer, heart attack or heart disease, asthma and diabetes. The bill requires discharge only of HIV-positive service members, not any of the other medically nondeployable personnel.

This is particularly unfortunate because many of those who are HIV positive are really not adversely affected in terms of their ability to perform their job in a useful way. If they are adversely affected in that regard, certainly there is every right to discharge under the current law.

Mr. President, we need to put a human face on this matter rather than treating it simply as some abstract political move which it has been treated as so far. Let me just give the Senate three or four real human examples that already have come to my attention that are going to suffer serious consequences as a result of the provision in this bill which I think is very unwise. There is a sergeant with 16 years of service, with a wife and two children, who contracted HIV from a blood transfusion. He is performing sophisticated personnel management activities in a nondeployable status—16 years of investment we have in this sergeant that has tremendous experience in his area of expertise. When he heard about our bill, he went to his commander, and he said, "The service is my life. I have given everything I have to it. When this bill passes, I'll be out of the service and out of a job. How am I supposed to support my family?" What do we tell that sergeant and his family, Mr. President? How can we justify to the taxpayers the waste of 16 years of military training and education?

Another example. A female staff sergeant with 8 years of service—these are actual examples—who is assigned to a high-level administrative position in one of the military departments contacted HIV from her husband who subsequently died. She is the mother of a 4-year-old child. Under the bill, she will be out of the service, out of a job, and ineligible to reach retirement even though she already has put in 8 years in the military and performs her job very ably every day. She is perfectly capable of continuing her outstanding performance of duty but now she is going to be fired by law.

We do not give discretion to anyone. We just say, Fire them all. Fire them all. They have HIV. Get rid of them.

It does not matter how they got it. It does not matter whether it is their fault—even a blood transfusion, getting it from your wife or from your husband. We are firing them.

Another example. There is an E–6 married for 10 years who has a child and is HIV-positive. His service record includes a Navy Commendation Medal, two Navy Achievement Medals, and four sea-service deployment ribbons. His Navy Commendation Medal was awarded for automating a warehouse system that saved the Navy an estimated $2 million over a 2-year period. He has 12 years of service, has been HIV-positive for 5 years. There is a reasonable likelihood he could serve for many more years with the potential to develop systems that will save millions of dollars for the Navy. This bill deprives him of his livelihood, deprives the taxpayers of his contributions that he can make to the military service.

Another example. A sergeant with 13 years of service, married with three children, is HIV-positive as is his wife and two of the three children.

Under the bill before us, he is the only one in the family who will retain the right to DOD medical care. His family, including his HIV positive wife and two HIV-positive children will be excluded from any DOD health care as a result of this bill. As a result of this bill, he will be discharged from the service, lose his employment, lose his retirement potential, and lose his family's medical care. This is an individual who is perfectly capable of performing military duties, yet we are going to throw away our investment in him, and place him and his family in dire financial straits.

Mr. President, as everyone in this Chamber knows, I led the fight in making sure that we have a sensible provision in terms of gays and lesbians serving in the military service. That is not what we are talking about here. We are talking about punitive action. We are talking about action that does not make any sense from any point of view.

During the consideration of this bill and in conference, I proposed a compromise. I proposed that the conferees establish a waiver provision. My compromise proposal would have permitted a service Chief and a service Secretary—would require both, both the uniformed military and the civilian to recommend waiver of the mandatory discharge that is in this bill on a case-by-case basis, when retention of the individual would be in the best interests of the Department of Defense or would present an unacceptable hardship for the individual servicemember and his immediate family. The majority of conferees, however, did not consider this approach.

I have given just a few examples where there is going to be tremendous harm to families, great personnel investment loss to the taxpayers. The numbers are small but the human tragedy here is going to be very large for no justifiable military reason. We are not talking about unit cohesion now. We are not talking about morale in the military. We are talking about people who can do their job and who may have been infected with HIV for no fault whatsoever of their own.

I am concerned about these flawed policies. I am also concerned about the overseas abortion services restrictions that are in this bill, and I am also concerned about, as Senator McCAIN said, what I believe to be the unnecessary interjection of the judiciary into the POW/MIA termination process.

However, in my judgment, the overall balance is in favor of passage of this bill, and it has passed. I believe it is time to enact these provisions into law and put this year's debate behind us. And, of course, I voted for the conference report because of my overall feeling of the necessity of getting this report passed for the benefit of our military services and our national security. But we have some badly flawed policies in this bill that need protecting, and I will be working with others to try to change those provisions in the coming year.

THE REVISED CONFERENCE AGREEMENT ON THE FISCAL YEAR 1996 NATIONAL DEFENSE AUTHORIZATION BILL

Mr. McCAIN. Mr. President, I regret very much that I come to the Senate floor today to speak against the revised conference agreement on the fiscal year 1996 national defense authorization bill. To my dismay, this revised conference agreement is significantly worse than the first agreement. It is another example of the inability of Congress to put aside the wasteful, pork-barrel spending practices of the past.

OPPOSITION TO ORIGINAL CONFERENCE AGREEMENT

Mr. President, I voted against the original conference agreement for several reasons, principally:

The inclusion of an additional $493 million for the B–2 bomber program.

Authorization for a third *Seawolf* submarine.

The $700 million for unrequested, low-priority military construction projects.

The $777 million for unrequested equipment for the Guard and Reserve, without regard to the priorities of the Guard and Reserve.

Legislation placing unnecessary and counter-productive "Buy America" restrictions on DOD's procurement decisions, to the detriment of our relations with some of our most faithful allies.

Legislation directing the noncompetitive allocation of four attack submarine contracts to Electric Boat and Newport News shipyards.

Myriad earmarks for entities and organizations favored by individual Members of this body.

And finally the unworkable, unnecessary, and burdensome new provisions dealing with POW/MIA issues.

For all of these reasons, which are discussed in more detail in my statement contained in the December 19, 1995, CONGRESSIONAL RECORD, I voted against the original conference agreement on this bill.

SUPPORTING THE COMMITTEE AND THE AUTHORIZATION/APPROPRIATION PROCESS

Now, I know that some of my colleagues were disturbed at my decision to cast my vote against the bill, even though the bill did pass the Senate. But, Mr. President, let me state very clearly that it was not an easy decision for me to make.

I have great respect for Chairman THURMOND, and I know that he worked very hard to accomplish the principal task of the Senate Armed Services Committee—enactment of the annual defense authorization legislation. It saddens me that, to date, that goal has not been accomplished.

Having served for more than 8 years on the Senate Armed Services Committee, I also clearly appreciate the Committee's crucial role in the Congress' defense budget review. As I said on the floor last December, this Committee has been at the forefront of the debate on national security policy and defense programs since the days of John Tower's chairmanship. The authorization committee, with its historically unbiased and nonparochial approach to defense issues, is an essential check-and-balance in the congressional budget process. In my view, it would be in the best interests of our Nation's national security to sustain the relevance and viability of the Armed Services Committee in the defense budget and policy review process.

For these reasons, I voted in committee last summer to report a defense authorization bill to the Senate floor, and I also reluctantly signed the original conference agreement. In both instances, I opposed many of the principal provisions in the bill. In taking these actions, I was not supporting the bill itself. I was supporting the Chairman, the Senate Armed Services Committee, and the congressional budget review process.

When it came time to cast my vote in the Senate on the original conference agreement, I came to the conclusion that the many positive aspects of the bill were outweighed by its negative provisions discussed above. I therefore voted against the original conference bill last December.

PROBLEMS WITH THE REVISED CONFERENCE AGREEMENT

When the President vetoed the original conference agreement late in December, I was hopeful that some of my objections would be addressed in a revised conference agreement. To that end, I wrote to Chairman THURMOND on January 4, 1996, to ask that he revisit some of these issues. I made it very clear that I could not support a revised conference agreement which does not address my specific concerns with the original, vetoed bill.

But my concerns were, unfortunately, ignored.

VETO FIXES

Mr. President, while the conference agreement does address the three major objections raised by the President, in my view, the conferees overreacted by stripping two provisions from the bill and substantially modifying the third.

I was disappointed that the conferees chose to eliminate entirely the policy language for national missile defense programs. I fully support the early deployment of effective missile defense at an affordable cost, which is what the conferees directed in the original agreement. Unfortunately, the conferees chose to strike this entire section from the bill, instead of working to modify it slightly to achieve some progress toward a meaningful effort to protect the people of the United States from accidental or unauthorized attacks.

The conferees also chose to remove entirely the language restricting the President's ability to place U.S. military forces under the command and control of the United Nations. The President did object strongly to the requirement to certify a national security interest before placing our troops under U.N. command. However, it seems to me, at a minimum, that it would have been useful to retain some statement of the Congress' strong objection to this type of action, as a base upon which to proceed with additional legislation during this year.

Finally, the conferees caved in to the President's objections to language requiring submission of a timely supplemental appropriations request to pay for contingency and peacekeeping operations. This language constituted nothing more than an expansion of the current law which requires submission of a Federal budget request each year at a specified time. Changing the conference language from a requirement to a sense of the Congress provision seems to be a very fine distinction and an unnecessary change.

Certain other changes were made to address the President's objections to the bill, most of which I do not oppose. However, I should note that very little was done to address a major concern raised by the President, namely, the noncompetitive allocation of shipbuilding and ship repair contracts. Another area that was not resolved to the satisfaction of the administration was the "Buy America" language, to which I also objected. Both of these are provisions to which I also objected.

BUY AMERICA

Mr. President, let me take a moment to discuss the "Buy America" restrictions in this bill. The conferees did remove a waiver provision which would have had the unintended consequence of rewarding nations with a history of retaliatory trade practices. However, the bill adds "Buy America" restrictions for propellers, ball bearings, and many other items which, frankly, are counterproductive to our ongoing trade relations with our most important allies.

As an example, the British placed orders for approximately $5 billion in United States-made defense articles last year; United States orders of British-made defense items totaled only about $800 million last year, a ratio of 4-to-1 to our economic advantage. This is a somewhat unusual year, in terms of the size of British orders to United States companies. I am advised that, on average, the British Government purchases twice as much defense equipment from the United States as we do from them.

Yet, even with this obvious economic advantage to the United States of doing business with the British Government, the new restrictions in this conference agreement would require the Pentagon to purchase many items from United States manufacturers rather than allowing competition from British and other foreign manufacturers. The result is that the U.S. taxpayer will not necessarily get the best deal on the price of these goods, and our trade relations with our allies will suffer as a result.

Let me take a moment to list some of the specific defense items that the British Government has procured from United States contractors.

Laser guided bombs from Texas Instruments.

C–130J aircraft from Lockheed-Martin.

Airborne stand-off radar system from a Loral/Raytheon team.

CH–47 helicopters from Boeing.

Infra-red countermeasures capability from Northrop Grumman.

Torpedo engines from Sundstrand.

I should also note that the British Government has announced its intention to sign contracts for two major procurements which affect contractors in my State of Arizona, namely, McDonnell-Douglas' Apache helicopters and Hughes' Tomahawk missiles.

Let me take a few minutes to talk about some of the specific domestic source restrictions in the bill.

The bill establishes in permanent law a requirement to buy the following defense items from U.S. suppliers:

Welded anchor and mooring chains, which benefits one company in Pennsylvania and possibly another in Washington State.

Air circuit breakers, which benefits two companies in Pennsylvania.

Vessel propellers of at least 6 feet in diameter, which benefits companies in Mississippi and Pennsylvania, and possibly Massachusetts.

Enclosed lifeboats, which benefits a company in Florida.

Ball and roller bearings, which benefits a company in South Carolina.

Gyrocompasses, benefiting a company in Virginia.

Electronlic navigation chart systems, benefiting 12 companies in Maryland, California, Iowa, Utah, Massachusetts, and Virginia.

Steering controls, benefits six companies in Louisiana, California, Wisconsin, and Georgia.

Pumps, benefiting 25 companies scattered throughout the United States.

Propulsion and machine controls, benefiting a company in California and one in Canada.

I find it interesting to note that these restrictions are usually justified on the basis of industrial base concerns, but in 6 of these 10 cases, there are at least 2 U.S. manufacturers of these items, and in some cases as many as 25 U.S. suppliers. Where is the threat to our industrial base for these items?

Several provisions in the bill have specific relevance to our defense trade with the British. The bill restricts the purchase of ball and roller bearings; there is a competent British manufacturer of these items. The bill also restricts procurement of propellers for naval vessels; a competent British source exists for these items. British companies are also capable of producing electrical navigation charts, propulsion systems, and a number of the other items that are limited in this bill to American companies.

This bill adds a number of new Buy America restrictions, although not by any means all of the items the House bill would have protected. I can assume that there are still other industries who might want to take advantage of the apparent willingness of the Congress to enact this type of protectionist legislation. If that were the case, if even more defense items were added to the domestic sources restrictions for Pentagon procurement, the negative impact on both foreign and U.S. business could be far greater.

For example, many British companies have entered into teaming arrangements with United States companies to compete for contracts for some very important United States military programs. Shorts Bros., teamed with Lockheed-Martin, is interested in the Starstreak air-to-air missile system for the Apache helicopter. British Aerospace, teamed with Hughes, is interested in the AIM-9X advanced short-range air-to-air missile program. Westlands, teamed with McDonnell-Douglas, is interested in the EH-101 combat support helicopter for the Navy. GEC, teamed with Northrop Grumman, is interested in the Army's Infra-red countermeasures program.

Judging by the enthusiasm of Congress for legislating Buy America restrictions, some of these British companies could, in the future, be precluded from competing for United States defense business. The secondary impact of additional Buy America restrictions would then be preventing their U.S. teaming partners from competing for these contracts. That is an outcome that I suspect many of my colleagues had not considered.

Mr. President, some of these restrictions have been in place for many years. The Buy American Act of 1933 implemented the first restrictions on U.S. Government purchases of foreign-made products. Since this type of protectionist trade legislation was initiated, items such as food, clothing, fabrics, watches, bolts, and nuts have been required to be purchased from American companies. In the defense field, the Pentagon must purchase from American companies such items as buses, machine tools, bearings, anchor and mooring chains, and numerous other items.

Let me cite one particular instance in this bill. The ball bearing industry in this country has been protected from foreign competition for many years, but the existing Buy America restriction ended last October. This bill extends the restriction until the year 2000. It seems to me that, if an American company cannot position itself to compete in the international marketplace after a period of protection from competition, perhaps there is more benefit to the American taxpayer in permitting foreign companies to compete for that Government business than in propping up a weak American concern.

Mr. President, I talked with the British Defense Minister last week. The British Defense Minister made it very clear, very clear, that, if these Buy America provisions prevailed, they will have to reevaluate their policies of purchasing defense and other products from the United States of America.

I cannot understand why the conferees decided to implement these additional protections for U.S. businesses. In my view, they are extremely short-sighted, in that they do not take into account the distinct possibility that our trading partners may understandably decide to retaliate against these unfair, protectionists restrictions by denying the United States access to their markets, defense or otherwise.

It is a bizarre circumstance, in my view, when the U.S. Congress concocts legislation which operates counter to the best interests of the taxpayer and which threatens our positive defense trade balance with allies like the British. I generally do not favor trade restrictions of any kind. In particular, the defense trade restrictions contained in this bill are not necessary to protect any U.S. defense industrial base. And further, defense trade restrictions negatively affect our defense capability by inhibiting the Pentagon's ability to buy the best weapons systems at the cheapest cost from any supplier in the world.

I had hoped that the unnecessary restrictions added in this bill would be removed in the second conference, as requested in the President's veto message, but they were not. I intend to work to remove these counter-productive domestic source restrictions to ensure free and open markets for defense goods and services. A true two-way street arrangement with our loyal allies, such as the British, is the best way to ensure the future availability of defense items which are vital to the continued readiness of our Armed Forces and those of our allies.

NEW PROVISIONS AND REVERSALS

Mr. President, beyond the action of the conferees in addressing some of the major veto objections, it is entirely incomprehensible to me that the conferees decided to add entirely new material and to reverse previous good decisions in order to satisfy some Members' parochial interests. These additions and changes were not even mentioned in the President's veto message.

Let me review just a few examples of programs which were added in the second conference agreement. These earmarks were gratuitously added to match funding included in the already enacted Defense Appropriations Act.

Some $10 million was earmarked for Aurora Borealis research, called the HAARP Program, in Alaska.

This program is a perennial congressional add-on, and its relevance to military requirements is completely inexplicable; 2 years ago, the program was described as a technology which would allow the United States military to locate tunnels and caverns in North Korea which could hide artillery pieces. Last year, an article in the Washington Post, April 17, quotes Pentagon and contractor officials who claim that the program will enhance communications with submarines. Still others claim that the program could seriously disrupt communications around the globe.

For a program which has been ongoing for a number of years and which is estimated to cost $160 million, it seems that a clear military purpose should be identified for it. And it seems that the Pentagon should be requesting funding for this program if it is of any military relevance whatsoever.

Some $10 million was earmarked for the Thermionics Program, in addition to $12 million in prior year funds which are directed to be transferred to the program. I understand that this earmark was mistakenly dropped in the conference agreement. However, in my view, that does not make any less onerous the fact that an earmark has been added in bill language that was not included in either of the Senate or House versions of the bill, or in the original conference agreement.

In addition, the revised conference agreement contains a legislative earmark of $4 million for a Counterterror Explosives Research Program, which was not included in the bill language in either the House or Senate version of the bill or in the original conference agreement. Apparently, this earmark was moved from the report language to the bill language, in exchange for the inclusion of the thermionics earmark in bill language. An interesting tradeoff.

The conferees also reversed several policy decisions contained in the first conference agreement. For example:

The decision to shut down the unnecessary National Drug Intelligence Center in Pennsylvania was reversed, and the new conference agreement provides $20 million for its continued operation.

Mr. President, let me take just a moment to discuss this issue. The fiscal year 1994 Defense Appropriations Act directed DOD to fund the staff and operation of the National Drug Intelligence Center [NDIC], located in Johnstown, PA, for the Department of Justice. Over the past 5 years, DOD has spent over $102 million in support of this center.

Because of concern over the amount of defense funding being used to fund a Department of Justice operation, the Senate adopted a provision in its version of the fiscal year 1996 National Defense Authorization Act limiting DOD support to providing 36 skilled technicians. What this means is that the DOD would no longer pay the salaries of the 209 Department of Justice employees at the center, nor would it pay for the travel and other associated costs of these employees. I believe that this is more than fair. If the Attorney General believes that NDIC provides a valuable service to Justice Department operations, then the Department of Justice should pay for its operations.

The original conference agreement included the Senate's provision. Unfortunately, when the bill came back from conference the second time, the restrictions had been removed and $20 million was authorized for operation of the center in fiscal year 1996.

Mr. President, there is no defensible reason this issue was reopened in conference. It was not mentioned in the President's veto message. Nobody has been able to justify why the Department of Defense should be paying the bill for this Department of Justice operation. Apparently, however, one powerful Member of Congress had a special interest in this project, and so it was restored.

The conferees also reversed a decision of the first conference to prohibit the Department of Defense from entering into a long-term lease agreement for a financial management educational institution in Southbridge, MA, without benefit of competitive, merit-based selection. This is, of course, unacceptable, Mr. President.

Again, let me take a moment to discuss this provision in the revised conference agreement. While I understand that the legislation still requires the Department of Defense to choose the site of the Defense Business Management University by using a merit-based competition, I believe that the original conference agreement was much clearer in demonstrating the intent of Congress that such a site be chosen on its merits.

I believe that the administration made an error in judgment when it decided to spend $69 million on a lease for a privately-owned facility which will have to be substantially renovated to accommodate the requirements of a teaching institution. There is no justification for this when there are suitable facilities, already designed and equipped to perform this activity, at many of the military bases that are being closed through the BRAC process.

I have always maintained that competition should be used in selecting sites to host Federal facilities, and I will be monitoring the selection process of this site to ensure that the American taxpayer's interests are protected.

Finally, Mr. President, the conferees struck from this revised agreement the prohibition on obligating funds for five unauthorized, earmarked projects contained in the fiscal year 1995 Defense Appropriations Act.

Mr. President, since the days of John Tower's chairmanship of the Senate Armed Services Committee, the Senate Armed Services Committee has faithfully fulfilled its role of authorizing the expenditure of defense funds. While there is some disagreement about the extent to which the authorizing committee should insist on a say in the allocation of funds, the committee has maintained a clear oversight role in this regard. Unfortunately, the decision of the conferees to strip this provision from the bill essentially waives the requirement that appropriations must be authorized on a line-item level.

I suspect also that this provision was waived because the five specific programs for which appropriations were provided without authorization are programs which have special interest for certain Members of Congress. The programs for which the original conference agreement had prohibited the obligation of unauthorized appropriations were: $2.4 million for the TARTAR support equipment program for the Navy; $8 million for natural gas utilization equipment for the Navy; $7.5 million for a munitions standardization-plasma furnace technology program for the Army; $2 million for a cold pasteurization/sterilization program for the Army, and $500,000 for an air beam tents program for the Army.

By striking the prohibition on spending approximately $20 million for these five programs, this revised conference agreement provides a retroactive authorization for these unauthorized appropriations, a decision with which I strongly disagree.

Mr. President, again, I find it incomprehensible that the conferees on this bill decided to reconsider matters which had been resolved by the full conference and which had nothing whatsoever to do with the President's veto of the original conference agreement.

ORIGINAL OBJECTIONS REMAIN

I am also distressed that none of the provisions to which I objected in the first conference agreement were satisfactorily addressed in this new agreement. So, like the first conference agreement, nearly $4 billion of the $7 billion in defense spending added by Congress is wasted on unnecessary programs like the B–2 bomber, low-priority military construction projects, unrequested equipment for the Guard and Reserve, earmarks for Members' special interest items, and the like.

CONCLUSION

Mr. President, for reasons which are not readily apparent to me, not all members of the Armed Services Committee were appointed as conferees for the second conference on this bill. I and a number of my other committee colleagues did not serve as conferees, and therefore, we did not have an opportunity to discuss or vote on any of the changes included in this new agreement.

For many years, I have been dedicated to exposing to the public instances of congressional mismanagement of taxpayer dollars. I have spoken out against wasteful spending and earmarks whenever it appears, whether in authorization or appropriation legislation. But the wasteful spending that is most offensive to me is that which is included in defense spending bills. Pork-barrel spending of defense dollars diverts resources from higher priority military requirements and potentially squanders the support of the American people for an adequate defense budget, and without that support, insufficient resources devoted to defense may potentially endanger the security of our people.

The examples I have cited today—which bear little or no relevance to

military requirements—are the most dangerous kind of pork-barrel spending. By approving the earmarks and add-ons in this bill, Congress is diverting scarce defense resources from other important defense programs which are necessary to ensure the security of our Nation. No other wasteful spending carries with it the potential for such great danger. The American public should be disturbed by this egregious waste of their money, and for this reason, I intend to vote against this revised conference agreement.

Mr. President, I spoke earlier about my respect for Chairman THURMOND and the role of the Senate Armed Services Committee in the authorization and appropriation process. Looking at the magnitude of the wasteful spending in this bill, and the unprecedented degree of earmarking of funds for the narrow interests of some Members of Congress, my disappointment tempts me to rethink my view of the committee's role in the process. However, I am convinced that the bill before the Senate today is an anomaly and not a harbinger of the authorization process in the future. I will certainly do everything in my power to ensure that the committee retains its traditional, nonparochial approach to oversight of defense policy and budget issues, with the best interests of our military services and our national security as the highest priorities.

Mr. President, I want to say again if we continue to do this, if we continue to add unneeded, unwanted, unnecessary pork barrel spending on defense authorization appropriations bills, the American people will lose confidence that their defense dollars earmarked for defense are being wisely and efficiently spent and we will not get the necessary funds to maintain this Nation's vital national security interests.

This has got to stop, Mr. President. I hope that next year we can begin anew and recognize that we cannot do these things because we do not have the money in the defense budget anymore, and it is an abrogation of our responsibilities to the American taxpayer. Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I support the conference report on the Defense Authorization Act for Fiscal Year 1996, S. 1124.

I voted against the earlier conference report last December. That bill had many serious defects that would have harmed our national security, rather than strengthening it. President Clinton vetoed the bill, and the veto was sustained by the House of Representatives earlier this month.

In the conference, the Senate and House have reconsidered many of the key issues cited by those of us who opposed the bill and by the President in justifying his veto. Both sides have made a genuine effort to reach common ground. As a result, the current bill contains many noteworthy improvements.

I want to commend the Committee Chairman, Senator THURMOND and the distinguished Ranking Member, Senator NUNN, as well as their counterparts in the House, Congressman SPENCE and Congressman DELLUMS, for their leadership in guiding this conference. In addition, I commend Senator EXON, Senator WARNER, Congressman MONTGOMERY and Congressman BATEMAN and the other conferees for their constructive roles in producing this much improved bill.

First and most important, the provision in the earlier bill calling for deployment of a national missile defense system has been dropped. That provision would have called upon the United States to violate the landmark Anti-Ballistic Missile Treaty, waste billions of dollars on an unnecessary Star Wars system, and would have undermined the START II Treaty with Russia. That provision was the worst defect in the earlier bill, and I commend the conferees for deleting it.

In addition, two other objectionable provisions were dropped. One would have limited the ability of the President to put U.S. Forces under operational or tactical control of the United Nations. Limiting the President's control of U.S. forces in the field restricts his constitutionally-guaranteed powers as commander-in-chief.

In addition, the previous bill restricted the President's ability to carry out contingency operations as he sees fit. This too was an unwarranted restriction on the President's ability to carry out his duties and to deploy troops whenever and wherever U.S. security demands it.

Despite these key improvements, objectionable provisions in the bill remain. One of the worst provisions calls for the mandatory discharge of any members of the armed forces found to be HIV-positive. This provision has no legitimate purpose.

It singles out for discriminatory treatment a group of loyal American servicemen and women who have contracted HIV. These men and women are still able to serve in the armed forces, and they do so under the same conditions as troops who suffer from other debilitating diseases, such as hepatitis, cancer, diabetes, asthma, or heart disease. Those individuals, however, are not summarily discharged, and neither should persons with HIV.

The Defense Department opposes this provision. The Department is able to meet the needs of force readiness and treating these individuals with respect for the service they provide their nation.

Soon, stories will begin to appear of loyal soldiers, sailors, marines, and airmen who have been thrown out into the street, denied the chance to continue serving their country, unable to obtain health insurance for their family members who are also afflicted with this condition.

I hope that supporters of this provision will recognize both the bigotry and cruelty that underlie it, and will repeal it as soon as possible. I believe that a majority of Congress favors its repeal, and I will work over the year ahead to achieve such repeal.

The conference report also includes a provision that prohibits service women based overseas from obtaining abortions with their own private funds in U.S. military medical facilities. I opposed this provision when it was included in the Defense Appropriations bill, and I oppose it now. We have always provided access for service women overseas to obtain the same quality health care available to those on duty in the United States, and continue to do so.

I am also concerned about several issues related to the shipbuilding provisions in the bill. We have examined these provisions in detail in the Seapower Subcommittee, and I believe they will cause uncertainty, inefficiency, and unnecessary expenditures in the Department's shipbuilding program.

Finally, I oppose the bill's endorsement of $7 billion in spending above the level requested by the Pentagon. This is the level of spending provided in the Defense Appropriations bill, previously enacted, which I opposed. It is wrong for Congress to force the Administration to accept a level of defense funding above what the Joint Chiefs of Staff and the Secretary of Defense have requested.

It is especially wrong to do so at a same time when key programs that benefit other Americans are being severely shortchanged by Republican budgets. "Let the Pentagon eat cake" is no answer to our budget impasse.

Despite these defects, I believe that on balance, the overall bill deserves to be enacted. We need to protect our national defense, and this bill is already long overdue in the fiscal year. The worst defects in the earlier bill have been eliminated, and we will continue to seek opportunities in other ways to remedy the remaining defects.

Mr. WARNER. Mr. President, I am pleased to join with the distinguished chairman of the Armed Services Committee in supporting the conference report on the DoD authorization bill which is currently before the Senate. Although this bill is the result of further compromise with the administration and, therefore is not all we hoped for, it is still a good bill.

We must keep in mind that there are important items in this Conference Report that would have been lost if a compromise had not been reached and the President's veto had been allowed to stand.

In addition to a pay raise of 2.4 percent and a 5.2 percent increase in basic

quarters allowance, there are numerous other provisions in this bill to enhance the quality of life for our military personnel and their families, including new authorities to improve the quality and quantity of military housing; to improve health care and dental care for both active duty personnel and reservists; additional increases in special pay and allowances; and COLA equity for military retirees.

In addition, this bill enacts a plan, which I introduced in the Senate, for the construction of nuclear attack submarines that will ensure adequate and effective competition in the years ahead.

All of these things would have been lost if we had not been able to reach a compromise.

However, we should not lose sight of the important provisions which we were forced to drop in order to get the President's commitment that he would sign the conference report. I would like to join with my Republican colleagues in putting all on notice that the battle for enactment of these provisions is far from over.

Despite President Clinton's objections, I believe that it is vital that we enact a plan to provide for the deployment of an effective ballistic missile defense system for our nation. This is a basic responsibility of a government to provide for the security of its people. We have not done enough in this area. I am pleased that the provisions on theater missile defenses which will provide protection for our troops deployed overseas were retained in the final version of this bill, but we must continue to push for a national missile defense system.

As I listened to the President's State of the Union address earlier this week, I was struck by the President's comments that Russian missiles are no longer targeted at America's children. As we all know, those missiles can be retargeted on a moment's notice. The Russian capability to destroy our nation with their intercontinental ballistic missile force remains.

Moreover, the capability of Third World countries and rogue nations or terrorists to acquire weapons of mass destruction and ballistic missile delivery systems is growing.

The way to ensure that our children will be protected is to build a defensive capability to counter such attacks. I would rather rely on a United States defense system, rather than Russian promises, to protect our great land.

I am working with my Republican colleagues to draft legislation on national missile defense, which we will introduce in the near future.

The second issue I would like to address is U.N. command and control. I have grave reservations about placing U.S. troops under U.N. command and control. That is why I joined, over a year ago, with Senator DOLE and others in cosponsoring S. 5 to put conditions and restrictions on the President's ability to place U.S. troops in such command arrangements. Unfortunately, even the scaled-back version which appeared in the original conference report on this issue—which essentially amounted only to a reporting requirement—was rejected by the President. Again, this issue will not be forgotten.

As a final note, I would like to comment on the President's objections to the additional $7 billion contained in this conference report—an amount that was above the President's request for defense. At the time that the President and other administration officials are complaining about added dollars for defense, they are finding more and more ways to spend those defense dollars.

I learned this morning that the Bosnia operation is now estimated to cost $2.5 billion. This is up from the original estimates of $1.5–$1.9 billion. And this does not include the roughly $600 million in reconstruction aid for Bosnia to which we have committed. I was alarmed to learn that the Administration will propose that at least the first $200 million in reconstruction aid will be paid for out of the DOD budget. In my opinion, this is but the first step in a raid on the defense budget to find the vast sums that will be needed to rebuild Bosnia. I will resist this effort and work with my colleagues to find alternate, nondefense sources of funds for this portion of the Bosnia mission. The Defense Department is doing more than its fair share. It is time to look elsewhere for a bill payer.

In addition to the Bosnia operation, there are ongoing contingency operations in other nations—also not budgeted for—that will result in a request for approximately $500 million in supplemental funding for the Defense Department in the current fiscal year.

Add to that the millions of dollars DOD will pay for the F-16s that we have recently promised to send to Jordan, and you see how our defense dollars are quickly eroding.

Mr. President, I strongly believe in maintaining a robust defense capability. This conference report—despite its shortcomings—contributes to that goal.

DEFENSE AUTHORIZATION ACT: NO PROVISION FOR MISSILE DEFENSE

Mr. HELMS. Mr. President, I am deeply troubled that the Defense Authorization Act for fiscal year 1996 contains not a syllable of the decisive language regarding ballistic missile defense so prominent in the original bill. When he vetoed the original authorization, President Clinton gutted provisions designed to ensure the protection of American citizens against attack by ballistic missiles carrying nuclear, chemical, or biological warheads.

So, Mr. President, America is being held hostage to an outdated concept of deterrence that is truly MAD. I have come to this floor to challenge the wisdom of the ABM Treaty innumerable times, and I feel obliged to do it again. The frenzied, fanatical defense of the ABM Treaty by some is rooted in the mentality of the cold war.

The truth is, the threat to the United States has changed, and a lot of folks have missed the boat. The intent of the ABM Treaty, formulated in the midst of the cold war, was to circumvent the possibility of an expensive and potentially dangerous action-reaction spiral whereby the United States and the Soviet Union sought to overcompensate for one another's ballistic missile defenses by increasing their offensive arsenals.

But, Mr. President, I find all of the evidence pointing to a contrary conclusion. The ABM Treaty did not stop the explosion in offensive arsenals between the two sides. The Soviets increased the number of deliverable nuclear warheads in their arsenal from 2,000 in 1972, to 12,000 today. Furthermore, it was robust missile defense programs that proved conducive to arms control—not arms control itself. Above all else, the Strategic Defense Initiative broke the logjam on offensive reductions. SDI forced the Soviets to the table on the Intermediate-range Nuclear Force Treaty, and contributed to START and the treaty on conventional armed forces in Europe.

But—and I say this emphatically—the administration has forgotten, or chosen to ignore, these facts. Today we are being asked to consent to ratification of the START II Treaty when this country has suffered a massive blow to its plans to defend its citizens against nuclear weapons. This is completely at odds with the intent of START II. I urge Senators to recall that the Joint Understanding of June 17, 1992—which created the framework for the START II Treaty—was concluded simultaneously with a Joint Statement on a Global Protection System against ballistic missiles signed on the same day. This fact is explicitly referenced in the Preamble to the START II. Yet United States-Russian discussions on cooperation on defenses against ballistic missiles have fallen by the wayside. And today, with both the Defense Authorization Act and START II before us, I see neither hide nor hair of any protection against these abhorrent weapons.

At the heart of this matter is the perverse logic of the ABM Treaty, which argues that vulnerability to these weapons is essential to stability. There are a number of factors that bring into question the value of this line of reasoning in the post-cold-war world. Thanks in no small part to SDI, we have made major technological advances in the last quarter of a century which make ballistic missile defenses both feasible and affordable.

Also, there has been a considerable improvement in relations between the

two countries following the dissolution of the soviet Union. At its most basic level, the logic of the ABM Treaty assumes hostility between Russia and the United States. Clearly, while there are movements afoot in Russia that are exceedingly troublesome, we are no longer grappling in a cold war embrace.

Most important, the mounting problem of WMD and ballistic missile proliferation, the uncertainties of the new security environment which complicate the role of deterrence, and continuing concerns over the potential for turbulence in the former Soviet Union all suggest that—in a world of multiple potential nuclear threats—the most likely nuclear danger to the United States is not a massive, preemptive Russian strike, but the deliberate or accidental launch of a few warheads. Such a danger is unpredictable, undeterrable, and something to which the United States—currently without any national missile defense whatsoever—is completely vulnerable.

Ironically, though the possibility of an outright nuclear exchange between Russia and the United States is at an all-time low, the risk of mishap has not decreased proportionately to reductions in the Russian nuclear arsenal. In fact, the post-START II Russian force will be far more mobile than its predominantly silo-based predecessor. This poses a potential problem for command and control of the arsenal in the event of internal turmoil in Russia.

Mr. President, I believe that the reduction of the U.S. strategic offensive arsenal under START and START II can only be conducted in connection with a review of U.S. deterrence doctrine and the value of strategic missile defenses in ensuring U.S. national security. A clearly articulated defense strategy and credible national missile defense system possess a deterrent value of their own, and need not threaten the viability of the Russian nuclear deterrent.

For this reason I have directed the Committee on Foreign Relations, in consultation with the Committee on Armed Services and other appropriate committees, to undertake a comprehensive review of the continuing value of the ABM Treaty. In this regard, I reiterate my opposition, as I stated it this past September, to the creation of yet another special Select Committee replete with bureaucratic trappings, staff, and cost to the American taxpayer for the purpose of reviewing this treaty. We already have standing committees with the responsibility for making these determinations and recommendations, and we are not going to add another layer of bureaucracy to this task.

Mr. President, in conclusion, I support this Defense Authorization Act since I shudder to think what this administration might do without the guidance that is contained in this bill. I do not, however, regard the issue of national missile defense to have been resolved, and will actively work to see that Americans are protected against attack by ballistic missiles.

Mrs. BOXER. Mr. President, I have divided feelings about the Conference Report on the fiscal year 1996 Department of Defense authorization bill. I am very pleased that the conferees have retained my amendment prohibiting members of the Armed Forces convicted of serious crimes from receiving their pay. Also, I am pleased that the conferees deleted language mandating the deployment of an antiballistic missile system—a clear violation of the ABM treaty.

However, I am compelled to vote against the bill because, among other objectionable provisions, it includes a House provision that requires the separation of military personnel who test positive for HIV. This provision is cruel and nonsensical. It has had no rational basis whatsoever. The Department of Defense opposes this policy change.

The current policy—developed in the Reagan and Bush administrations—works well. Under current policy, military personnel who test positive are permitted to keep their jobs, so long as they are physically able. HIV-positive personnel are not eligible for most overseas deployments.

Currently, HIV-positive personnel are treated in the same manner as other soldiers with chronic ailments such as diabetes and heart disease. Only about 20 percent of the roughly 6,000 worldwide nondeployable troops are HIV-positive. This provision would unfairly single out HIV-positive troops for separation.

This provision simply makes no sense. Why should the Pentagon fire military personnel who perform their duties well and exhibit no signs of illness? This would waste millions of tax dollars in unnecessary separation and retraining costs.

Backers of this provision argue that HIV-positive personnel degrade readiness because they are not eligible for worldwide deployment. This argument is absurd on its face. Can anyone seriously contend that about 1,000 personnel—less than 0.1 percent of the active force—could have a meaningful impact on readiness?

Assistant Secretary of Defense Fred Pang clearly expressed the Department's position, writing, "As long as these members can perform their required duties, we see no prudent reason to separate and replace them because of their antibody status. However, as with any service member, if their condition affects their performance of duty, then the Department initiates separation action; the proposed provision would not improve military readiness or the personnel policies of the Department."

Lt. Gen. Theodore Stroup, Jr., Army Deputy Chief of Staff for Personnel has echoed these sentiments, writing, "It is my personal opinion that HIV-infected soldiers who are physically fit for duty should be allowed to continue on active duty."

Mr. President, this provision is cruel and unnecessary, and its inclusion in this final conference report compels me to oppose it.

Mr. LEAHY. Mr. President, I strongly object to the provision included in the DOD conference report that targets service members who are HIV-positive for mandatory discharge. The Department of Defense did not seek and does not support this change in policy. This is a provision built on fear and ignorance and will undermine the strength of our military.

Under current law, service members become nonworldwide deployable due to a number of medical reasons including HIV infection, diabetes, asthma, heart disease, cancer, and pregnancy. This policy, developed by the Reagan administration, allows individuals to continue to provide valuable military service to their country until such time as chronic illness or disability makes them unfit to perform their duties. Singling out the 1,050 service members who are HIV-positive for early separation is discriminatory and highly inappropriate.

Beyond the pure and simple discriminatory nature of this provision, let's look at it as a practical matter. The American people have put a lot of money and resources into the training and development of these service members. Their discharge based solely on their status as HIV-positive throws away the valuable people and taxpayer dollars that have been invested in them.

No one wins with this provision. The service members are unfairly and inappropriately treated, the armed services lose valuable leadership and resources, and the American people lose a valuable investment.

No one can deny that the HIV infection can lead to the deadly AIDS virus. In the same regard, no one can deny that cancer is a deadly disease.

HIV-positive service members are still capable of making many contributions to the armed services.

Anyone who believes that HIV-positive individuals are no longer valuable, vibrant individuals I suggest that you think back to the 1992 Olympic games. Magic Johnson who is HIV-positive led our country to a gold medal in basketball.

We must utilize all of our resources if we are to remain the strongest, most powerful Nation the world has ever known. We simply cannot afford to close the door of service members because of their status as HIV-positive. This provision will set a dangerous precedent. It is built on fear and ignorance, not facts. I hope that we repeal this misguided provision later this year.

Mr. LEVIN. Mr. President, the Defense authorization conference report before us is somewhat different from the earlier conference report the President vetoed. For instance, it removes the provision that would have created the most immediate security problem.

The conferees have removed the extreme provisions mandating deployment of national missile defenses that are not warranted by the threat, would cost tens of billions of dollars, and would violate the ABM Treaty. We had extensive debate on this issue in this body. The Senate-passed Defense authorization bill contained very carefully crafted, bipartisan compromise language setting out parameters for national missile defense [NMD] that would not violate or commit us to violate the ABM Treaty, and would not needlessly provoke Russia into a more aggressive defense posture, nor provide a reason for Russia to abandon nuclear weapon reductions. The original conference report substituted language that was strongly opposed by our top military leadership and that President Clinton warned would result in a veto.

This new conference report drops the language on national missile defense, although it retains a half-billion dollar increase in NMD above what the Pentagon requested. It leaves in place current law regarding the objectives and policies of this country on NMD, which are compliant with the ABM Treaty.

The conferees also dropped objectionable restrictions on the President's authority as Commander in Chief, and a requirement regarding how he must pay for so-called contingency operations. They also dropped a provision undermining the independence of operational test and evaluation of the Pentagon's new weapon systems.

But, Mr. President, I oppose this conference report for many of the same reasons I voted against the previous version. It provides $7 billion more than the Pentagon requested for defense budget authority. It funds numerous weapons systems not requested by the Pentagon in fiscal year 1996, including $493 million for B-2 bombers, $361 million for F-15 fighters, $159 million for F-16 fighters, $2.2 billion for amphibious assault ships, $30 million for hydronuclear tests and $30 million for antisatellite weapons that we do not need. This bill also boosts other program funding significantly above the Pentagon's request, adding $915 million for ballistic and cruise missile defense above the President's request and $317 million for helicopter programs beyond what was sought.

This level of defense spending is unsustainable and these unrequested expenditures are inconsistent with national priorities. Additional military spending beyond what the Department of Defense requested in fiscal year 1996, especially for items the Pentagon does not want and does not need, is reckless and unwise. Defense Secretary Perry said this week that such excess spending will cause a catastrophe for the Defense Department.

While many Federal programs face enormous cuts, defense spending has been left off the table. This bill creates a "bow wave" of future spending requirements for unneeded items, which will swamp our efforts to preserve readiness, high morale, targeted modernization, and technological superiority in the U.S. Armed Forces.

I also continue to object to this bill's earmarking of National Guard and Reserve equipment, specified procurement of ship building and maintenance contracts at particular shipyards, and mandated construction of submarine prototypes.

In the personnel area, this bill still contains a very unfair provision mandating discharge for service personnel who test positive for the HIV virus. And it treats our servicewomen overseas worse than we treat them at home, by placing a ban on privately funded abortions in overseas military hospitals.

So, Mr. President, regrettably I will vote "no" on this conference report.

Mr. DODD. Mr. President, I rise this afternoon in strong opposition to the 1996 DOD authorization conference report. I do so with considerable regret and concern for our national defense budget.

The bill before us is essentially identical to the bill first proposed in September. And while I respect the efforts of the distinguished chairman and ranking member for bringing a more balanced bill to this body, my fundamental reservations regarding the overall spending levels contained in this legislation remains unchanged.

Let me once again state for the record, this bill contains spending increases that were neither requested by the Pentagon, nor budgeted for by the President. In fact, almost $7 billion in excess spending is authorized by this bill. In an era of wholesale budget reductions, fiscal freezes on educational grants, and elimination of entire health programs, I cannot in good conscience vote for passage of this bill.

In addition to my fiscal reservations, I am absolutely appalled at the codifying language to discharge military members diagnosed to be HIV-positive. I understand that service members with HIV will be afforded some measure of medical care within the DOD system. However, I am extremely concerned about the plight of their families and children who will ultimately lose a level of their medical coverage because of this policy. They are the ultimate victims here.

Let me also say to my colleagues that I am fully aware that the President has indicated he will sign this bill when it arrives at the White House. While I respect his decision, I must also respectfully disagree with that decision.

In closing, I am deeply troubled by what is occurring here today. We are charting a course for further defense spending that we may ultimately be unable to sustain in later years. The out year costs for some of the programs that have been added in this bill may very well consume entire future year procurement accounts—effectively strangling vital programs that have been legitimately requested and budgeted for development. I raise this issue now, with the full intention of continuing this debate during review of the 1997 defense budget submission.

Mr. EXON. Mr. President, the 1996 defense authorization conference report before the Senate is by no means a perfect bill. As one who voted against the original version of this bill when it was considered last December, I am aware that numerous flaws remain in the legislation that will trouble many of my colleagues a great deal. While it is true that the majority has yielded to the three top objections raised by the President in his veto message—those legislative provisions dealing with national missile defense, United Nations command and control, and contingency operations funding—the record must reflect, and the American public should understand, that this bill is rife with unsound policy and extravagant spending priorities. I will not recount my earlier statements as to the particulars of my concerns except to note that the conference report before the Senate is still chock full of 7 billion dollars' worth of unrequested, unneeded, and unjustified spending, much of which is earmarked for pet projects in Member districts and States. Force-feeding the Pentagon $7 billion it does not want at a time when many worthy domestic programs are slowly being bled dry by the majority is indeed difficult for this Senator to accept.

However, the conference report is by no means without merit. To the contrary, it contains important and essential statutory authorizations and programmatic funding which, in my opinion, will enhance both the readiness and capabilities of our Armed Forces. To deny the Pentagon these positive aspects of the defense authorization bill due to the conference report's counterbalancing flaws—many of which have already been signed into law through the defense appropriations bill—would be unwise. In my opinion, passage of the conference report is warranted, but not by much. On balance, I believe the Nation will be better off if this bill is allowed to become law.

While I will support passage of the conference report, I will put my colleagues on notice that when the Armed Services Committee begins deliberations of the fiscal year 1997 authorization bill later this spring, improvements must be made in the markup

and conference process to make it more bipartisan and less exclusionary. If substantial changes in style and substance are not made, I fear we are destined to relive the mistakes of this year, the effect of which has us still debating a defense authorization bill in late January, 4 months after the fiscal year began.

Mr. President, I yield the floor.

CABLE TV FRANCHISE AGREEMENT

Mr. SMITH. Mr. President, as chairman of the Subcommittee on Acquisition and Technology, I would like to engage the chairman of the committee in a colloquy regarding the section in the legislation entitled "Treatment of Department of Defense Cable Television Franchise Agreements."

It has come to my attention that the Court of Federal Claims may have some concerns about the task we assign it in this section, given that it is not equipped to provide advisory opinions unless specific facts and parties are involved. Therefore, I wish to make clear that it is the committee's intent that the court allow the executive branch and any party with a franchise agreement in the section to part participate in the proceeding required by this section by identifying themselves promptly to the court within a period of time established by the court. The court may conduct the proceeding required by this section according to the pertinent rules of practice of the U.S. Court of Federal Claims to the extent feasible, including providing the opportunity for written submissions and a hearing. In order to ensure timely completion, any submissions or hearing should conclude no later than 120 days after the date of enactment of this act.

I would also like to clarify that the phrase in paragraph (2), "required by law" should be read to include both law and equity.

Finally, I would encourage the court to consider the position taken by the Senate in section 822 of S. 1026 when addressing this matter.

Mr. THURMOND. I agree with the statement of the Senator from New Hampshire.

Mr. NUNN. As the ranking member of the committee, I also concur with the Senator's statement.

Mr. GLENN. Mr. President, I sincerely regret that I must again rise in opposition to this year's defense authorization legislation. This is a new position for me this year. During my tenure in the Senate, spanning more than two decades, I have been a vocal supporter of the need for a strong and adequately funded national defense. My commitment to a strong defense is the reason that I sought membership on the Committee on Armed Services.

As the former chairman of the Subcommittee on Manpower, I continue to be a strong supporter of our military members and their families. And, as the former chairman and now ranking member of the Subcommittee on Readiness, I support keeping our forces ready—that is keeping them trained and equipped to fight and win today wherever they are called upon to fight.

I also recognize the equally critical need to invest in our ability to protect our freedom and our security in the future by funding the kinds of research and modernization programs that have made U.S. military forces the most combat capable and consequently the most feared forces in the world throughout the better part of this century. I make these background comments, Mr. President, in order to place my continued opposition to this year's defense authorization legislation in the proper context.

This is the second time around for this conference report. There were many important and supportable provisions in the original conference report that remain in this bill, like the 2.4-percent military pay raise, the 5.2-percent increase in the basic allowance for quarters, the new housing initiative, as well as important acquisition reform measures.

Furthermore, some critical improvements to the conference report are worth noting. I am pleased that the conferees eliminated the language requiring the deployment of a national missile defense system by the year 2003. And, I am pleased that the language restricting participation of U.S. forces under U.N. command and control was dropped.

Nevertheless, this bill remains too flawed to support. Mr. President, for starters, this bill still adds $7 billion in unrequested funding. With that added $7 billion, this conference report, in my view, spends more and buys less.

As we are all painfully aware, we are in the midst of a budget struggle that has twice closed the Government and has called into question the future existence of virtually every Federal domestic program. Yet, we are asked in this legislation to approve a $7 billion increase for the Pentagon. Seven billion dollars the Pentagon didn't request and, with few exceptions, $7 billion in budget authority for programs the Pentagon doesn't need in this year's budget, if at all.

I could have supported additional funding for the Pentagon, if I believed it was funding the Pentagon needed. But the $7 billion in this conference report, like its predecessor, still wastes that money. It adds $450 million for national missile defense—bringing the total funding to $820 million. The conference report still adds $493 million for the B-2 and, if that half a billion dollar nest egg is used to bring production beyond the 20 B-2's already approved, that $493 million is a mere down payment on billions more for the B-2.

The conference, report still buys F-15's, F-16's, F/A-18's, LHD's, LPD's, DDG's the Pentagon didn't ask for.

The conference report still spends $30 million for nuclear testing.

It still earmarks $770 million in unrequested National Guard and Reserve equipment.

Furthermore, the conference report still discriminates against service members and their dependents by prohibiting abortions in overseas military medical facilities. The conference report still discriminates against HIV-infected servicemembers by requiring their discharge.

The conference report still disregards the costs savings achievable through competition by directing the procurement of ships at certain shipyards. The bill takes the same approach with respect to ship maintenance and the purchase of naval equipment.

I believe these funding and policy decisions are sufficient reason to vote against this conference report. Unfortunately, there are more reasons to oppose this legislation.

The latest conference, which excluded most of the members of Armed Services Committee, including myself, revisited several funding decisions which do not appear to have been aimed at making better legislation or enhancing our national security but, instead appear to have been aimed at gaining additional votes for the conference report by appealing to home State interests.

In a couple of instances, the conferees even funded programs that were beyond the scope of the conference, a practice to which I strongly object. Neither the House bill nor the Senate bill included funding for the HAARP Program, the Thermionics Program or the Counterterror Explosives Research Program. Yet, almost $20 million is earmarked in this conference report for these programs. Regardless of the merit or requirement for these programs, I object to their inclusion in the conference report because they were beyond the scope of the conference.

This approach to drafting defense authorization is a dramatic departure from the practice of the Armed Services Committee. For at least as long as I have served on Armed Services, the committee has made its funding decisions based on our national security requirements, not based on parochial interests.

Mr. President, I hope that this year's defense authorization process is only an aberration or false start rather than a glimpse of the Armed Services Committee's future. I hope that the committee's next attempt to draft legislation that will pass both Houses and be signed by the President will not represent merely a sufficient number of special interest items to make the bill passable but will mark a return to the committee's tradition of making a nonpartisan and objective assessment, in which all committee members are welcome and expected to participate,

of what is in the best interest of our national security.

Thank you, Mr. President. I yield the floor.

NOMINATION OF GEN. EUGENE HABIGER TO BE COMMANDER IN CHIEF OF THE U.S. STRATEGIC COMMAND

Mr. EXON. Mr. President, Adm. Henry Chiles, the Commander in Chief of the U.S. Strategic Command at Offutt Air Force Base, is scheduled to retire on March 1, 1996, after a lengthy career of exemplary service to his country. Air Force Gen. Eugene Habiger has been nominated by President Clinton to replace Admiral Chiles and a change of command ceremony is scheduled to take place at Offutt Air Force Base on February 21. As I understand the majority leader's wishes, once the Senate adjourns, perhaps today, we will not be in session again until the last week of February. If such a schedule becomes a reality, the Senate will not have a chance to act on the Habiger nomination before the change of command ceremony on February 21 and will have mere days to approve Admiral Chile's retirement as well as the retirement of his deputy, Gen. Arlen Jamison.

While I understand that the Senate Armed Services Committee was not able to consider General Habiger's nomination at this morning's nomination hearing because the necessary paperwork could not be completed in time, I would inquire of the distinguished chairman of the committee and President pro tempore as to what accommodation he will make for the committee and the full Senate to act promptly on this important nomination.

Mr. THURMOND. Let me assure the distinguished Senator from Nebraska that I concur with his views as to the importance in bringing about a smooth and timely change of command at the U.S. Strategic Command. To this end, I will take every step possible, in consultation with Senator NUNN, the ranking member on the committee, to expedite Armed Services Committee action on the nomination and seek Senate confirmation prior to the change of command scheduled in February.

Mr. EXON. While I would prefer that the Senate remain in session so as to continue its work on the unfinished business of the Nation, including this and other important executive branch nominations, I do appreciate the chairman's willingness to expedite this particular matter. He is a good friend and I thank him for his commitment to see that the Senate act on the Habiger nomination in a timely fashion.

Mr. President, I yield the floor.

Mr. BINGAMAN. Mr. President, I will vote against the conference report on S. 1124, the second fiscal year 1996 National Defense Authorization Act which the Senate has considered.

This bill is clearly better than the bill the President vetoed last month. A truly awful bill has been transformed into a merely bad bill by stripping it of a series of provisions that never made any sense. The provision on deployment of national missile defense by 2003 has been eliminated. The provisions on command and control of U.S. military forces and contingency operations have been eliminated or turned into sense-of-the-Congress language. The provisions undermining the landmine moratorium and eliminating the director of Operational Test and Evaluation have been removed. The sale of the Naval Petroleum Reserve at Elk Hills has been extended to 2 years while the safeguards protecting the taxpayers' interest have been maintained. I appreciate those changes and I commend Senator NUNN in particular for being able to bring them about and Senator THURMOND for accepting them.

But this remains, in my view, a bad bill with only a handful of good provisions. The bad still outweighs the good for me. The bill still spends $7 billion more on defense programs than the Pentagon requested at the same time we are cutting critical domestic programs in areas such as education, the environment, Indian health care, civilian research, and many, many more.

The bill authorizes a whole host of pork-barrel projects from military construction to research to procurement that can not be sustained in future years. Indeed, new pork was added in the new conference.

The bill still contains a provision mandating the discharge of service members who are HIV-positive even though they are capable of doing their jobs. This is bad policy which will needlessly and unfairly disrupt the lives of service members who have served their Nation proudly and who could continue to serve their Nation for years before being stricken with AIDS. A majority of the Senate Armed Services Committee opposes this provision. I believe a majority of the Senate opposes it as well. I hope that it will be repealed later this year.

The bill still includes unprecedented Buy-America provisions meant to protect the uncompetitive parts of our industrial base at the expense of the competitive industries who will certainly see their exports hindered by these provisions. Our protectionism will only beget European protectionism to the detriment of our security and to the detriment of taxpayers on both sides of the Atlantic.

The bill still includes a provision denying female service members and the female dependents of all service members the right to use their own money to obtain an abortion in a military hospital overseas.

The bill still includes a provision setting up a loan guarantee program for defense exports that is unneeded and unwise, a program under which up to $15 billion in defense exports will be guaranteed supposedly at no risk to the taxpayers, who should hold their wallets.

The bill still prevents the Pentagon from retiring unneeded strategic weapons, weapons that do not make sense to retain under any budget-constrained scenario.

Unfortunately, I could go on and on concerning provisions in this bill which I can not support. There are some good provisions, the provisions on military pay and family housing, for example, and the provisions on acquisition reform, which I cosponsored when the Senate debated this bill last summer. The acquisition reform provisions were dealt with on a bipartisan basis in the first defense authorization conference last fall. I thanked Senator COHEN and Senator SMITH for taking that approach to these important provisions when the Senate debated the first defense authorization conference report in December. Senator COHEN, in particular, has much to be proud of in the acquisition reform provisions on information technology on which he was the driving force. I hope people will refer to division E of this bill as the Cohen act, and perhaps one day we will make such a designation official.

I'd also like to commend Senator GLENN, Senator LEVIN, Senator SMITH, and Senator STEVENS for their hard work and great contributions to the acquisition reform provisions in the bill.

Unfortunately, the acquisition reform provisions, the pay provisions and the family housing provisions are the exception, not the rule in this bill. There is more in this bill that I can not support than that I can. I will vote against it today and work to fix as many of the problems in this authorization bill as I can in the fiscal year 1997 defense authorization process which will soon be upon us.

I yield the floor.

Mr. DOLE. Mr. President, today we again consider the fiscal year 1996 Defense authorization bill. We are voting on this bill again today because the President vetoed the first bill the Congress sent to him. President Clinton vetoed the first Defense authorization bill because of his insistence that America remain vulnerable to ballistic missiles carrying weapons of mass destruction—and because of his insistence that American soldiers be permitted to serve under the blue flag of the United Nations. I believe that the White House is wrong on both accounts. Defending America should be the No. 1 defense priority. The U.N. Secretary General is no substitute for the Commander in Chief. I know that many of my colleagues, including the Republican members of the Armed Services Committee agree with me.

Because the annual Defense authorization bill is critical for the operations of the Department of Defense and contains many provisions crucial

to the well-being of the men and women of our Armed Forces, the distinguished chairman of the Senate Armed Services Committee, Senator THURMOND, crafted a bill that would be signed by the President. The distinguished chairman was assisted, in particular, by the distinguished Senator from Mississippi, Senator LOTT, in negotiating the compromise on ballistic missile defense provisions.

With respect to those provisions that will support our men and women in uniform, the bill we sent to the President last month included a number of quality of life initiatives. The bill authorized a 2.4 percent pay raise and a 5.2 percent increase in allowance for quarters. In addition, for the Reserve components, the bill authorized an income insurance program for involuntarily mobilized reservists and established a dental insurance program. These provisions will enhance the readiness of our Reserve Component Forces—who, like their active counterparts, have deployed to Bosnia.

Additionally, the bill contains a new military housing privatization initiative. This initiative will allow the Department of Defense to utilize new approaches to reduce the family housing backlog. To further enhance the quality of life of our troops, the agreement increases military construction funding by $480 million. Apparently, meeting the basic needs of the Americans who have dedicated their lives to defending our Nation, was not sufficient reason for approving the Defense authorization bill.

In order to ensure the readiness of our forces, the conferees added over $1 billion to the operations and maintenance accounts. Furthermore, they increased research and development and procurement funding. This is the only way to ensure the long-term readiness of our forces.

As for the ballistic missile defense provisions in the bill, the comprehensive approach to defending America from ballistic missile attack adopted in the original conference report did not survive as a whole. The provision establishing a deployment goal of 2003 for a national missile defense system was dropped in the aftermath of the President's veto. Furthermore, the provisions regarding demarcation between strategic and theater missile defense were watered down also in face of White House objections—despite the fact that these provisions reflected the very proposal originally made by the Clinton administration to the Russians.

In short, the Clinton administration has made a conscious decision to make our theater missile defense [TMD] systems less capable and subject to a Russian veto.

On the other hand, this bill does retain the provisions establishing a core program in the area of theater missile defense, which includes THAAD and Navy Upper Tier—two of our most capable TMD systems. These systems are also required to be deployed by specific dates—in an attempt to ensure against repeated administration attempts to delay their deployment. Critical to both theater missile defense and national missile defense is the brilliant eyes program. Under this bill, an initial operational capability [IOC] of 2003 for the brilliant eyes space sensor is also established. This will facilitate earlier deployment of national missile defense system.

It is indeed regrettable that the President was unwilling to join with us in supporting all of our initiatives related to the defense of our country, our citizens, and our allies. Once again, President Clinton has demonstrated his preference for cold-war-era arms control treaties, and multilateral sensibilities. Once again, the President has revealed where our Nation's future security fits on his list of priorities.

But, let the White House be warned: We have agreed to this bill in order to support U.S. forces—many of whom are deployed overseas—not to support ill-conceived and short-sighted administration policies. This bill reflects the Republican-led Congress' commitment to equipping and training our forces to guarantee their overwhelming superiority on the battlefield. We have taken steps so our military—though smaller—will maintain their ability to project power around the world—quickly and decisively. We have not given up on our goal of defending America. We will continue to press forward on a national missile defense system.

I understand that the Secretary of Defense has recommended the President sign this bill and that the President intends to do so. In closing, I again want to commend Senator THURMOND for his hard work on this bill.

Mrs. FEINSTEIN. Mr. President, I rise to speak in support of the Conference Report to the Department of Defense authorization bill for fiscal year 1996. First, I would like to associate myself with the thoughtful remarks of the distinguished Ranking Member of the Armed Services Committee, Senator NUNN. I continue to believe that this world is not a safe place. I, along with other leaders, had hoped that after the end of the cold war there might be more peace in the world. This has unfortunately not been the case. In fact, there is now more conflagration and more war. The price of freedom continues to be eternal vigilance.

This legislation provides for the hardware and force structure that make our Armed Forces strong. It looks forward to our future defense needs by funding increased procurement of weapons systems vital to our war fighting capability and maintains the troop levels necessary to complete our Nation's military missions.

WEAPONS SYSTEMS

This bill authorizes funding for more Air Force F-15, and F-16 fighters—the backbones of our air attack strategy. It also funds the F-22 next generation fighter. This aircraft is the cutting edge of any fighter aircraft anywhere in the world. The Hellfire air-to-surface missile, used so effectively in the gulf war, are procured for the Army. The Navy received authorization to purchase additional F-18 fighters which are used to protect our aircraft carriers and for attack. These systems provide our soldiers in the field with overwhelming force, thus protecting their lives as they fight for America.

FORCE STRUCTURE

The troop strength of our active duty forces and guard and reserve forces is maintained in this bill. Our active duty Armed Forces will be over 1.4 million men and women strong and our guard and reserve forces will total nearly 940,000 soldiers.

The bill enhances our national security by removing the language which would have led to a U.S. violation of the ABM Treaty and continues the Nunn-Lugar Cooperative Threat Reduction Program that helps reduce the risk of nuclear, chemical, and biological weapons proliferation.

It fully funds the research, development, test and evaluation account providing millions in funding to develop a theater missile defense system which will be able to protect our troops deployed overseas from Scud and other ballistic missile attacks. Funding in this account will also allow research to develop new alloys and designs for stronger and lighter fighter plane wings and studies to enhance the electric battery life in vehicles for use in new mechanized infantry equipment and in commercial vehicles.

Finally, the conference report for the DOD authorization bill provides many benefits to our men and women in uniform. A much needed 2.4 percent pay raise for our service men and women is included in the bill, as well as increased funding for the family advocacy and the new parents support programs that help military families balance their duty to their country with their responsibility to their family.

Unfortunately, it is also in the area of military personnel that the provisions in this bill with which I disagree most exist. I would like to take this opportunity to talk about just three of these provisions.

REQUIRED DISCHARGE OF HIV-POSITIVE SERVICE MEMBERS

Most of all, I am saddened and angered by one provision of this bill that is the worst type of fear-mongering imaginable.

I never imagined that I would live in a time when Congress would blatantly discriminate against a group of people who contract a disease, but that is exactly what this bill does.

This conference report contains a provision that blatantly discriminates against an entire group of military personnel simply because they are infected with the HIV virus. The Department of Defense will be required to discharge any service member who tests positive for HIV. There are now more than 1,000 people serving in our military who would be discharged within the first 6 months. The fact that these HIV-positive men and women can still perform their duties as ably as other nondeployable military personnel is ignored. There is no other disease for which a member of the Armed Forces can be forced to separate from service.

What message is Congress sending to the businesses of America? It is essentially saying that if someone contracts the HIV virus, they should be immediately discharged regardless of their ability to work. Is this how we intend to treat people who contract a disease? Is this what our country is based upon?

I pray that this mean-spirited provision does not move this country back to the dark ages of discrimination, hate, and fear. It is my sincere hope that this provision will be reversed by a future Congress that better respects the plight of those with the HIV virus or that it will be found unconstitutional by the courts.

RESTRICTED ACCESS TO PRIVATELY-FUNDED ABORTIONS ON U.S. BASES OVERSEAS

The conferees adopted language that prohibits abortions on U.S. military facilities overseas, even if a woman pays for the procedure herself, except in cases of rape, incest, or life of the mother. This provision is discriminatory and has no place on a defense authorization bill.

ELIMINATION OF AUTHORIZATIONS FOR TROOPS TO COPS AND TROOPS TO TEACHERS

On the issue of defense conversion, the Senate passed an amendment, cosponsored by Senator PRYOR and myself, to authorize $10 million for the Troops to Cops Program and $42 million for the Troops to Teachers Program. These programs greatly assist the difficult transition of service personnel to the private sector in two ways. First, Troops to Cops and Troops to Teachers partially funds the training and hiring costs of local school districts and law enforcement agencies, and second, these programs provide trained and dedicated recruits. I am very disappointed that this provision was eliminated in conference committee.

LACK OF COMPETITION FOR SHIPBUILDING CONTRACTS

The conference report provides for the construction of destroyers and submarines at designated shipyards without requiring competition for this workload. Competition among qualified industrial facilities is a procurement contracting fundamental. I am disappointed that this provision remained in the bill.

Although I disagree with these provisions, on balance this bill enhances our national defense.

PROVIDES FOR THE PURCHASE OF ADDITIONAL B-2 STEALTH BOMBERS

I was very pleased to support the authorization for $493 million in long-lead funding for the B-2 stealth bomber. This most technically advanced aircraft in our bomber fleet gives our Air Force the capability of immediate response to a conflict anywhere in the world without the need for escort aircraft to protect it from anti-aircraft fire. Even with this protection, our non-stealthy bombers are unable to penetrate enemy airspace, as we saw in the gulf war. The B-2 also has the ability to precisely target mobile units unlike any other bomber in the fleet today. The B-2's stealth, long-range, and precision munition capability make it a good investment for the money.

PROVIDES FOR IMPROVEMENTS TO THE BASE REALIGNMENT AND CLOSURE PROCESS

The conference report includes several improvements to the base realignment and closure process. I am particularly proud of the amendment cosponsored by Senator MCCAIN and myself which improves the base realignment and closure reuse process for local communities. One provision of this amendment changes the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, by requiring that the Secretary of Defense consult with the Secretary of Housing and Urban Development over the reuse plan that is developed by the local redevelopment authority. Homeless assistance providers would still be guaranteed a seat at the reuse table, and redevelopment authorities would still be required to accept expressions of interest for base property by homeless assistance groups and other interested parties. In addition, the Secretary of HUD would still review the final reuse plan to ascertain if the needs of the homeless have been met. However, instead of the Secretary of HUD approving or disapproving the reuse plan, the Secretary of Defense would make the final decision. Furthermore, the local redevelopment plan developed by the local community and local elected officials would be given substantial deference by the Secretary of Defense. This puts the power of base reuse firmly where it should be, in the hands of the local redevelopment authority and the community.

PROVIDES FOR LAND CONVEYANCES AND MILITARY CONSTRUCTION PROJECTS

Finally, this conference report includes many important land conveyances and military construction projects for California and the Nation. The land conveyance provisions will allow many local communities to redevelop and expand many underutilized industrial sites which will enhance economic growth. And the military construction projects will provide many needed housing units and other military facilities that will better enable our men and women in the Armed Forces to perform their duties.

I voted for the conference report to the DOD authorization bill for fiscal year 1996, however, perhaps next year, we can concentrate on continuing to make our Armed Forces the best that they can be and restore the rights denied our men and women in uniform.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Colorado [Mr. CAMPBELL], the Senator from Indiana [Mr. COATS], the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from Arizona [Mr. KYL], and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado [Mr. CAMPBELL] would vote "yea."

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS], is necessarily absent.

The result was announced—yeas 56, nays 34, as follows:

[Rollcall Vote No. 5 Leg.]

YEAS—56

Abraham	Graham	McConnell
Akaka	Grams	Murkowski
Ashcroft	Grassley	Nickles
Bond	Gregg	Nunn
Breaux	Hatch	Pressler
Burns	Heflin	Reid
Chafee	Helms	Robb
Cochran	Hutchison	Roth
Cohen	Inhofe	Santorum
Coverdell	Inouye	Simpson
Craig	Jeffords	Smith
D'Amato	Johnston	Snowe
DeWine	Kassebaum	Specter
Dole	Kempthorne	Stevens
Exon	Kennedy	Thomas
Feinstein	Lieberman	Thompson
Ford	Lott	Thurmond
Frist	Lugar	Warner
Gorton	Mack	

NAYS—34

Baucus	Dorgan	Mikulski
Biden	Feingold	Moseley-Braun
Bingaman	Glenn	Moynihan
Boxer	Harkin	Murray
Bradley	Hatfield	Pell
Brown	Kerrey	Pryor
Bryan	Kerry	Rockefeller
Bumpers	Kohl	Sarbanes
Byrd	Lautenberg	Simon
Conrad	Leahy	Wellstone
Daschle	Levin	
Dodd	McCain	

NOT VOTING—9

Bennett	Domenici	Hollings
Campbell	Faircloth	Kyl
Coats	Gramm	Shelby

So the conference report was agreed to.

Mr. DOLE. I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay it on the table.

The motion to lay on the table was agreed to.

TREATY WITH THE RUSSIAN FEDERATION ON FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (THE START II TREATY)

The PRESIDING OFFICER. As in executive session, the Senate will now consider the ratification of the START II treaty.

The clerk will state the resolution of ratification.

Resolved, (two-thirds of the Senators present concurring therein), That (a) The Senate advise and consent to the ratification of the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the "START II Treaty" (contained in Treaty Document 103-1), subject to the conditions of subsection (b) and the declarations of subsection (c):

(1) The Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Elimination and Conversion Protocol").

(2) The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States and the Russian Federation Reduction and Limitation of Strategic Offensive Arms (also known as the "Exhibitions and Inspections Protocol").

(3) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Memorandum on Attribution").

(b) CONDITIONS.—The advice and consent of the Senate to the ratification of the START II Treaty is subject to the following conditions, which shall be binding upon the President:

(1) NONCOMPLIANCE.—If the President determines that a party to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on July 3, 1991 (in this resolution referred to as the "START Treaty") or the START II Treaty is acting in a manner that is inconsistent with the object and purpose of the respective Treaty or is in violation of either the START or START II Treaty so as to threaten the national security interests of the United States, then the President shall—

(A) consult with and promptly submit a report to the Senate detailing the effect of such actions on the START Treaties;

(B) seek on an urgent basis a meeting at the highest diplomatic level with the noncompliant party with the objective of bringing the noncompliant party into compliance;

(C) in the event that a party other than the Russian Federation is determined not to be in compliance—

(i) request consultations with the Russian Federation to assess the viability of both START Treaties and to determine if a change in obligations is required in either treaty to accommodate the changed circumstances; and

(ii) submit for the Senate's advice and consent to ratification any agreement changing the obligations of the United States; and

(D) In the event that noncompliance persists, seek a Senate resolution of support of continued adherence to one or both of the START Treaties, notwithstanding the changed circumstances affecting the object and purpose of one or both of the START Treaties.

(2) TREATY OBLIGATIONS.—Ratification by the United States of the START II Treaty—

(A) obligates the United States to meet the conditions contained in this resolution of ratification and shall not be interpreted as an obligation by the United States to accept any modification, change in scope, or extension of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972 (commonly referred to as the "ABM Treaty"), and

(B) changes none of the rights of either party with respect to the provisions of the ABM Treaty, in particular, Articles 13, 14, and 15.

(3) FINANCING IMPLEMENTATION.—The United States understands that in order to be assured of the Russian commitment to a reduction in arms levels, Russia must maintain a substantial stake in financing the implementation of the START II Treaty. The costs of implementing the START II Treaty should be borne by both parties to the Treaty. The exchange of instruments of ratification of the START II Treaty shall not be contingent upon the United States providing financial guarantees to pay for implementation of commitments by Russia under the START II Treaty.

(4) EXCHANGE OF LETTERS.—The exchange of letters—

(A) between Secretary of State Lawrence Eagleburger and Minister of Foreign Affairs Andrey Kozyrev, dated December 29, 1992, regarding SS-18 missiles and launchers now on the territory of Kazakstan,

(B) between Secretary of State Eagleburger and Minister of Foreign Affairs Kozyrev, dated December 29, 1992, and December 31, 1992, regarding heavy bombers, and

(C) between Minister of Defense Pavel Grachev and Secretary of Defense Richard Cheney, dated December 29, 1992, and January 3, 1993, making assurances on Russian intent regarding the conversion and retention of 90 silo launchers of RS-20 heavy intercontinental ballistic missiles (ICBMs) (all having been submitted to the Senate as associated with the START II Treaty),

are of the same force and effect as the provisions of the START II Treaty. The United States shall regard actions inconsistent with obligations under those exchanges of letters as equivalent under international law to actions inconsistent with the START II Treaty.

(5) SPACE-LAUNCH VEHICLES.—Space-launch vehicles composed of items that are limited by the START Treaty or the START II Treaty shall be subject to the obligations undertaken in the respective treaty.

(6) NTM AND CUBA.—The obligation of the United States under the START Treaty not to interfere with the national technical means (NTM) of verification of the other party to the Treaty does not preclude the United States from pursuing the question of the removal of the electronic intercept facility operated by the Government of the Russian Federation at Lourdes, Cuba.

(7) IMPLEMENTATION ARRANGEMENTS.—(A) The START II Treaty shall not be binding on the United States until such time as the Duma of the Russian Federation has acted pursuant to its constitutional responsibilities and the START II Treaty enters into force in accordance with Article VI of the Treaty.

(B) If the START II Treaty does not enter into force pursuant to subparagraph (A), and if the President plans to implement reductions of United States strategic nuclear forces below those currently planned and consistent with the START Treaty, then the President shall—

(i) consult with the Senate regarding the effect of such reductions on the national security of the United States; and

(ii) take no action to reduce United States strategic nuclear forces below that currently planned and consistent with the START Treaty until he submits to the Senate his determination that such reductions are in the national security interest of the United States.

(8) PRESIDENTIAL CERTIFICATION AND REPORT ON NATIONAL TECHNICAL MEANS.—Within 90 days after the United States deposits instruments of ratification of the START II Treaty, the President shall certify that United States National Technical Means are sufficient to ensure effective monitoring of Russian compliance with the provisions of the Treaty governing the capabilities of strategic missile systems. This certification shall be accompanied by a report to the Senate of the United States indicating how United States National Technical Means, including collection, processing and analytic resources, will be marshalled to ensure effective monitoring. Such report may be supplemented by a classified annex, which shall be submitted to the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

(c) DECLARATIONS.—The advice and consent of the Senate to ratification of the START II Treaty is subject to the following declarations, which express the intent of the Senate:

(1) COOPERATIVE THREAT REDUCTIONS.—Pursuant to the Joint Statement on the Transparency and Irreversibility of the Process of Reducing Nuclear Weapons, agreed to in Moscow, May 10, 1995, between the President of the United States and the President of the Russian Federation, it is the sense of the Senate that both parties to the START II Treaty should attach high priority to—

(A) the exchange of detailed information on aggregate stockpiles of nuclear warheads, on stocks of fissile materials, and on their safety and security;

(B) the maintenance at distinct and secure storage facilities, on a reciprocal basis, of fissile materials removed from nuclear warheads and declared to be excess to national security requirements for the purpose of confirming the irreversibility of the process of nuclear weapons reduction; and

(C) the adoption of other cooperative measures to enhance confidence in the reciprocal declarations on fissile material stockpiles.

(2) ASYMMETRY IN REDUCTIONS.—(A) It is the sense of the Senate that, in conducting the reductions mandated by the START or START II Treaty, the President should,

within the parameters of the elimination schedules provided for in the START Treaties, regulate reductions in the United States strategic nuclear forces so that the number of accountable warheads under the START and START II Treaties possessed by the Russian Federation in no case exceeds the comparable number of accountable warheads possessed by the United States to an extent that a strategic imbalance endangering the national security interests of the United States results.

(B) Recognizing that instability could result from an imbalance in the levels of strategic offensive arms, the Senate calls upon the President to submit a report in unclassified form to the Committees on Foreign Relations and Armed Services of the Senate not later than January 31 of each year beginning with January 31, 1997, and continuing through such time as the reductions called for in the START II Treaty are completed by both parties, which report will provide—

(i) details on the progress of each party's reductions in strategic offensive arms during the previous year;

(ii) a certification that the Russian Federation is in compliance with the terms of the START II Treaty or specifies any act of noncompliance by the Russian Federation; and

(iii) an assessment of whether a strategic imbalance endangering the national security interests of the United States exists.

(3) EXPANDING STRATEGIC ARSENALS IN COUNTRIES OTHER THAN RUSSIA.—It is the sense of the Senate that, if during the time the START II Treaty remains in force or in advance of any further strategic offensive arms reductions the President determines there has been an expansion of the strategic arsenal of any country not party to the START II Treaty so as to jeopardize the supreme interests of the United States, then the president should consult on an urgent basis with the Senate to determine whether adherence to the START II Treaty remains in the national interest of the United States.

(4) SUBSTANTIAL FURTHER REDUCTIONS.—Cognizant of the obligation of the United States under Article VI of the Treaty on the Non-Proliferation on Nuclear Weapons of July 1, 1968 "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at any early date and to nuclear disarmament and on a treaty on general and complete disarmament under strict and effective international control", and in anticipation of the ratification and entry into force of the START II Treaty, the Senate calls upon the President to seek further strategic offensive arms reductions to the extent consistent with United States national security interests and calls upon the other nuclear weapon states to give careful and early consideration to corresponding reductions of their own nuclear arsenals.

(5) MISSILE TECHNOLOGY CONTROL REGIME.—The Senate urges the President to insist that the Republic of Belarus, the Republic of Kazakstan, Ukraine, and the Russian Federation abide by the guidelines of the Missile Technology Control Regime [MTCR]. For purposes of this paragraph, the term "Missile Technology Control Regime" means the policy statement between the United States, the United Kingdom, the Federal Republic of Germany, France, Italy, Canada, and Japan, announced April 16, 1987, to restrict sensitive missile-relevant transfers based on the MTCR Annex, and any amendments thereto.

(6) FURTHER ARMS REDUCTION OBLIGATIONS.—The Senate declares its intention to consider for approval international agreements that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty power as set forth in Article II, Section 2, Clause 2 of the Constitution.

(7) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in the Condition (1) of the resolution of ratification with respect to the INF Treaty. For purposes of this declaration, the term "INF Treaty" refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Short Range Missiles, together with the related memorandum of understanding and protocols, approved by the Senate on May 27, 1988.

(8) COMPLIANCE.—(A) Concerned by the clear past pattern of Soviet noncompliance with arms control agreements and continued cases of noncompliance by the Russian Federation, the Senate declares that—

(i) the START II Treaty is in the interests of the United States only if both the United States and the Russian Federation are in strict compliance with the terms of the Treaty as presented to the Senate for its advice and consent to ratification, such compliance being measured by performance and not by efforts, intentions, or commitments to comply; and

(ii) the Senate expects the Russian Federation to be in strict compliance with its obligations under the terms of START II Treaty as presented to the Senate for its advice and consent to ratification;

(B) Given its concern about compliance issues, the Senate expects the executive branch of government to offer regular briefings, but not less than four times each year, to the Senate Committees on Foreign Relations and Armed Services on compliance issues related to the START II Treaty. Such briefings shall include a description of all United States efforts in United States/Russian diplomatic channels and bilateral fora to resolve the compliance issues and shall include, but would not necessarily be limited to, a description of the following:

(i) Any compliance issues the United States plans to raise with the Russian Federation at the Bilateral Implementation Commission, in advance of such meetings.

(ii) Any compliance issues raised at the Bilateral Implementation Commission, within thirty days of such meetings.

(iii) Any Presidential determination that the Russian Federation is in noncompliance with or is otherwise acting in a manner inconsistent with the object and purpose of the START II Treaty, within 30 days of such a determination, in which case the President shall also submit a written report, with an unclassified summary, explaining why it is in the national security interests of the United States to continue as a party to the START II Treaty.

(9) SUBMISSION OF FUTURE AGREEMENTS AS TREATIES.—The Senate declares that, following Senate advice and consent to ratification of the START II Treaty, any agreement or understanding which in any material way modifies, amends, or reinterprets United States or Russian obligations under the START II Treaty, including the time frame for implementation of the Treaty, should be submitted to the Senate for its advice and consent to ratification.

(10) NATURE OF DETERRENCE.—(A) On June 17, 1992, Presidents Bush and Yeltsin issued a Joint Understanding and a Joint Statement at the conclusion of their Washington Summit, the first of which became the foundation for the START II Treaty. The second, the Joint Statement on a Global Protection System, endorsed the cooperative development of a defensive system against ballistic missile attack and demonstrated the belief by the governments of the United States and the Russian Federation that strategic offensive reductions and certain defenses against ballistic missiles are stabilizing compatible, and reinforcing.

(B) It is, therefore, the sense of the Senate that:

(i) The long-term perpetuation of deterrence based on mutual and severe offensive nuclear threats would be outdated in a strategic environment in which the United States and the Russian Federation are seeking to put aside their past adversarial relationship and instead build a relationship based upon trust rather than fear.

(ii) An offense-only form of deterrence cannot address by itself the emerging strategic environment in which, as Secretary of Defense Les Aspin said in January 1994, proliferators acquiring missiles and weapons of mass destruction "may have acquired such weapons for the express purpose of blackmail or terrorism and thus have a fundamentally different calculus not amenable to deterrence. . . . New deterrent approaches are needed as well as new strategies should deterrence fail.".

(iii) Defenses against ballistic missiles are essential for new deterrent strategies and for new strategies should deterrence fail. Because deterrence may be inadequate to protect United States forces and allies abroad, theater missile defense is necessary, particularly the most capable systems of the United States such as THAAD, Navy Upper Tier, and the Space and Missile Tracking System. Similarly, because deterrence may be inadequate to protect the United States against long-range missile threats, missile defenses are a necessary part of new deterrent strategies. Such defenses also are wholly in consonance with the summit statements from June 1992 of the Presidents of the United States and the Russian Federation and the September 1994 statements by Secretary of Defense William J. Perry, who said, "We now have the opportunity to create a new relationship, based not on MAD, not on Mutual Assured Destruction, but rather on another acronym, MAS, or Mutual Assured Safety.".

(iv) As the governments of the United States and Russia have built upon the June 17, 1992, Joint Understanding in agreeing to the START II Treaty, so too should these governments promptly undertake discussions based on the Joint Statement to move forward cooperatively in the development and deployment of defenses against ballistic missiles.

(11) REPORT ON USE OF FOREIGN EXCESS BALLISTIC MISSILES FOR LAUNCH SERVICES.—It is the sense of the Senate that the President should not issue licenses for the use of a foreign excess ballistic missile for launch services without first submitting a report to Congress, on a one-time basis, on the implications of the licensing approval on nonproliferation efforts under the Treaty and on the United States space launch industry.

(12) UNITED STATES COMMITMENTS ENSURING THE SAFETY, RELIABILITY, AND PERFORMANCE OF ITS NUCLEAR FORCES.—The Senate declares that the United States is committed to ensuring the safety, reliability, and performance of its nuclear forces. To this end, the United States undertakes the following additional commitments:

(A) The United States is committed to proceeding with a robust stockpile stewardship program, and to maintaining nuclear weapons production capabilities and capacities, that will ensure the safety, reliability, and performance of the United States nuclear arsenal at the START II levels and meet requirements for hedging against possible international developments or technical problems in conformance with United States policies and to underpin deterrence.

(B) The United States is committed to reestablishing and maintaining sufficient levels of production to support requirements for the safety, reliability, and performance of United States nuclear weapons and demonstrate and sustain production capabilities and capacities.

(C) The United States is committed to maintaining United States nuclear weapons laboratories and protecting the core nuclear weapons competencies therein.

(D) As tritium is essential to the performance of modern nuclear weapons, but decays radioactively at a relatively rapid rate, and the United States now has no meaningful tritium production capacity, the United States is committed to ensuring rapid access to a new production source of tritium within the next decade.

(E) As warhead design flaws or aging problems may occur that a robust stockpile stewardship program cannot solve, the United States reserves the right, consistent with United States law, to resume underground nuclear testing if that is necessary to maintain confidence in the nuclear weapons stockpile. The United States is committed to maintaining the Nevada Test Site at a level in which the United States will be able to resume testing within one year following a national decision to do so.

(F) The United States reserves the right to invoke the supreme national interest of the United States to withdraw from any future arms control agreement to limit underground nuclear testing.

Mr. LUGAR. Mr. President, when I brought the START II Treaty to the floor last month, I did so in my capacity as the manage for the Foreign Relations Committee. In my opening statement, I sought to lay out for the body the key provisions of the START II Treaty, the assessment of the treaty of the Joint Chiefs of Staff, the force structure implications of the treaty for both the Russian Federation and the United States, and the reasons why this treaty is, on balance, in the national security interests of the United States.

But, Mr. President, I have also approached consideration of the START II Treaty from the vantage point of my membership on the Select Committee on Intelligence. I have spent a great deal of time analyzing United States capabilities to monitor compliance with arms control treaties and the START II Treaty in particular.

I want to share with my colleagues my major findings and explain each of them briefly.

First, no aspects of the START II Treaty text are likely to cause compliance issues because of the manner in which they are worded.

I repeat, I have found no aspects of the START II Treaty text that are likely to cause compliance issues because of the manner in which they are worded. Indeed, START II, by banning test-flights and deployment of MIRV'd ICBM's after 2003, may lessen the likelihood of compliance issues regarding the number of re-entry vehicles with which an ICBM is equipped or tested. It should generally be easier to determine the presence or absence of MIRV's than the determine—or agree upon—whether a numerical limit has been exceeded.

Second, U.S. national technical means are generally sufficient to monitor compliance with both START Treaties. United States capabilities could be insufficient, however, if competition for scarce collection and analytic resources were intense and if Russian practices were to change in ways designed to impede United States monitoring.

As in the case with START I monitoring, the United States will rely upon a combination of capabilities—including imagery, signals intelligence, human intelligence, open-source information and the verification provisions of the START I and START II Treaties—to monitor compliance with the provisions of START II. Despite the strapped resources as well as systems and personnel reductions thus far in the post-cold-war era, the intelligence community assesses a high probability of detecting questionable activity that might be contrary to the treaty.

I agree with the intelligence community that U.S. national technical means are generally sufficient to monitor compliance with both START Treaties. I have concerns, however, that U.S. capabilities could be insufficient if competition for scarce collection and analytic resources were to intensify and if Russian practices were to change in ways designed to impeded U.S. monitoring. I support the recommendation that the President be required to certify the sufficiency of U.S. monitoring capabilities regarding those START II provisions relating to ICBM and SLBM capabilities and to report to Congress on how such sufficiency will be assured. I would also urge the executive branch to pursue a firm policy regarding Russian actions that may violate the terms of START I or START II, including the verification provisions of those treaties.

Third, I have recommended that the resolution of ratification be conditioned on a requirement that the President certify and, within 90 days of exchanging the instruments of ratification, submit to the Congress a plan for ensuring continued, adequate monitoring of Russian ICBM and SLBM capabilities. This condition has been included in the manager's package of amendments to the resolution of ratification, accepted by the Senate last month.

The intelligence community's monitoring confidences reflect a vastly changed world from that of a decade ago. The end of the cold war has brought a substantial refocusing of United States intelligence from the old Soviet Union to a much wider variety of threats to the national security. Indicative of this change is the fact that in the fiscal year 1996 budget process, the Department of Defense opposed funding the COBRA DANE radar. In order to protect that important arms control monitoring system, the U.S. Arms Control and Disarmament Agency [ACDA] stepped in and took responsibility for its funding. The Congress, instead, restored full funding for the COBRA DANE platform in the fiscal year 1996 Intelligence Authorization Act, an action that was sustained in the Defense appropriations bill.

Some other systems that monitor Russian missile tests face uncertain funding futures or are increasingly diverted to other intelligence priorities, like Bosnia and North Korea, or even to nonintelligence functions. Although intelligence officials remain confident of overall U.S. monitoring capabilities, they have acknowledged that these actions affect those capabilities.

I find it totally unacceptable that coverage by National Technical Means of Russian strategic missiles—still the systems with by far the greatest capability to effect the nuclear destruction of United States territory—should be available only at the expense of other important intelligence priorities. That is why I recommend that the resolution of advice and consent to ratification of the START II Treaty be conditioned on a requirement that the President certify and, within 90 days of exchanging instruments of ratification, submit to the Congress a plan for ensuring, continued adequate monitoring of Russian ICBM and SLBM capabilities.

Fourth, it is imperative that the executive branch exercise its START II Treaty right to observe the entire process of pouring concrete into each Russian SS–18 silo that is to be converted.

The intelligence community judges that it can monitor with virtual certainty the elimination or conversion of declared items and the number of deployed silo-based ICBM's, SLBM's and heavy bombers that remain in the Russian force. Treaty provisions designed to enhance verification play important roles in augmenting U.S. National Technical Means in this regard. The 10 annual reentry vehicle inspections permitted under START I will help assure, over time, that those silos are not being used for MIRV'd missiles, and the 4 extra reentry vehicle inspections at converted SS–18 silos that are provided for in START II will add assurance regarding heavy ICBM's.

One particularly important aspect of START II verification would be the on-site inspection of SS–18 heavy ICBM silo conversions, to guard against a

breakout scenario involving speedy reconversion of SS–18 silos. U.S. inspectors can either physically witness the pouring of the 5 meters of concrete in the bottom of the silo or measure silo depth before and after the concrete was poured. In order to guard against improper implementation of the conversion procedures, it is imperative that the executive branch exercise its START II Treaty right to observe the entire process of pouring concrete into each SS–18 silo that is to be converted, and to measure the diameter of the restrictive ring.

Fifth, I urge the firmest practicable policy regarding compliance with START I provisions on the transmission and provision of missile flight test telemetry and interpretive data.

The intelligence community generally expects to be able to monitor the ban on flight-testing of MIRV'd ICBM's after 2003, assuming it receives the good telemetry data mandated by START I. The importance of the START I provisions regarding the transmission and provision of missile flight-test telemetry and interpretative data cannot be overestimated, and the executive branch must adopt the firmest practicable policy regarding Russian compliance with those provisions.

Sixth, monitoring missile production and storage and, consequently, the number of nondeployed missiles is inherently difficult. As the Director of Central Intelligence has stated, it is possible that some undeclared missiles have been stored at unidentified facilities. In other words, the possible existence of covert, nondeployed mobile missiles must remain an important U.S. intelligence target.

Monitoring missile production and storage and, consequently, the number of nondeployed missiles is inherently difficult. At facilities where the United States conducts continuous perimeter and portal monitoring, the intelligence community's uncertainties are low. Uncertainties are higher, however, in estimates of missile production at facilities not subject to continuous monitoring or on-site inspection.

A cheating scenario involving covert production and deployment of mobile ICBM's—and especially of MIRV'd ICBM's—and their launchers would be particularly worrisome. For that reason, the possible existence of covert, nondeployed mobile missiles must remain an important U.S. intelligence target.

Uncertainties in the estimates of numbers of nondeployed missiles will make it difficult for the intelligence community to determine whether all SS–18 airframes have been declared and eliminated as required by START II. On the other hand, SS–18 missiles and canisters are not mobile, are the largest ballistic missile system in the Russian force, and require substantial equipment for handling and transport. Storing and maintaining a covert force of any significant size would be a major undertaking and would increase the risk of detection. As SS–18 silos are destroyed or converted, moreover, the military utility of any undeclared missiles should steadily diminish. The intelligence community is quite confident of its ability to monitor the essentially irreversible conversion of SS–18 silos.

Seventh, it will be difficult to determine whether Russian heavy bombers are equipped with more than the number of nuclear weapons they are declared to carry. But the Joint Chiefs of Staff believes that cheating scenarios that involve heavy bombers and air-launched cruise missiles generally pose little risk of militarily significant violations.

Mr. President, because heavy bomber weapon loadings can easily be changed, the intelligence community will find it difficult to determine whether Russian heavy bombers are equipped with more than the number of nuclear weapons they are declared to carry. When this matter was considered in the START I context, the executive branch emphasized that heavy bombers are inherently stabilizing, and play a more important role in the U.S. strategic force structure than in the Russian. General Curtin of the Joint Staff noted at the time that cheating scenarios that involve heavy bombers and air-launched cruise missiles generally pose little risk of militarily significant violations. He noted that heavy bombers and air-launch cruise missiles are slow flyers which offer little potential for a surprise attack.

Eighth, the disincentives for Russia to cheat are substantial. I urge the intelligence community, however, to base its collection and analysis priorities upon a cautious appreciation of the record of Soviet and Russian compliance with arms control agreements.

The disincentives for Russia to cheat on START II are substantial. Many cheating scenarios, such as the reconversion of converted SS–18 silos, would risk U.S. detection. The most feasible cheating scenarios would yield only small gains. Thus, covertly reMIRVing all the 105 single-RV SS–19's allowed under START II would increase the number of Russian reentry vehicles by only about 15 percent. And such scenarios as the covert production of large numbers of ICBM's and their launchers would require a considerable investment of scarce resources.

Despite these disincentives, however, I repeat that the intelligence community needs to base its collection and analysis priorities upon a more cautious appreciation of the record of Soviet and Russian compliance with arms control agreements.

Last, the counterintelligence challenges inherent in START II will be no greater than those of past treaties, and U.S. agencies are capable of handling these challenges.

CONCLUSION

Mr. President, let me close by reaffirming the conclusion I set forth last month when I introduced the START II Treaty on this floor.

The START II Treaty is the result of a bipartisan effort, negotiated by a Republican administration and submitted by a Democratic one. Three Secretaries of State and Defense have supported it. START II represents a substantial step forward in attempting to codify strategic stability at greatly reduced levels of armaments. Final reductions must be completed by January 1, 2003—namely, to levels of 3,000 to 3,500 total warheads, of which no more than 1,750 can be based on submarines. It has been the view of the Joint Chiefs of Staff that, with the 3,500 warheads allowed under this treaty, the United States would remain capable of holding at risk a broad enough range of high value political and military targets to deter any rational adversary from launching a nuclear attack against the United States or against its allies.

START II removes the most destabilizing segment of nuclear inventories—namely MIRV warheads and heavy ICBM's. Elimination also includes all deployed heavy ICBM silos and all test and training launchers. The Joint Chiefs of Staff believe that the verification procedures are adequate to ensure that the United States will be able to detect any significant violations. Conversely, the Joint Chiefs of Staff also believe that the verification provisions are sufficiently restrictive to protect the United States against unnecessary intrusion by Russian inspectors.

It is my belief that, on balance, the START II Treaty is in the national security interests of the United States, and I would hope that the Senate, having expressed its concerns and advice in the Resolution of Ratification, would consent to the treaty by an overwhelming margin.

Mr. PELL. Mr. President, this is indeed a fine day for the U.S. Senate. The Senate has just given its advice and consent to ratification of the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, known as the START II Treaty.

Mr. President, the START II Treaty was considered thoroughly in hearings that I chaired in May and June 1993, and that my colleague from Indiana chaired in January, February, and March 1995. Witnesses included Secretary of State Warren Christopher; former Secretary of State Lawrence Eagleburger; Secretary of Defense William Perry; Gen. John Shalikashvili, Chairman, Joint Chiefs of Staff; John Holum, Director of the Arms Control

and Disarmament Agency; Ambassador Linton Brooks, chief negotiator of the treaty; Thomas Graham, Jr., Acting Director of the Arms Control and Disarmament Agency; Director of Central Intelligence, Mr. James Woolsey and Douglas MacEachin, Deputy Director for Intelligence, Central Intelligence Agency. Nongovernmental witnesses included Steven Hadley, an attorney with Shea and Gardner; Sven Kraemer, president, Global 2000; Michael Krepon, president, Henry L. Stimson Center, and Jack Mendelsohn, deputy director of the Arms Control Association.

When it is considering treaties such as this, the committee makes a particular point to receive the considered and independent judgment of the Nation's military leaders for whom it is of critical importance that there be no missteps in arms control. Gen. John M. Shalikashvili, Chairman of the Joint Chiefs of Staff, was unequivocal of his endorsement of the treaty:

> The START Treaty offers a significant contribution to our national security. Under its provisions, we achieve the long-standing goal of finally eliminating both heavy ICBMs and the practice of MIRVing ICBMs, thereby significantly reducing the incentive for a first strike. For decades, we and the Russians have lived with this dangerous instability. With this treaty, we can at long last put it behind us.
>
> The Joint Chiefs and I have carefully assessed the adequacy of our strategic forces under START II. With the balanced triad of 3500 warheads that will remain once this Treaty is implemented, the size and mix of our remaining nuclear forces will support our deterrent and targeting requirements against any known adversary and under the worst assumptions. Both American and Russian strategic nuclear forces will be suspended at levels of rough equivalence; a balance with greatly reduced incentive for a first strike. By every military measure, START II is a sound agreement that will make our nation more secure. Under its terms, our forces will remain militarily sufficient, crisis stability will be greatly improved, and we can be confident in our ability to effectively verify its implementation. This Treaty is clearly in the best interests of the United States.
>
> On the behalf of the Joint Chiefs of Staff, I recommend that the Senate promptly give its advice and consent to the ratification of the START II Treaty.

The resolution that the Senate has approved today reflects a careful, bipartisan effort within the Committee on Foreign Relations. It also deals with concerns raised by non-committee Members in amendments approved on the Senate floor on December 22, 1995.

Senate consideration and consent to ratification has taken about 3 years. This is longer than I and others would have wished, but I would remind others that the Senate has a long history of moving deliberately on arms control treaties. The Geneva Protocol of 1925 which prohibits the use of chemical and bacteriological weapons in war, took 5 decades for the Senate to approve.

Our action this evening comes at a most propitious moment. The Russian Prime Minister, Victor Chernomyrdin, will arrive in Washington this weekend for the first top-level United States meetings since the Russian elections in December. Approval of the START II Treaty should prove a fortuitous move if it serves to spur comparable action in the Russian Duma. There is to be a G-7 summit meeting in Moscow in April. I would hope very much that the newly constituted Duma can act on the treaty by that time, so as to permit exchange of instruments of ratification and entry into force.

Mr. President, the START II Treaty is a major achievement by itself, but it cannot be viewed alone. It must be seen as part of a critically important continuum that began with SALT I, continued through SALT II and led to START I and START II. There have been related agreements such as the INF Treaty, which required the elimination of the intermediate-range nuclear missiles of the United States and the Soviet Union. There are complementary efforts such as the safe and secure dismantlement program in Russia and attempts to negotiate a missile material production control regime.

It can truly be said now that arms control has become an integral part of our national security. We have learned well that the control and reduction of weapons and the maintenance of a sound defense structure are key ingredients of our national security. Our own efforts in such ventures as START II serve to demonstrate to the world that we are committed to the reduction of nuclear arms and are pursuing a path that could lead to their elimination.

In closing, I would point out that the resolution of ratification adopted by the Committee in an 18 to 0 vote recalls the obligation undertaken by the United States and the other nuclear-weapon states "to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament and on a treaty on general complete disarmament under strict and effective international control", and states clearly that "the Senate calls upon the parties to the START II Treaty to seek further strategic offensive arms reductions consistent with their national security interests and calls upon the other nuclear weapon states to give careful and early consideration to corresponding reductions of their own nuclear arsenals."

Mr. President, we should be well pleased with our action today, but we must not be satisfied. We must be both steadfast and unrelenting in our efforts to spare our citizens and the world from the terrible catastrophe of war, particularly war through means of weapons of mass destruction.

Mr. NUNN. Mr. President, I rise in support of the ratification of the START II Treaty by the Senate. The case for ratification is, I believe, overwhelming. Both the START I Treaty, negotiated under President Reagan, and the START II Treaty, negotiated under President Bush, are the end-products of bipartisan arms control support by both the Congress and the American people.

Ratification of the START II Treaty is supported by the President, as well as by Secretary of Defense Perry and General Shalikashvili, the Chairman of the Joint Chiefs of Staff. The Department of Defense is satisfied that the START II Treaty will be fully verifiable, and that ratification and entry into force are in our national interest. The START II Treaty is a continuation of the substantial reductions in strategic weaponry brought about by the signing of the START I Treaty. The signing of the START I Treaty occurred after the fall of the Berlin Wall, at the end of the cold war, the dissolution of the Soviet Union, and the development of democratic movements and free elections in the countries of the former Warsaw Pact. These events have transformed the longstanding bipolar relationship between the United States and the now-vanished Soviet Union.

Given these historic changes, ratification of the START II Treaty is the next logical step. Upon entry into full force, the START II Treaty will further reduce the number of strategic nuclear warheads held in the active inventories of the United States and Russia from about 8,000 weapons at START I levels by more than 50 percent. By the time START II is fully implemented, the START I and START II Treaties will have led to more than a three-fold reduction in the numbers of strategic nuclear warheads on line.

Moreover, the entry into force of this treaty will eliminate all of the land-based, multiple-warhead, or MIRV'd, inter-continental ballistic missiles from the arsenals of both sides. It has long been a goal of U.S. arms control policy, under both Republican and Democratic Presidents and Congresses, to eliminate these poised-for-instant-launch MIRV'd ICBM's from the inventories of both sides. Elimination of these land-based ICBM missiles, a required measure under the START II Treaty, will help both to avoid a return to hair-trigger strategic postures on both sides, and to put an end to any conceivable incentive for a "bolt-from-the-blue" attack.

Ratification of the START II Treaty is a highly cost-effective way to reduce the threat to U.S. national security interests posed by nuclear weapons. It will eliminate some 5,000 warheads from the Russian force posture. Our modest verification cost will be dwarfed by the U.S. defense budget savings that will flow from the retirements of our excess strategic nuclear weapons and their delivery systems.

Mr. President, I urge my colleagues to support the ratification of the START II Treaty today, and to work to build support and understanding of the advantages of the START II Treaty among the members of the Russian Duma, prior to their consideration of the treaty later this year. We need to take every opportunity to explain to the new Duma the advantages that will accrue to Russia from the entry into force of this treaty.

Mr. SARBANES. Mr. President, 3 years ago President George Bush and President Boris Yeltsin met in Moscow to sign a second Strategic Arms Reduction Treaty. At that time, the dissolution of the Soviet Union made it possible to achieve additional reductions in our nuclear arsenals beyond those provided in the START I Treaty, thereby advancing United States security and further reducing the threat of nuclear proliferation. On December 5, 1994, President Clinton and the leaders of Russia, Ukraine, Belarus, and Kazakhstan convened in Budapest to finalize the entry into force of START I, clearing the way for the ratification of START II.

It has thus been a full year since START II has been ready for Senate advice and consent to ratification, and I am pleased that it is finally being considered by the full Senate. The Foreign Relations Committee has held eight hearings on the treaty, in open and closed session, with administration and private witnesses. On December 12, the treaty was reported favorably on a unanimous vote of 18 to 0.

Let me elaborate on the substance of this treaty and its benefits to U.S. security. Building upon START I, the START II Treaty advances our interests by eliminating the most threatening and destabilizing types of weapons in the Russian arsenal. Under the treaty, Russia has agreed to destroy all of its heavy intercontinental ballistic missiles [ICBM's], including all its SS-18 missiles, which were the centerpiece of the former Soviet Union's strategic nuclear force. The treaty also ends the practice of putting multiple warheads on (or "MIRVing") ICBM's, a practice which had led to exponential increases in the number of deployed nuclear warheads and heightened the threat of a first nuclear strike. START II requires each side to reduce its deployed warheads from the 6,000 allowed under START I to 3,500 by the year 2003. This will mean a significant reduction in Russia's deployed nuclear warheads, which numbered over 10,000 when the Start Treaty went into force.

In addition, START II limits the number of warheads deployed on Submarine Launched Ballistic Missiles [SLBM's], and expands the stringent verification regime put into place by START I. New verification measures, including on-site inspections of SS-18 silo conversions and missile elimination procedures, along with the inspection for all heavy bombers, were added to START II to reduce the risk of non-compliance.

Taken together, the two START treaties will reduce the deployed strategic offensive arms of the United States and Russia by approximately two-thirds by the year 2003. Two out of every three weapons that were once aimed against the United States are going to be dismantled or destroyed over a period of less than 10 years. The United States will retain a credible nuclear deterrent while increasing our ability to verify Russian compliance with its treaty obligations.

During the Committee proceedings, the chairman of the Joint Chiefs of Staff, General John Shalikashvili, gave the following testimony in support of ratification:

> Let me say at the outset that, on the basis of detailed study of our security needs and careful review of the Treaty, it is my judgment, and the unanimous opinion of the Joint Chiefs of Staff, that the START II Treaty is in the best interests of the United States. I recommend the Senate provide its advice and consent to START II's ratification.

President George Bush stated in his January 15, 1993 Letter of Transmittal to the Senate—

> The START II Treaty is clearly in the interest of the United States and represents a watershed in our efforts to stabilize the nuclear balance and further reduce strategic offensive arms. I therefore urge the Senate to give prompt and favorable consideration to the Treaty, including its Protocols and Memorandum on Attribution, and to give its advice and consent to ratification.

Then-Secretary of State Lawrence Eagleburger concluded in his letter of submittal to President Bush—

> This Treaty is truly an historic achievement. By significantly reducing strategic offensive arms, and by eliminating those that pose the greatest threat to stability, the START II Treaty will enhance the national security of the United States. It is in the best interest of the United States of America, the Russian Federation, and, indeed, the entire world that this Treaty enter into force promptly. I strongly recommend its transmission to the Senate for advice and consent to ratification.

Mr. President, ratification of START II not only will lock in reductions that benefit U.S. security directly, it will send an important signal to other countries that the United States is serious about nuclear non-proliferation. It will encourage other nations to join us in the process of limiting weapons of mass destruction and will lay the foundation for future arms control agreements. As Spurgeon Keeny, Jr., President of the Arms Control and Disarmament Agency, warned, "Failure to complete Senate action promptly could delay for years the entry into force of these agreements with great disadvantage to United States security."

I think the risks of inaction are grave indeed, and I urge my colleagues to join in giving prompt advice and consent to ratification.

Mr. INHOFE. Mr. President, let me start off by saying that there is nothing wrong with arms control in principle, but there are a lot of reasons to oppose the START II Treaty. The treaty does not destroy a single Russian warhead. It talks about downgrading, reducing, downloading, retiring, converting—all actions that can be reversed. The Russians do not have to destroy the warheads.

I wondered also what would happen to those warheads if Russia should decide to comply with the START II Treaty—this is a big "if," since they have not complied with other treaties—but if they did, what would happen to those warheads if they were, for example, to download them?

We all know the financial needs of the former Soviet Union, Russia in particular. And we also know that there is a market for those warheads in hostile areas of the world—in the Middle East, North Korea, China, all throughout the world. You have to ask: what would happen to those warheads? We are looking at an agreement that allows Russia to continue modernization, build heavy missiles for 7 more years, and new submarine-launched missiles, and new land missiles, including a hard-to-find mobile missile that even the United States does not have. It allows them to conduct aggressive military exercises and to increase anti-U.S. intelligence.

I feel that no effective verification or enforcement could be put in place with this treaty, even if the Russians should comply with it. But let us look at the history. People assume they are going to comply with the START II Treaty but they did not comply with the START I Treaty, they did not comply with the biological weapons convention, with the chemical weapons convention, the INF treaty, the ABM Treaty. Just around Christmastime Pavel Grachev, who is the Minister of Defense for Russia, made a statement that they did not intend to comply with our Conventional Forces Europe treaty, the CFE treaty.

Their reason for not complying, he said, was that the CFE Treaty was not a treaty made between the United States and Russia, but between the United States and the USSR. I would ask why, if that is true, are we so compelled to comply with the ABM Treaty, which also was not between the United States and Russia, but was ratified in 1972 when Russia was still the Soviet Union? So I have to ask the question, why is it so important, at this particular time, to have the START II treaty?

Let us look at what has happened just recently. I know we all rejoiced just a few years ago when Boris Yeltsin and the reformers took control. But look what happened just in the last election, last December, of the Duma.

The Communists, now, have 157 seats; Boris Yeltsin and the Reform Party, only 55 seats; the person I think most people here dread more than anyone else, Vladimir Zhirinovsky, his party, the Ultranationalists, took 51 seats. So he is almost even with Yeltsin's party, and it is just one-third of what the Communists now have. So, it is a totally different environment right now in Russia from 1993, when the START II Treaty was signed by President Bush and President Yeltsin.

I think, when you realize that we are ratifying a flawed agreement with a country that has never lived up to previous agreements, and that we are accepting Russia's demands that we remain naked to missile attacks from all over the world, that this is wrong.

On December 28 President Clinton vetoed the defense authorization bill. His prime objection to this bill was that we were spending money on a national missile defense system. In his message he declared that this might violate the 1972 ABM Treaty, which prevents the deployment of a multiple-site missile defense system in the United States. Clinton stated that the missile defense plan "* * * puts the United States policy on a collision course with the ABM Treaty and puts at risk continued Russian implementation of the START I treaty and Russian ratification of the START II treaty."

Our President rejects a national missile defense system. He says that U.S. national security in the post-cold-war world rests on two treaties, the ABM Treaty and the START Treaty, both negotiated at the height of the cold war. That is the linkage the President is making. We can argue whether or not there is a linkage between the ABM Treaty and the START II Treaty, but in fact the President thinks there is. He has stated that there is, and he accepts the Russians' linkage between these treaties, which says that we must abide by one, the ABM Treaty, to get the other, the START Treaty.

You might ask yourself the question: why is it that Russia is so interested in those two treaties? First of all, I have serious doubts that they would comply with the START II treaty. Maybe they have doubts that they would, too. But it seems to me they are bent on our agreeing to reduce our nuclear capability, which they would do to, and at the same time they are even more interested in the ABM Treaty. I think this is something we really have not talked about enough.

The ABM Treaty was one that was put together in a Republican administration. It was Richard Nixon and Henry Kissinger's project. Dr. Kissinger was the architect of the ABM Treaty of 1972. In 1972 we had two superpowers in this world. Mr. President, we could identify who the enemy was. At that time it seemed to be a good idea. I did not agree with it at the time, but I certainly did not question the wisdom of President Nixon and of Dr. Kissinger, because it seemed that a policy of mutual assured destruction was in the best interests of the United States. Simply put, that is a policy that says: we agree not to defend ourselves and not to implement a national missile defense system if you agree to do the same thing. That way, the risk of complete destruction keeps us from attacking each other.

You may believe that this was not a good idea at the time. I did not think it was a good idea. But there is certainly some justification for it.

That is not the environment that we are in today. In fact, Henry Kissinger himself has said that it is insane to continue with this type of policy in today's environment when you have the proliferation of nuclear weapons and weapons of mass destruction all throughout the world. It was Kissinger who said, and this is a direct quote: "It is nuts to make a virtue out of our vulnerability."

People have made several references to the fact that President Reagan actually started some of the START negotiations. But I would recall the 1986 Reagan-Gorbachev summit in Iceland. It was really the defining moment in the cold war. Gorbachev proposed to eliminate all nuclear weapons and everyone was all excited. But then he established the condition that President Reagan would have to kill the Strategic Defense Initiative, a plan for a national missile defense system. In other words, he said we will agree to doing away with and destroying all nuclear weapons if you agree to make yourself vulnerable to an attack.

Reagan walked away from the bad agreement in order to save the United States missile defense program. We are faced with the same choice. Our President currently is embracing that very notion that Reagan rejected, even though, since 1986, the missile threat has greatly increased and Russia has violated treaty after treaty. We have to ask, what is so good about the tradeoff now?

Mr. President, I will make this brief because I have made this statement on the floor so many times before. I have deep concern about what is happening right now with our attitude toward a national missile defense system. It is kind of interesting—all these people who come in and want to talk about how bad a national missile defense system is always use such words as "Star Wars," trying to make it look like something that is mythical, something that is science fiction. In fact, anyone who was watching TV during the Persian Gulf war knows that the technology of knocking missiles down with missiles is something that is alive and well.

President Clinton appointed Jim Woolsey to be CIA Director, and he was certainly privileged to more information, or as much as anyone else in the world, concerning this Nation's defense. And he said that there are between 20 and 25 nations around the world who currently have, or are developing, weapons of mass destruction, either nuclear, chemical, or biological, and are developing the missile means to deliver those weapons of mass destruction.

So there is a greater threat. Most people who are watching the security scene today believe there is a greater threat facing America today than there was during the cold war, because now we are not talking about one enemy, we are talking about 25 or so countries that are developing this technology.

If anyone is comfortable in what is happening right now, I suggest that you read last Wednesday's New York Times. I will not submit this for the RECORD because I did so yesterday when I first read it. I was still in some degree of shock. The New York Times provides fresh evidence of the folly of leaving America vulnerable to ballistic missile attack.

In an article entitled—listen to this—"As China threatens Taiwan, it makes sure United States listens—" the Times reports on ominous information recently passed to National Security Adviser Anthony Lake concerning measures being taken by Beijing to facilitate military action against Taiwan, and points to statements intended to detour the United States from coming to Taipei's assistance. Referring to Charles Freeman—he is a former U.S. Ambassador to China, now Assistant Secretary of Defense—the article reports that "A Chinese official told him of the advanced state of military planning and that preparations for a missile attack on Taiwan and the target selection to carry it out have been completed and await final decision by the politburo in Beijing." Freeman reportedly told Lake that "A Chinese official asserted that China could act militarily against Taiwan without fear of intervention by the United States because American leaders 'care more about'"—listen to this—"Los Angeles than they do Taiwan." That statement Mr. Freeman characterized as an indirect threat by China to use nuclear weapons against the United States.

Mr. President, this is the environment we are in today. Today the Senate is considering a treaty, START II, that will further endanger our country because the President and the Russians link it to the ABM Treaty, which precludes our country from defending itself against missile attack.

I would like to submit something for the RECORD. It was in the Wall Street Journal, in an editorial called, "The ABM Treaty's Threat," on January 2.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, January 2, 1996]

THE ABM TREATY'S THREAT

With his veto of the 1996 defense bill last week, President Clinton just made the world a more dangerous place. If there's a silver lining, it is that it sets down an important political marker for this year's presidential campaign. GOP upstart Steve Forbes also put down a marker last week, castigating Bob Dole and the Senate for their apparent willingness to ratify the Start II treaty—a "further pretext," Mr. Forbes said, for the "policy of leaving the American people vulnerable to missile attack.

Given the current Senate, the President's veto is almost certain to be sustained, hamstringing the effort to build critically needed defenses against ballistic missile attack. Millions of Americans may pay for his decision with their lives, when some future commander-in-chief lacks the means to shoot down a ballistic missile heading on a lethal trajectory for an American city. By vetoing the bill, Mr. Clinton also shows that he has no viable strategy for dealing with the changed nuclear realities of the post-Cold War world—realities that are discussed nearby by former Reagan Defense official Fred C. Ikle.

The Administration, to the extent it's thinking at all instead of repeating Democratic Party rote, remains mired in an obsolete mindset that sees Moscow as our main foe and regards arms control and "mutual assured destruction" as the centerpiece of policy. Mr. Clinton's principal objection to the GOP defense bill is that by requiring deployment of a missile-defense system by 2003 it would violate the 1972 Anti-Ballistic Missile Treaty under which the U.S. and the Soviet Union agreed not to defend themselves against missile attack.

The Republican bill is "on a collision course with the ABM treaty," Mr. Clinton said in his veto message. That, as we see it, is precisely the point. The ABM Treaty is a grave danger to national security and the United States ought to exercise its prerogative to withdraw. If any progress toward defense is to be made, every Republican Presidential candidate ought to pledge to give the required notice on his first day in office.

We thought back in 1972 that agreeing not to defend against missile attack was a reckless promise, but today any vestige of a rationale has vanished. More than two-dozen nations already possess ballistic missiles and a number will soon have missiles capable of reaching across the Atlantic or the Pacific. It's not hard to imagine that Washington or San Francisco would make tempting targets for a lunatic leader in one of the Iraqs or North Koreas of the world. When that happens, it will be too late to start building a missile defense.

The ABM Treaty is just one relic of the Cold War that Mr. Clinton is intent on preserving. He further objects that it would derail his arms-control efforts, keeping the Russian Duma from ratifying Start II, under which Russia would reduce its nuclear arsenal to 3,500 warheads from about 8,000. Whatever the Duma does, it looks likely that the U.S. Senate will ratify Salt II three years after it was signed by Presidents Bush and Yeltsin. Perfunctory debate ended last week and a vote is expected soon. Mr. Forbes, free of the impact of past habit, is one of the few Republican voices urging against ratification.

Yet with few exceptions, Republicans do believe that defending America against missile attack ought to be a national priority. Their Congress has put forward a workable and affordable plan toward that goal. On the other hand, we have a President who's decided that it is more important to the security of the United States to reduce the number of Russian nuclear warheads than to have the capability to defend ourselves against missile attack from the madmen of the world.

As for Start II, somehow we don't find it very comforting to contemplate a world in which the Russians have 4,500 fewer scary things tucked away in their arsenal but a Saddam Hussein has one that he intends to use on us. Clearly it's time for a new security strategy. It will require more, but missile defense will be a cornerstone. Mr. Iklé argues that to wake the world to this obvious need may well take a nuclear explosion, either accidental or deliberate.

Mr. INHOFE. Mr. President, I will quote one sentence, which says:

As for START II, somehow we don't find it very comforting to contemplate a world in which the Russians have 4,500 fewer scary things tucked away in their arsenal but a Saddam Hussein has one that he intends to use on us.

So, in conclusion, I say, Mr. President, that passing of this treaty right now may be important to the President's agenda. But if this treaty is really important, why are we rushing through it with so little debate?

This morning we had a meeting in my office at 9 o'clock. It was with the 11 freshmen that were elected to this body in 1994. At that time we did not even know this was going to be on the agenda today. This was put on 10 hours ago before we had a chance to come out, debate it, get people together to really be concerned and to understand the full ramifications of this treaty and how it provides a chance of making us vulnerable—10 hours. That is all the time we had.

What kind of a message will the rogue countries in the world get if we pass, on the same day, a defense bill recently stripped of missile defense and a START II Treaty on Russia's terms? Just to satisfy Russia, President Clinton was willing to veto the defense bill that attempted to protect Americans from missile attack.

Yes, we are getting the Russians down to 3,500 missiles, if they comply. But we are giving Russia a practical veto on our ability to defend ourselves. We have countries out there—China we just talked about, North Korea, Iran, Iraq, Libya—any number of countries that are a direct threat to this country, and they are not constrained by any of the provisions in the START II agreement or in the ABM Treaty.

My simple proposition is this: Missile defense should be our highest national security priority. If the President believes that our highest priority must be sacrificed to gain Russia's approval of START II, I say it is too high a price to pay.

Mr. President, every time I come out here and we talk about this treaty or we talk about the ABM Treaty or we talk about the missile defense of this country, I remember the days following the April 19 bombing in Oklahoma City in my beautiful State of Oklahoma. I had very close friends with daughters and sons and mothers and fathers who were in that building, the Murrah Federal Office Building in Oklahoma City, hoping day after day and hour after hour that they would find them still to be alive until finally all hope was given up. We lost 169 lives in the most brutal terrorist attack in the history of America. I saw those things. My son, an orthopedic surgeon, was practicing with a doctor who went in and amputated the leg of a woman in order to extract her from the bomb site.

When I think about that, I remember that the bomb which blew up the Federal building was rated at 1 ton of TNT, and the smallest nuclear warhead known today is rated at 1 kiloton of TNT, or 1,000 times the size of the bomb that exploded in Oklahoma City.

That is why I stated on this floor last week that if the vote is 98 to 1, I will be the one to oppose the ratification of the START II agreement because, Mr. President, it is the right thing to do for America.

I yield the floor.

Mr. KENNEDY. Mr. President, I urge my colleagues to vote to ratify the START II agreement. By ratifying this treaty, the Senate will be taking a major step toward eliminating the menace of nuclear arms from the face of the Earth.

Since the dawn of the nuclear age at the end of World War II, nuclear arms control has been our highest priority. One of President Kennedy's proudest achievements was the Limited Test Ban Treaty of 1963, which banned nuclear tests in the atmosphere, in outer space, and under water. Many of us today continue to attempt to build on that achievement by enacting a comprehensive test ban treaty to ban all nuclear tests.

In recent decades, we have made progress toward reducing covert nuclear arsenals. Negotiations on the Strategic Arms Reduction Treaty began in 1982, at one of the most difficult points in our cold war relationship with the Soviet Union. Although the first years of the START process saw only sporadic progress, our goal of achieving significant, verifiable reductions in the superpowers' strategic nuclear arsenals never wavered.

When the Berlin Wall came down in 1989, our long-standing efforts were rewarded with the signing of the START I Treaty by President Bush in 1991 and its ratification by Congress the following year.

Now, nearly 3 years after the signing of START II by President Bush in Moscow, we are achieving another milestone in the process by ratifying this far-reaching agreement.

This second Strategic Arms Reduction Treaty lives up to its name—it bring about dramatic reductions in the strategic nuclear arsenals of the United States and Russia. The United States and the Soviet Union had arsenals with over 10,000 nuclear warheads when the Berlin Wall came down. START I is bringing the level down to between 6,000 and 7,000. START II will cut the arsenals in half again—to between 3,000 and 3,500 nuclear warheads by the year 2003. It has been more than 40 years since Russia's nuclear threat to the United States has been this small. We are moving in the direction of eliminating the nuclear menace that threatens our national survival.

In addition to reducing the size of the United States and Russian arsenals, the treaty before us will restructure the strategic forces of both nations to create a more stable nuclear relationship.

First, the treaty eliminates multiple independently targetable re-entry vehicles [MIRV's] from the land-based missile forces of both nations. This step achieves a goal that many of us have sought for over two decades—to eliminate the incentive for either side to strike at the other's multiple-warhead land-based missiles in a time of crisis.

Another major accomplishment of the treaty is to eliminate heavy ICBM's from the arsenals of both countries. The SS–18 missile in the Russian arsenal, which caused such concern for the United States for so long, will be scrapped.

Another strength of this treaty is in the area of verification. START II builds on the ground-breaking verification regime established by the START I Treaty. This regime includes extensive onsite inspections, notifications, and the use of national technical means of verification, our network of intelligence satellites and sensors. In ways like these, the ratification regime gives us a high degree of confidence that we can accurately assess Russian compliance with this treaty.

In addition to the verification procedures included in the treaty, the greater openness in current-day Russian society, compared to the closed nature of the Soviet Union, gives much wider information about Russian strategic behavior and intentions.

START II is also a major part of the effort to prevent the proliferation of nuclear weapons to other nations. During review of the Nuclear Non-Proliferation Treaty last spring, many of the nations which voted with us for a permanent extension of that treaty conditioned their vote on progress in United States-Russian arms reduction, specifically the approval of START II.

If the United States is to lead a worldwide effort to eliminate the threat of nuclear, chemical, and biological weapons, we need to take steps to reduce the United States and Russian nuclear arsenals. This treaty represents the single largest step in that direction in history. It earns us the credibility and respect necessary to enable President Clinton to conclude negotiations in 1996 of the Comprehensive Test Ban Treaty, outlawing nuclear explosions around the globe. This achievement, which is within our grasp, will be the most important step toward limiting worldwide nuclear proliferation since the NPT was negotiated nearly three decades ago.

The end of the cold war has recast the international security landscape. Before the Berlin Wall fell, there was little hope of cutting nuclear arsenals this deeply. Now, we have a unique opportunity to reduce the nuclear threat to all nations.

The NPT, the Comprehensive Test Ban, and the two START Treaties are pillars of an evolving strategy that relies increasingly on cooperation and consensus to achieve security from nuclear threats, even as we continue to maintain the forces necessary for a stable deterrent.

One of our greatest challenges is to continue this progress, to pursue arms control as vigorously as we can, to bring other nations into cooperative security regimes, to do all we can to prevent nuclear weapons from reaching the hands of terrorists, and to develop more effective means for peaceful resolution of international conflicts. These efforts, if tenaciously pursued, will allow us to reduce, and perhaps one day, to eliminate, weapons of mass destruction from the face of the Earth. I urge my colleagues to ratify this treaty.

Mr. McCAIN. Mr. President, I rise in support of the START II Treaty and the conditions and declarations outlined in the resolution of ratification.

Last month's Russian parliamentary elections, in which opponents of free market reform and conciliation with the West made shocking gains, and the resignations from President Yeltsin's administration of several important reformers have created an atmosphere of great uncertainty in United States-Russian relations, I daresay there is no one in this body that has failed to see the significance in these events. I am sure that they will figure prominently in the foreign policy debates of the coming year.

These developments, however, as disturbing as they are, should not preclude us from moving forward with arms control agreements. We have reached arms control agreements with Russia in days much darker than these. We cannot base an issue of such monumental importance to our security as the quantity and quality of weapons possessed by the world's second largest nuclear power on the intricacies and imponderables of Russian politics.

What is going on inside Russia today, and what we can do to turn it to our advantage will be debated for years. We should lock in the reductions in START II made possible by the collapse of the Soviet Union while we have the opportunity.

I am not going to go into too much detail. My colleagues are all familiar with the treaty. I do, however, want to point out a number of its more salient and compelling provisions. If fully implemented, START II will limit the United States and Russia to 3,500 deployed warheads each—a reduction by half of our START I limits and an overall reduction of two-thirds; it will ban all land-based, multiple warhead missiles; and it will eliminate all of Russia's heaviest missiles.

In addition, I believe the Foreign Relations Committee and the managers of the resolution have added crucial conditions which improve upon the treaty. I find two of these conditions most striking: One concerning noncompliance and the other the ABM Treaty.

The record of Russian compliance with other treaties, the Conventional Forces in Europe Treaty and the Biological Weapons Convention, are not entirely reassuring. Compounding the problem of noncompliance, the administration's efforts to bring the Russians into compliance have been no more reassuring. In the case of the CFE Treaty, the administration made substantive changes in Russia's obligations, without Senate consent, in an effort to gain Russian compliance. Despite this effort, months later, the administration was forced to declare Moscow in violation of the very targets designed to accommodate it. An article in this week's Washington Post by Thomas Lippman illustrates a similar problem related to Russian START I compliance. I ask that it be printed in the RECORD.

The Foreign Relations Committee has wisely seen fit to deal with this problem. According to a condition passed by the Foreign Relations Committee before sending the resolution of ratification to the floor, the President must report to the Senate on noncompliance and submit changes in the obligations of the parties to the Senate. The Senate has every right to review changes in the obligations and trade-offs to which it agrees. In the case of persistent noncompliance, the President must return to the Senate to seek its consent to continue U.S. adherence.

The committee is to be commended for taking responsible action on an issue so potentially and justifiably damaging to the treaty's prospects.

With regard to the ABM Treaty, the tortuous process by which agreement was finally reached on the DOD authorization bill was a reminder that it remains a hotly contested issue not soon to be resolved. The Foreign Relations Committee, again commendably, has acted to preclude linking the futures of

the START II and ABM Treaties. After all, these treaties were reached in different eras and are separated by 20 years. The Foreign Relations Committee has included a condition stating that Russian ratification of START II should not be contingent on continued adherence by the United States to Russian interpretation of the ABM Treaty. The managers amendment makes this more explicit by declaring that nothing in the START II Treaty changes the rights of either party to the ABM treaty.

Like NAFTA, START II is a Republican treaty—inspired by Ronald Reagan and negotiated by President Bush. Ronald Reagan came to office pledging "peace through strength" and left office having concluded the first strategic weapons reduction treaty in history. START II builds on these historic reductions. The Senate should follow through on President Reagan's vision and ratify the START II Treaty.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 21, 1996]

RUSSIA BALKS AT ARMS ACCORD; FAILURE TO IMPLEMENT CLINTON-YELTSIN AGREEMENTS FRUSTRATES U.S. OFFICIALS

(By Thomas W. Lippman)

Russia has balked at implementing any of the nuclear security and weapons inspection agreements announced by President Clinton and President Boris Yeltsin at their summit meeting last May, throwing up a major roadblock to U.S-Russian cooperation in key security issues, U.S. officials said.

After a promising start on discussions aimed at carrying out the agreements, the Russians pulled back and have essentially suspended the talks, according to several officials who said they were perplexed and frustrated by the developments.

Officials at the State Department, the White House and the Arms Control and Disarmament Agency said it is unclear why the Russians have backed away and there may be multiple reasons. What is clear, they said, is that the mutual inspections and data exchanges on weapons and nuclear materials—which the presidents said would happen—are not about to happen.

The failure to carry through on the agreements does not by itself threaten U.S. security or U.S.-Russian relations, officials said. But in the context of other recent developments in Russia such as the removal of almost all pro-Western reformers from Yeltsin's government and the appointment of a Russian nationalist, Yevgeny Primakov, as foreign minister, it adds to a troubling recent pattern that has clouded Washington's relations which Moscow.

"We hope to implement all the agreements presidents Clinton and Yeltsin arrived at during their Moscow summit," State Department spokesman Nicholas Burns said. "Over the past couple of years we have found that some of these arms agreements are very difficult, and it is sometimes necessary to bring in senior officials because the bureaucracy in both countries can only take them so far," Burns said. He added that the United States and Russia are cooperating on many other issues, such as the peacekeeping mission in Bosnia.

Clinton and Yeltsin on May 10 issued a "Joint Statement on the Transparency and Irreversibility of the Process of Reducing Nuclear Weapons," containing measures by which each country could assure itself that the other was carrying out promised nuclear weapons reductions.

They said the two countries would "exchange on a regular basis" detailed information on their stockpiles of weapons and nuclear materials. They also said the two countries would undertake "reciprocal monitoring" of the facilities where they store nuclear materials removed from dismantled warheads. And they said they would "seek to conclude in the shortest possible time" a legal agreement ensuring protection of the exchanged data.

None of it has happened. The legal agreement was never negotiated, making it impossible to exchange classified data and develop the "chain of custody" agreement sought by the United States. And the United States refused to allow Russian officials to inspect the only U.S. nuclear weapons dismantlement facility, the Pantex plant near Amarillo, Tex., because Russia would not allow U.S. inspectors to visit a comparable plant there.

In the same joint declaration, Clinton and Yeltsin "urged progress" in carrying out a 1994 agreement by which Russia was to cease producing plutonium, the key building block of nuclear weapons. That has not happened either, officials said, but for different reasons: The United States has been able to come up with the money to replace the electric power and heat generated by the Russian plutonium-producing reactors, so the reactors still are operating.

Discussions on this issue are to resume later this month, Energy Department officials said.

The failure to implement the agreements contributes to widespread suspicion in Congress about the ability and will of the Russian defense establishment to carry out such accords.

That suspicion was manifest when the Senate began consideration of the START II arms reduction treaty on the Friday before Christmas. In that session, which attracted little notice because of the timing, the Senate approved a Resolution of Ratification that directs the president to follow specific procedures in the event of Russian noncompliance.

"In the event that noncompliance persists" after diplomatic approaches, the resolution says, the president must return to the Senate for a determination of whether the United States will continue to be bound by the treaty.

"Obviously we all hope and require that the Russians fully comply with START II," said Sen. John Kyl (R-Ariz.).

"But their record and the record of the former Soviet Union with respect to compliance with arms control agreements is somewhat dubious. I will note just a few of the areas of violation in the past: the Biological Weapons Convention, the Chemical Weapons agreements, the Missile Technology Control Regime, START I and the conventional forces in Europe treaties. All of these agreements have provisions that Russia has in one way or another failed to comply [with]," Kyl said.

The START II treaty, signed in 1991, requires the United States and Russia to make further deep cuts in their nuclear arsenals and delivery systems by 2003. During the pre-Christmas discussion, senators of both parties made clear that they will ratify it by an overwhelming vote, but the resolution they adopted specified that this country will not be bound by its terms until it has been ratified by the Russian Duma, a much more dubious proposition.

Russian ratification is not imminent, several analysts said, because of strong opposition in the recently elected Duma, or lower house of parliament, where many members reportedly regard its terms as skewed in favor of the United States.

The Senate resolution called on "both parties to the START II treaty to attach high priority" to implementation of the May 10 joint declaration so that compliance with START I and START II can be verified, but did not make implementation a condition of START II ratification.

U.S. officials involved in the "transparency and irreversibility" issue offered several explanations of what might be holding up an agreement on the Russian side.

"The Russians have essentially told us they are doing a reassessment. It probably has to do with the political situation there," one said. "They have a lot of communists and nationalists in the Duma."

The Russians "have very limited interagency communication," another source said. "Their vertical communication is relatively poor. And there's the fiefdom problem," an indirect allusion to the prickly and independent Russian Atomic Energy Minister, Viktor Mikhailov. "We're talking about letting out information about the crown jewels," another U.S. official said. "Both sides are pretty nervous about it, but especially them."

Mrs. MURRAY. Mr. President, I rise today to express my unqualified support for ratification of the START II Treaty. I am happy that the Senate is finally considering this measure and believe the implementation of this treaty is another step on the road to eliminating the most destabilizing strategic weapons.

In January 1993, President George Bush and President Boris Yeltsin signed the treaty between the United States and the Russian Federation on further reduction and limitation of strategic arms. Their determination and cooperation helped build upon the progress that was achieved from the START I Treaty. The result of START II will mean greater reductions in strategic nuclear forces.

Ratification of this treaty today is critical, as it continues a process begun by START I. This treaty will help enhance U.S. and international security and substantially reduce the number of strategic warheads currently deployed by both countries. In early December, I joined a number of my Senate colleagues in sending a letter to the majority leader urging that both START II and the Chemicals Weapons Convention [CWC] be brought before the Senate for action. Shortly thereafter, the Senate Foreign Relations Committee voted unanimously to approve ratification of START II. This issue has bipartisan support. Today we have an opportunity to act on that.

Mr. President, this treaty has many important provisions. It will eliminate around 4,000 strategic nuclear weapons from the arsenal of the former Soviet Union. Specifically, it will eliminate

all Russian heavy intercontinental ballistic missiles [ICBM's], and all multiple-warhead ICBM's. Eliminating these weapons would greatly reduce the threat of first strike in the event of renewed hostilities with the former Soviet Union. By eliminating this capability, United States-Russian strategic relations will be strengthened.

Another important aspect of START II is that it strengthens our ability to verify information, conduct on-site inspections, and deter possible violations of the treaty. This will help ensure compliance and allow monitoring of the progress being made to reduce these weapons. Under this treaty, reduction of arms will take place over a 5- to 7-year period. When these reductions are completed, the United States and Russia will each be limited to between 3,000 and 3,500 deployed strategic warheads. It is my hope that ratification of this treaty today will help encourage Russia to complete its own START II ratification efforts.

Mr. President, since the end of the cold war, our world has undergone a tremendous transformation. There is less fear and worry about nuclear war. We have made substantial efforts to reduce nuclear weapons. President Clinton has made nonproliferation and arms reduction a major priority. But the weapons are still here. Ratification of this treaty clearly represents significant progress with regard to reducing nuclear arms. However, there is still work yet to be done.

Last year 187 nations voted to indefinitely extend the Nuclear Non-Proliferation Treaty [NPT] with a commitment to work on a Comprehensive Test Ban [CTB] Treaty. I am extremely encouraged by this action and believe that we must work to reach an agreement on a CTB in the near future. In addition, the Chemical Weapons Convention [CWC] is also awaiting ratification by the United States. The CWC bans the development, production, stockpiling, and use of toxic chemicals as a weapon. Clearly, we must eliminate these weapons of mass destruction. By addressing these issues, it is my hope that other countries will be more likely to follow the U.S. example and end their reliance on a nuclear deterrent.

Mr. President, today we have an opportunity to ratify a treaty that is vital to U.S. strategic interests. We have an opportunity to help make the world a safer place to live—a safer place for our children. START II has strong support from the American public, the national security community and many Members of this body. We must continue with our efforts to reduce these weapons of mass destruction, and ratification of START II is a critical step toward this end.

I urge my colleagues to support this measure.

Mr. FEINGOLD. Mr. President, 3 years after its signing by the United States and the Soviet Union, the second landmark Strategic Arms Reduction Treaty has finally come to the floor of the Senate for consideration. I want to join the overwhelming majority of my colleagues in strongly supporting the ratification of START II, and hope it will move quickly into force. Indeed, this treaty is key to our national and international security, and will help set the tone for what should be a more peaceful era.

Mr. President, the risk of detonation of a nuclear device in Western Europe or the United States may have actually increased since the end of the cold war. There are literally tens of thousands of weapons, and mass quantities of nuclear materials, in Russia's stockpile, and their safety and security are in question. Just one of those has to get into the hands of a rogue nation or a high-paying terrorist to threaten or destroy Washington, Bonn, London, or any other major metropolis.

When START II goes into force, however, 8,000 strategic weapons—4,000 from both Russia and the United States—will be tabbed for destruction. This will include the abolition of the core of the Russian nuclear arsenal—the deadly SS-18—and the multiple independent re-entry vehicles [MIRV's], significantly reducing the likelihood of either side launching a nuclear first strike. START II, however, does leave intact our defensive, second strike capability.

Implementation of START II, moreover—coupled with the Non-Proliferation Treaty the United States signed earlier this year—would reflect monumental reform of our nuclear posture. Not only will these two treaties help reduce the possibility of an accidental launch or the sabotage of nuclear weapons and materials, they will establish a new approach toward global nonproliferation. As the United States and Russia will downsize their stockpiles, other nuclear countries could proceed with reduction of their arsenals. This will bring us several steps closer to successful conclusion of a comprehensive nuclear test ban treaty.

Perhaps the most significant achievements of START II would be the consecration of an international alliance against the scourge of nuclear war, rather than continuation of the buildup by nations which could each independently threaten a nuclear explosion.

Mr. President, the post-cold war era brings an opportunity to reshape U.S. defense posture and policy. No longer will we have to rely on the threat of nuclear weapons nor, I believe, permanently deploy United States combat forces abroad, except in limited and rare occasions, in order to protect our interests.

While we can all agree on the need—indeed the moral imperative—of ending the threat of nuclear war, there is an equal need for debate on where we go from here. For example, the mission and, indeed, the necessity of alliances such as NATO—anchored in nuclear doctrine and massive retaliation—are only now being reconsidered. The Bosnia operation is the most recent example of an unfortunate tendency to address, by a rather ad hoc process, questions regarding our role, mission and methods in the new era.

The Congress, and particularly the Senate, will play a pivotal role in that debate, Mr. President. I have made clear my view that it will be incumbent on this body to assert its constitutional prerogative in shaping the future of our national security posture.

Ratifying the START II Treaty will be an important step in accepting and asserting our responsibilities. Time is of the essence, Mr. President. The Russian Duma will not ratify the Treaty until the Senate does, and, as we saw in last month's parliamentary elections in Russia, the Duma could become more anti-Western and regressive. We must lock in these reductions, and begin implementation of START II as soon as possible.

The Senate has dallied long enough on issues of paramount importance to national security. START II and the equally vital Chemical Weapons Convention have unfortunately been held hostage by the Senate Foreign Relations Committee. This has reflected badly on this Senate, and badly served US interests. Therefore, I am gratified that we are finally here today, debating START II, and would urge swift ratification of this treaty and the CWC. We must consolidate the gains the new era affords us, lest we revert back to the dangers and antiquated thinking of the cold war.

Mr. DORGAN. Mr. President, I rise to urge my colleagues to ratify the second Strategic Arms Reduction Treaty by an overwhelming vote. This treaty will receive bipartisan support because it makes an enormous contribution to our security. That is why I am glad to be part of a large group of Senators who support this treaty.

President Bush and President Yeltsin of Russia signed the START II Treaty in January 1993, in one of the greatest achievements of the Bush administration. Once President Clinton agreed on the implementation of the first START Treaty with the leaders of Belarus, Kazakhstan, Russia, and the Ukraine, START I came into force in December 1994, and the way was cleared for ratification of this START II Treaty by the Senate and the Russian Duma.

I will not dwell on why it has taken so long for the Senate to take up this treaty. I will only note that the Senate Foreign Relations Committee conducted no business meetings for 4½ months. It took courage for the Senator from New Mexico, Senator BINGAMAN, to block other Senate business in

order to free the START II Treaty from a committee that had been shut down. So I want to congratulate him on the fact that the Senate is now debating this treaty. He has made a great contribution to our national security and our future by ensuring that this treaty come to the floor.

Mr. President, the START II Treaty is the single greatest step in the history of arms control. It aims to eliminate "first strike" capability. It is the fear of a nuclear first strike—sometimes called a bolt out of the blue—that keeps the nuclear powers on hair trigger alert and encourages the nuclear arms race. But the START II Treaty would enable the United States and the Russian Federation to rest assured that neither can knock the other out with a surprise attack.

Each would retain enough of a deterrent to inflict punishing retaliation after a first strike, which means that a first strike would be a losing strategy. The United States would also retain a hedge against a breakout from the treaty in the event of a military coup or other reversal of democracy in Russia. The remaining U.S. arsenal would also defend us against rogue nations that might conceivably seek to threaten us or our allies with limited weapons of mass destruction.

Even as we strive for peace and stability, we must not let our guard down. That is why it is essential that we retain a robust force of Minuteman III's, B–52 bombers and submarine-launched ballistic missiles.

It is important to note that the START II Treaty would eliminate the backbone of the Russian nuclear deterrent, the massive SS–18 land-based missile. The Russians have 188 of them, with 10 warheads each. If ratified, START II will require the SS–18's to be destroyed. More than 2,000 other Russian warheads would also be destroyed.

START II embodies the principle that the cold war is over. We built up our nuclear capability in order to outweigh the Soviet Union's numerical superiority in conventional weapons, especially in Europe. The Soviet Union is gone; the Berlin Wall is no more; Europe is no longer divided by Communist tyranny. Much of our nuclear arsenal has lost its purpose. By ratifying START II, the Senate would recognize that we have entered a new era.

Ratification will also demonstrate American leadership. It will show the Russian Duma that the United States Senate is serious about arms control. It will lead the way for other nuclear powers to cut their own stockpiles of weapons. And it will demonstrate to nonnuclear states that the United States is living up to the commitment made when we signed the Nuclear Nonproliferation Treaty, that we would work for an end to the nuclear arms race and for nuclear disarmament.

The START II Treaty would reduce the likelihood of an accidental launch or terrorist attack. Fewer nuclear weapons means better control over those weapons by a country's civilian leadership. Better control means a lesser likelihood that those weapons will fall into the wrong hands.

Lastly, the START II Treaty is verifiable. The treaty continues the stringent START I verification regime of satellites and other intelligence, data exchange, notification, exhibition, and onsite inspection to detect and deter possible breaches of the treaty. But START II includes new verification measures, including observation of silo conversion and missile elimination procedures, exhibitions, and inspections of all heavy bombers to confirm weapon loads, and exhibitions of heavy bombers reoriented to a conventional role to confirm their observable differences.

We North Dakotans know about nuclear weapons. After all, with our two Minuteman wings and our B–52 bombers, it has been said that North Dakota is the third strongest nuclear power in the entire world, after the United States and Russia. We have been a cold war arsenal for decades. We remain ready to help ensure peace in a new world.

At the same time, North Dakotans are glad to see the nuclear shadow lightening. It is time to ratify the START II Treaty. Coupled with a strong defense, it will help build our national security. I urge my colleagues to support START II.

Thank you, Mr. President. I yield the floor.

Mr. BYRD. Mr. President, the Senate has had the opportunity to review and consider the START II Treaty for almost 3 years, and it is now offering its advice and consent to that treaty. I am pleased to endorse this treaty, which will substantially reduce the nuclear threat that has hovered for so many years like a dark cloud over both the United States and Russia. The START II Treaty builds on 20 years of arms control efforts ranging from the 1972 Anti-Ballistic Missile Treaty (ABM Treaty), through the SALT I, SALT II, and START I treaties.

The START II Treaty, signed by Presidents Bush and Yeltsin on January 3, 1993, commits the United States and Russia to deeper reductions in strategic offensive nuclear weapons, and goes beyond the START I Treaty to include warheads on heavy bombers. The START II Treaty also establishes a limit of 3,500 deployed warheads, a ban on all land-based, multiple warhead ballistic missiles, and limitations on the number of warheads deployed on all submarine launched ballistic missiles. When taken together and fully implemented by January 1, 2003, START I and START II will have cut the deployed strategic weapons of the United States and Russia by approximately two-thirds.

The Arms Control Observer Group, which I co-chair with the distinguished Senator from Alaska, Senator STEVENS, has offered a package of nine amendments to the treaty document. These amendments address a number of concerns. Most importantly, one amendment states that nothing in START II changes the rights of either party to the Anti-Ballistic Missile Treaty. Another states the requirement for Senate advice and consent to any possible future amendments to START II. I commend Senator STEVENS and all of the members of the Arms Control Observer Group for their efforts to review this important treaty.

The START II Treaty is an important step forward for arms control. Arms control measures are a more sensible and cost effective means of addressing the actual threats to U.S. national security than are some of the costly and theoretical ballistic missile defense programs on which billions of taxpayer dollars have been lavished. I much prefer to spend money to destroy actual missiles and missile silos outright, than to spend money on exotic technologies of only hypothetical effectiveness. Reducing the threat by such concrete measures is the cornerstone of effective threat reduction, which also reduces the need to spend, spend, spend, on more and more costly and dangerous weapons.

Mr. President, the nuclear sword of Damocles has hung by a thread over the lives of every U.S. citizen since we entered the nuclear age. Arms control measures like this START II Treaty do not remove that menacing sword, but each arms control treaty strengthens the thread suspending the sword, weaving it into a sturdy, and safer, cord.

Mr. SMITH. Mr. President, I rise to offer some personal reflections on both the substance of this treaty and the process by which the Senate is considering it.

Frankly, I am troubled by the casual, disengaged manner in which the Senate is exercising its advice and consent responsibilities. Clearly, there are numerous issues of importance to the country which demand our attention these days. But national security policy is not something that we can set aside and deal with only when it is convenient.

Maintaining a strong and effective national security policy requires our constant vigilance. It requires that we rise above the kind of partisan politics which are so prevalent in Washington today. It requires that we submit prospective arms accords to rigorous examination and analysis to ensure that these treaties are verifiable, enforceable, and supportive of our national interests.

But where has this scrutiny been? How many of my colleagues have actually sat down and reviewed the details of this treaty? How many of my colleagues have examined the verification

regime, the intelligence assessments, the Russian strategic modernization program, and the political transition that is ongoing in Russia. With all due respect, other than select members of the Foreign Relations, Intelligence, and Armed Services Committees, I would say very few. That does not speak well for this institution. It does not speak well for those of us who have been elected to uphold the Constitution.

Mr. President, I want to raise a number of issues that trouble me about this treaty. First off, I am concerned by loopholes in the treaty that allow thousands of systems and warheads to avoid destruction. The treaty establishes central limits on deployed systems and accountable warheads, but it does not require destruction of many of these systems. Either side is permitted to retain a vast stockpile of nondeployed missiles, launchers, and warheads; but with the exception of the SS–18, only deployed systems are accountable. This can hardly be considered legitimate arms reduction.

I am also troubled by the intelligence community's lack of confidence in its ability to verify Russian compliance. Although the administration has touted the effectiveness of the START verification regime, which START II continues, the intelligence community has been less convincing. In its report on the START Treaty, the Senate Intelligence Committee stated:

> Members of the Senate should understand, however, that U.S. intelligence will have less than high confidence in its monitoring of such areas as nondeployed mobile ICBM's, the number of reentry vehicles actually carried by some ICBM's and SLBM's, and some provisions relating to cruise missiles and the heavy bombers that carry them.

The Intelligence Committee's report continues, saying "this committee remains deeply concerned, moreover, that Russia's former, and perhaps continuing, biological weapons program may indicate that the Russian military is capable of mounting or continuing a START violation, either in contravention of the wishes of Russia's civilian authorities, or with the knowledge or support of at least part of that leadership."

Mr. President, these are very sobering appraisals and they focus on a key point. Without full, unconditional compliance, no arms control agreement is worth the paper it is printed on. The former Soviet Union consistently violated every arms control agreement it was a party to. Indeed, on an annual basis, successive administrations cited Soviet violations of the SALT I and SALT II Treaties, the CFE Treaty, the INF Treaty, the Anti-Ballistic Missile Treaty, the Limited Test Ban Treaty, and the Biological and Toxin Weapons Convention.

But this pattern did not end with the dissolution of the Soviet Union. Today Russia is in violation of the Biological Weapons Convention and the CFE Treaty. They are also refusing to implement any of the nuclear security and weapons inspection agreements announced by President Clinton and Boris Yeltsin at their summit meeting last May.

I have heard many of the treaty's supporters brush off the noncompliance issue as an effort to revive outdated cold war rhetoric. But how does one explain this continuing pattern of noncompliance in the so-called era of glasnost? We are not talking about events that occurred 10 years ago, we are talking about the Russian's violating the CFE Treaty today by failing to destroy tanks, armor and other weapons based east of the Ural mountains. We are talking about Russia's failure to honor its commitments made less than a year ago in the joint statement on the transparency and irreversibility of nuclear arms reductions.

And what about the recent Duma elections in which the nationalists and Communists in Russia gained 33 percent of the lower house seats? What about Boris Yeltsin's removal of virtually all pro-Western democratic reformers from his government? What about the continuing onslaught in Chechnya where innocent civilians are being routinely slaughtered in their homes and in the streets?

If Russia is engaging in such ruthless behavior, and is continuing to violate its existing treaty obligations, all under the stewardship of Boris Yeltsin and the more liberal, pro-democratic forces, how can we realistically expect its behavior to improve with the hardliners now taking power. The truth is there is absolutely no indication that the Russian legislature will even ratify START II, let alone comply. In fact, according to administration officials, the Russians have essentially told us that they are delaying consideration of START II indefinitely while they reassess the treaty.

At the same time, the Russians are trying to manipulate the START II ratification issue to coerce financial and military concessions from the United States. Specifically, the Russians have stated that unless we suspend NATO expansion, unless we continue to adhere unconditionally to the ABM Treaty, and unless we increase financial aid to Russia, they will not ratify START II. Where I come from that is called extortion. And it is wrong.

Yet advocates of the treaty, in both the administration and Congress, are going along with these Russian threats, and using them as a rationale to slow NATO expansion, prevent the United States from defending itself against ballistic missiles, and increase foreign aid. But what about our sovereignty? What about the security of our Nation? What about the security of NATO and the newly independent democracies in Eastern Europe? How can we possibly bow to such extortion and allow Russia to effectively wield a veto over our national defense policies? It is morally, ethically, and strategically misguided.

Mr. President, I am particularly troubled by the bogus linkage that has been drawn between the START II Treaty and national missile defense. There is no legitimate linkage between the two issues. The ABM Treaty was crafted during the cold war and is premised on the outdated doctrine of mutual assured destruction. But the world is now multipolar. The monolithic Soviet threat has been replaced by numerous regional threats. Mutual assured destruction is neither relevant to, or capable of deterring, these threats. The only responsible way to counter ballistic missile threats to our homeland is to develop and deploy national missile defenses.

The truth is, missile defenses do not threaten Russia. If Russia and the United States are no longer adversaries, and are no longer targeting nuclear weapons against each other, how could the deployment of a limited defense against other potential adversaries threaten Russia in any way? How are we provoking Russia or undermining cooperation if we defend the American people against the likes of Kim Jong-Il, Saddam Hussein, or Moammar Khadafi?

Those who say that any decision to protect the American people against ballistic missiles will kill the START II Treaty are engaging in pure fear mongering. It is irresponsible and unsupportable.

Mr. President, against the current backdrop of political, economic, and military turmoil in Russia, against the backdrop of continuing noncompliance with existing arms control agreements, and against the backdrop of uncertainty over the verification regime, why are we rubber stamping this treaty with very little consideration in the Senate? With so many questions unanswered, it seems to me that the most responsible course of action would be for the Senate to delay action until we have a better understanding of the military and political situation that is unfolding in Russia. We also should demand full compliance with all existing arms control accords before ratifying a new, major treaty. In my view, to ratify START II now, when Russia remains in noncompliance with other accords, would legitimize their behavior and thoroughly undermine our national security. We would, in effect, be rewarding their defiance. That can only encourage more violations, and further jeopardize our security.

I urge my colleagues to carefully consider these issues. The Constitution clearly calls upon us to safeguard the interests of the Nation through the advice and consent process. While I support the initiatives recommended by

the arms control observer group to help strengthen the resolution of ratification, they alone do not address the plethora of issues that remain outstanding. We do the Constitution and the American people a disservice if we fail to more thoroughly evaluate these issues prior to ratification. For these reasons I must oppose ratification.

Mr. President, I ask that several articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 21, 1996]

RUSSIA BALKS AT ARMS ACCORD—FAILURE TO IMPLEMENT CLINTON-YELTSIN AGREEMENTS FRUSTRATES U.S. OFFICIALS

(By Thomas W. Lippman)

Russia has balked at implementing any of the nuclear security and weapons inspection agreements announced by President Clinton and President Boris Yeltsin at their summit meeting last May, throwing up a major roadblock to U.S.-Russian cooperation in key security issues, U.S. officials said.

After a promising start on discussions aimed at carrying out the agreements, the Russians pulled back and have essentially suspended the talks, according to several officials who said they were perplexed and frustrated by the developments.

Officials at the State Department, the White House and the Arms Control and Disarmament Agency said it is unclear why the Russians have backed away and there may be multiple reasons. What is clear, they said, is that the mutual inspections and data exchanges on weapons and nuclear materials—which the presidents said would happen—are not about to happen.

The failure to carry through on the agreements does not itself threaten U.S. security or U.S.-Russian relations, officials said. But in the context of other recent developments in Russia, such as the removal of almost all pro-Western reformers from Yeltsin's government and the appointment of a Russian nationalist, Yevgeny Primakov, as foreign minister, it adds to a troubling recent pattern that has clouded Washington's relations with Moscow.

"We hope to implement all the agreements presidents Clinton and Yeltsin arrived at during their Moscow summit." State Department spokesman Nicholas Burns said. "Over the past couple of years we have found that some of these arms agreements are very difficult, and it is sometimes necessary to bring in senior officials because the bureaucracy in both countries can only take them so far," Burns said. He added that the United States and Russia are cooperating on many other issues, such as the peacekeeping mission in Bosnia.

Clinton and Yeltsin on May 10 issued a "Joint Statement on the Transparency and Irreversibility of the Process of Reducing Nuclear Weapons," containing measures by which each country could assure itself that the other was carrying out promised nuclear weapons reductions.

They said the two countries would "exchange on a regular basis" detailed information on their stockpiles of weapons and nuclear materials. They also said the two countries would undertake "reciprocal monitoring" of the facilities where they store nuclear materials removed from dismantled warheads. And they said they would "seek to conclude in the shortest possible time" a legal agreement ensuring protection of the exchange data.

None of it has happened. The legal agreement was never negotiated, making it impossible to exchange classified data and develop the "chain of custody" agreement sought by the United States. And the United States refused to allow Russian officials to inspect the only U.S. nuclear weapons dismantlement facility, the Pantext plant near Amarillo, Tex., because Russia would not allow U.S. inspectors to visit a comparable plant there.

In the same joint declaration, Clinton and Yeltsin "urged progress" in carrying out a 1994 agreement by which Russia was to cease producing plutonium, the key building block of nuclear weapons. That has not happened either, officials said, but for different reasons: The United States has been unable to come up with the money to replace the electric power and heat generated by the Russian plutonium-producing reactors, so the reactors still are operating.

Discussions on this issue are to resume later this month, Energy Department officials said.

The failure to implement the agreements contributes to widespread suspicion in Congress about the ability and will of the Russian defense establishment to carry out such accords.

That suspicion was manifest when the Senate began consideration of the START II arms reduction treaty on the Friday before Christmas. In that session, which attracted little notice because of the timing, the Senate approved a Resolution of Ratification that directs the president to follow specific procedures in the event of Russian noncompliance.

"In the event that noncompliance persists" after diplomatic approaches, the resolution says, the president must return to the Senate for a determination of whether the United States will continue to be bound by the treaty.

"Obviously we all hope and require that the Russians fully comply with START II," said Sen. John Kyl (R-Ariz.).

"But their record and the record of the former Soviet Union with respect to compliance with arms control agreements is somewhat dubious. I will note just a few of the areas of violation in the past: the Biological Weapons Convention, the Chemical Weapons agreements, the Missile Technology Control Regime, START I and the conventional forces in Europe treaties. All of these agreements have provisions that Russia has in one way or another failed to comply [with]," Kyl said.

The START II treaty, signed in 1991, requires the United States and Russia to make further deep cuts in their nuclear arsenals and delivery systems by 2003. During the pre-Christmas discussion, senators of both parties made clear that they will ratify it by an overwhelming vote, but the resolution they adopted specified that this country will not be bound by its terms until it has been ratified by the Russian Duma, a much more dubious proposition.

Russian ratification is not imminent, several analysts said, because of strong opposition in the recently elected Duma, or lower house of parliament, where many members reportedly regard its terms as skewed in favor of the United States.

The Senate resolution called on "both parties to the START II treaty to attach high priority" to implementation of the May 10 joint declaration so that compliance with START I and START II can be verified, but did not make implementation a condition of START II ratification.

U.S. officials involved in the "transparency and irreversibility" issue offered several explanations of what might be holding up an agreement on the Russian side.

"The Russians have essentially told us they are doing a reassessment. It probably has to do with the political situation there," one said. "They have a lot of communists and nationalists in the Duma."

The Russians "have very limited interagency communication," another source said. "Their vertical communication is relatively poor. And there's the fiefdom problem," an indirect allusion to the prickly and independent Russian Atomic Energy Minister, Viktor Mikhailov. "We're talking about letting out information about the crown jewels," another U.S. official said. "Both sides are pretty nervous about it, but especially them."

[From the Defense News, Jan. 22–28, 1996]

CTBT TALKS HINGE ON CHINA TEST STANCE

The upcoming round of negotiations on a Comprehensive Test Ban Treaty (CTBT), which begins Jan. 22 in Geneva, will be the most crucial in the 38-nation talks, experts said last week.

An agreement on a draft text is necessary by the end of the 10-week session to meet a September U.N. deadline, John Holum, director of the U.S. Arms Control and Disarmament Agency, said Jan. 19.

China's insistence that a CTBT treaty allow so-called peaceful nuclear explosions is considered a key obstacle in the talks, which are ruled by consensus. The other major nuclear powers have rejected China's stance.

[From the Washington Post, Jan. 21, 1996]

JAPANESE FOREIGN MINISTER DELIVERS MESSAGE OF COMMITMENT TO THE UNITED STATES

(By Thomas W. Lippman)

Japanese Foreign Minister Yukihiko Ikeda, in office barely a week, raced through high-level Washington in the past few days with a message of friendship, reassurance and commitment to the U.S.-Japan security partnership in Asia.

In meetings with President Clinton and his senior foreign policy and national security advisers, Ikeda said the United States and its troops in Japan are "vital" to the security of a potentially unstable region.

That Prime Minister Ryutaro Hashimoto sent him here on short notice on his first official mission reflects the Japanese government's view that the United States represents "our most important bilateral relationship," Ikeda said yesterday.

In the past such views might have been unremarkable. But the alleged abduction and rape of a Japanese schoolgirl by U.S. servicemen on Okinawa last year have led to questions here and in Asia about the desirability of keeping nearly 50,000 U.S. troops in Japan.

Essays have been streaming out of foreign policy think tanks suggesting that the vigorous, economically strong countries of the region should assume more responsibility for their own security and the U.S. role perhaps should be reduced.

Absolutely not, said Ikeda, a former director general of Japan's defense agency. In the absence of a regional security framework such as NATO, he said, the United States and its bilateral security agreements with Japan, South Korea, the Philippines and Taiwan are the "pivot" of Asia-Pacific stability.

In a statement issued as he took office Jan. 11, Hashimoto said "the Japan-United States relationship is vital for the peace and

stability of the Asia-Pacific region, as well as for the entire world."

Ikeda used similar language yesterday in a meeting with Washington Post editors and reporters. The United States and Japan, he said, will make "the utmost effort to try to prevent the Okinawa incident from becoming an obstacle to the vital U.S. role in the region."

Clinton is scheduled to make a state visit to Japan in April. On Friday, Ikeda and Secretary of State Warren Christopher agreed to accelerate the work of a joint commission studying the grievances of Okinawans about the U.S. troop presence in the hope of devising a solution by the time Clinton visits, according to State Department spokesman Nicholas Burns.

It may well take longer, Ikeda said yesterday. "A solution is very difficult to find," he said. "The Okinawan people want the troop presence drastically reduced. But the security of Japan has to be considered as well. . . . We have to allow the United States to perform its obligation."

About 26,000 U.S. troops, or more than half the forces in Japan, are on Okinawa. Ikeda said possible outcomes include the redeployment of some troops from Okinawa to other parts of Japan, smaller U.S. bases and increased local input into decisions by U.S. commanders.

As potential sources of instability in East and Southeast Asia, Ikeda cited economic chaos and political instability in North Korea, the presence of Russian troops in the Pacific basin, military buildups in Southeast Asian nations and territorial disputes such as the overlapping claims to the Spratly Islands.

He also noted that China's defense spending has been increasing by about 20 percent a year. "Japan is not defining China as a threat or a risk," he said, but Beijing's military buildup must be taken into account as "an objective fact."

In a paper published Friday urging the United States to resist calls for reduction of its military presence in Asia, former undersecretary of state Arnold Kanter said: "So long as the United States is seen to be both committed to maintaining robust military forces in the region and reliable in honoring in commitments, China's neighbors see less need to respond to changes in its capabilities. This stabilizing role performed by the U.S. presence also helps to reassure countries in Southeast Asia about Japan, and Japan and South Korea about each other."

Ikeda agreed. "Other nations enjoy indirectly the benefits of the U.S.-Japan security treaty, he said.

[From the U.S. News & World Report, Jan. 29, 1996]

CONVERSATION WITH THE PRESIDENT: THE VIEW FROM THE OVAL OFFICE

(President Clinton met for an hour in the Oval Office last week with U.S. News White House correspondents Kenneth T. Walsh and Bruce B. Auster. Excerpts of their conversation.)

Bosnia. I'm more than satisfied with the troops.

I have some concerns. I want them to hurry up and do whatever we can to continue to improve [troop] living conditions. We've got to get the laundry set up, better food. That's a big part of morale. They're over there in a strange place in a cold winter with a lot of mud, and I want them to know that we're doing everything we can for the quality of life.

We have to supervise the separation of forces. After that, as we monitor those areas, I'm still concerned, although we're making good progress, about all the demining efforts. I don't want to lose anybody to those mines.

I'm just hoping that we have enough time to move this civilian reconstruction effort fast enough so that people will begin to see and feel the benefits of peace.

[From the Defense News, Dec. 4–10, 1995]

RUSSIA BUILDS UP NUCLEAR ARSENAL AS PROSPECTS FOR START II FADE

(By Anton Zhigulsky)

MOSCOW.—As prospects dim for U.S. and Russian ratification of the Strategic Arms Reduction Treaty (START II), Moscow is quietly, yet steadily, bolstering its nuclear arsenal with new and upgraded missiles and strategic bombers from its neighboring Cold War client state of Ukraine.

In addition to the 32 SS–19 intercontinental ballistic missiles that Moscow intends to acquire from Kiev, Russia's Strategic Rocket Forces (SRF) is working to increase the life span of its silo-based multiple-warhead ballistic missiles by 25 years.

Moreover, Russian Defense Ministry sources say the potential threat posed by expansion of NATO could accelerate development and production of a new multipurpose battlefield missile with a range of 400 kilometers. Earlier this year, the Defense Ministry announced that the new missile was successfully tested and could be deployed within two years.

As for bombers, Moscow has decided to buy 19 Tu–160 Blackjacks and 25 Tu–95 Bears from Ukraine, Pyotr Deinekin, Russian Air Force commander, said in a Nov. 28 interview.

The Tu–160 bombers are sleek, thin-nosed aircraft that can carry 12 air-to-surface missiles and fly 12,000 kilometers without refueling, while the Tu–95 can carry up to four thermonuclear bombs and fly 8,285 kilometers without refueling.

Deinekin said Moscow also is planning to receive more than 3,000 cruise missiles from Ukraine, but he refused to provide further details about the potential cruise missile transfer.

U.S. and Russian diplomats are gloomy about the chances for ratification of the 1993 START II by the Russian parliament. Neither the Russian Duma nor the U.S. Congress has ratified START II, which would limit Moscow and Washington to between 3,000 and 3,500 nuclear warheads each.

The START II treaty is languishing in the Duma as Russian lawmakers gear up for scheduled Dec. 17 elections, according to Russian and U.S. diplomats. No Russian lawmaker has anything to gain from pushing the treaty, as nationalist sentiment among the Russian public is running at a fever pitch, these officials said.

Sergey Rogov, director of the Institute of USA and Canada in Moscow, said Nov. 16 that hard-line politicians also are linking ratification of START II to key Western policy decisions: no NATO expansion and no U.S. move to deploy theater ballistic missile systems considered by Moscow to violate the 1972 Anti-Ballistic Missile treaty. Rogov spoke at a conference sponsored in Washington by the National Defense University, Fort McNair.

In another sign of the faltering U.S.-Russian strategic relationship, Russian officials last week canceled planned negotiations aimed at reaching an agreement to provide mutual access to classified access to information about ongoing nuclear disarmament efforts. The talks, known as the Consultations on Safeguards, Transparency and Irreversibility, were scheduled to take place here Nov. 27–28.

While a State Department spokesman said Nov. 30 the talks were canceled due to "mutual inconvenience," other U.S. government officials said last week the talks have been at a complete impasse for some months. Russia's Atomic Energy Ministry officials have been loath to provide access to certain data U.S. nuclear experts consider crucial to verifying dismantlement activities, U.S. experts said.

Meanwhile, the acquisition of SS–19 missiles from Ukraine should maintain Russia's nuclear potential through 2009, Col. Gen. Igor Sergeyev, commander in chief of strategic forces, told Interfax news agency on Nov. 24.

Russia now has 150 silo-based SS–19 missiles, each with six warheads; while the Ukraine has 90. Kiev inherited 130 of these missiles after the collapse of the Soviet Union in 1991 but has been sending warheads to Russian for dismantling, as required by international disarmament agreements.

A Ukrainian Defense Ministry source said all nuclear warheads would be removed from Ukraine by the end of 1998. In a Nov. 28 interview, he noted that Ukraine already has transferred 40 percent of its 1,600 warheads to Russia for dismantling.

[From the Worldwide Weekly Defense News; Nov. 20–26, 1995]

HARD-LINE RUSSIANS TOUT NUKES TO MATCH WEST

(By Theresa Hitchens and Anton Zhigulsky)

MOSCOW.—A renewed emphasis on nuclear weapons is among the elements of a new, more aggressive strategic posture toward the West by hard-line politicians and military leaders in Russia, who grow increasingly strident as planned parliamentary and presidential elections near, and the health of President Boris Yeltsin reportedly declines.

Former Communists and populist party officials here said the development of new strategic missiles is needed to counter alleged Western conventional superiority. Moscow also should reject a number of U.S.-Russian nuclear arms control treaties, according to party leaders.

Gen. Boris Gromov, Russian deputy foreign minister and head of one of the most popular parties in the partliamentary race scheduled for Dec. 17, said Nov. 14 that Moscow's strategic policy inevitably will change after the elections.

"The United States remains Russia's main opponent in all regions of the world, and the strategy should be changed considering this fact," Gromov told a news conference here.

Gromov's views are echoed by another prominent military leader-turned popular politician, Gen. Alexander Lebed. The platform of Lebed's party, Congress of Russian Communities, promises to "give back to Russia its former greatness."

Many of the new strategic concepts being embraced by hard-liners have been distilled in a new report being circulated within the Russian Defense Ministry as an alternative to current military doctrine. Called "Conception of counteracting Strategy Against Main Threats to the National Security of Russia," the paper was written by Anton Surikov, an analyst at the Moscow-based USA and Canada Institute of the Russian Academy of Sciences.

Mr. STEVENS. Mr. President, I am pleased to lend my voice to those of my colleagues supporting the passage of the treaty between the United States

of America and the Russian Federation on further reductions and limitations of strategic offensive arms, known more commonly as START II.

The original START Treaty mandated United States and former Soviet Union reductions to 6,000 strategic offensive nuclear weapons incorporated in intercontinental ballistic missiles, submarine-launched ballistic missiles, and heavy bombers.

START II goes further by limiting each country to 3,500 accountable warheads on strategic offensive nuclear weapons on ballistic missiles, and nuclear weapons on bombers in each country.

This is a reduction of one-third of the number of deployed nuclear weapons each country managed in 1990.

START II significantly reduces the United States and Russian nuclear arsenal. I am satisfied that the treaty provides an inspection regime that will verify compliance with the treaty, and that the United States will continue to have a nuclear response capability appropriate for any possible future threat.

I recommend the Senators on the Arms Control Observer Group for their bipartisan investment in dialogue and compromise that has brought us to this moment. I also recognize the tireless efforts of the Arms Control Observer Group staff, and the members and staff of the Senate Foreign Relations Committee in making START II a reality. And I would be remise if I did not recognize President Bush for his foresight in negotiating this Treaty and signing it in January 1993.

With the world awash in turmoil, Mr. President, we should all be very encouraged by the action of the Senate today in moving this treaty. The United States is the world's only superpower. And it is appropriate for the rest of us to bring leadership to the rest of the world, particularly with regards to the issue of weapons of mass destruction.

I encourage the Senate to move the START II Treaty today with the knowledge that the future of mankind is more secure because of it.

Thank you, Mr. President.

Mr. DODD. Mr. President, today marks a truly historic moment in our Nation's history. Today we raise our voices in affirmation of peace and security not just for our generation, but for generations to come. Today we embark on a voyage toward sustained peace and nucelar stability.

The START II Treaty is the single most comprehensive weapons reduction measure in modern history. It will forever end the continued proliferation of our nuclear stockpile and limit the level of those weapons to a fixed and verifiable number. I can think of no greater solution to the nuclear dilemma than that which is before us today.

As a matter of history, let me remind my colleagues that this treaty is a product of strong bipartisan effort spanning three administrations, both Republican and Democratic. And as a member of the Senate Foreign Relations Committee, I am humbled to stand here this day and participate in this important event.

Finally, we must remember that today's action in no way reduces our national strength or resolve. Our vigilance remains strong, and our commitment to peace even stronger.

This is the dawning of a new chapter in American strategic strength and peace, and I urge my colleagues to join me in supporting this historic measure.

Mr. BINGAMAN. Mr. President, today the Senate will provide its long-overdue advice and consent to ratification of the START II Treaty. I believe that this may be the most significant accomplishment that this body will have in this Congress. That will depend on whether our action is followed by similar action in the Russian Duma in the months ahead.

I regret that we were not able to take this action months ago. At the end of last March Senator LUGAR predicted that the treaty would be ready for Senate debate in May. It should have been, but it wasn't through no fault of the Senator from Indiana. I hope that the 8 months delay has not hurt the treaty's prospects in the Duma. It clearly is overwhelmingly in Russia's interest, as well as our own, that this treaty go into force as soon as possible.

Mr. President, this treaty will truly reduce the nuclear danger in ways unimaginable when I entered this body in 1983. Then we argued about nuclear freezes and nuclear build-downs at levels far above those stipulated in START II. Now the United States and Russia are truly reducing their nuclear stockpiles under the START I Treaty that went into force in December 1994 and we will reduce far further under START II. Land-based multiple warhead missiles, the most destablizing weapon of the cold war, will be eliminated. Arsenals in both sides will be reduced to 3,500 warheads and bombs. Far more of the strategic nuclear threat will be eliminated by this arms control agreement than anyone ever contemplated countering through missile defenses, even at the height of the exaggerated claims of the SDI program. President Bush was right to be proud of this treaty and his role in negotiating it.

Mr. President, today's action will allow Vice President Gore to press Prime Minister Chernomyrdin next week to accelerate the Duma's consideration of the treaty. Newly appointed Foreign Minister Primakov has said that the Duma would await Senate action on the treaty. Now they not need wait any longer. I hope that they will complete their deliberations promptly.

As the President pointed out in his State of the Union message the other night, this could be the year in which truly significant strides are made in arms control and in defining a safer, more stable world. I hope that our action today will be followed by a similar overwhelming vote by this body on ratifying the Chemical Weapons Convention in the spring and by conclusion of a Comprehensive Test Ban Treaty among the nuclear weapon states by summer.

If all that is accomplished and then fully implemented, our children and grandchildren will remember 1996 as a watershed year in the post-cold-war era. And these accomplishments, if they can be achieved, will be remembered far longer, I suspect, than anything that comes out of the endless budget debate in which we have been engaged.

I yield the floor.

Mrs. KASSEBAUM. Mr. President, the Senate is debating whether to give its consent to a treaty between the United States and the Russian Federation that will significantly reduce the number of strategic nuclear weapons on each side. This is a solemn responsibility that our Constitution vests in the Senate, and nobody in this body undertakes this task lightly.

The Senate has taken nearly 3 years to consider this agreement, which was transmitted to us in the last days of the Bush administration. Both the Foreign Relations Committee and the Armed Services Committee have conducted hearings on the treaty and have carefully reviewed its provisions. We have heard from negotiators, foreign policy experts, military officers, and many other analysts. We have heard many thoughtful arguments pro and con.

Based on that record, I believe implementation of the second Strategic Arms Reduction Treaty [START II] is strongly in the national interest of the United States. This treaty, if implemented, will represent, in the words of President Bush, "a watershed in our efforts to stabilize the nuclear balance and further reduce strategic offensive arms."

Let me be clear that the START II agreement, while important, leaves unresolved many difficult aspects of the cold war's nuclear legacy. We must find ways to secure and, ultimately, to destroy the fissile material from the dismantled arsenals of the United States and former Soviet Union. We must prevent proliferation both of nuclear materials and of delivery systems. We must pay the environmental price of cleaning up weapon sites.

Above all, we must continue to adapt our defense and national security strategies to our times and to strengthen the relationship between ourselves and the Russians: We must ensure that those nuclear weapons that

do remain on both sides will never be used.

All of these difficult tasks lie outside the limited reach of the START II Treaty. But this treaty will meet one decade-old problem head on. It will significantly reduce the number of nuclear warheads on the Eurasian land mass that are capable of striking the United States. For that reason, I support it.

The cold war is over, but the task of safely destroying much of the bloated nuclear arsenals of the former Soviet Union and the United States has yet to be completed. The START II Treaty, which entered into force 1 year ago in December, takes us in that direction. Already we have begun to see its results. In October, in a ceremony broadcast by many television news programs, Defense Secretary Perry and the Russian Defense Minister traveled to Whiteman Air Force Base near Kansas City to watch the destruction of United States intercontinental ballistic missile in accordance with START I, and Secretary Perry has attended a similar ceremony in the former Soviet Union.

But START I alone is not enough. START II will carry on the unfinished business of dismantling the cold war's legacy of terror and strategic nuclear instability.

Several of my colleagues have outlined in detail the treaty's requirements. In sum, I believe it is fair to say that START II serves America's national security interests in two basic ways.

First, it would cap at 3,500 the number of accountable nuclear warheads that each side may possess. The START I limit is 6,000 warheads on each side, and that agreement is not yet fully implemented. In practical terms, implementing START II means the Russians will have to destroy roughly 4,000 nuclear weapons that today are in their arsenal.

I, for one, believe that even START II will not complete the important work of nuclear arms control, and I would hope the administration will vigorously explore the option of pursuing a third strategic arms treaty to reduce further the allowable number of warheads and to include not only the United States and Russia but the other nuclear powers as well.

Second, the START II Treaty would prohibit the use of multiple warheads [MIRV's] on missiles. The United States long has sought this important goal, which is key to a stable nuclear balance.

I commend the majority leader, Senator DOLE, for his decision to bring this important treaty before the Senate. Of course, the process of putting this agreement into force does not stop with the U.S. Senate. The treaty also must be approved by both houses of the Russian legislature. Significant political changes are underway in Russia, particularly in light of December's parliamentary elections and the coming Presidential election. It would be unfortunate, indeed, if this important agreement became entangled in Russia's internal political debates.

For that reason, I believe the Senate must send a strong message of support. We must make clear that the United States is strongly committed to reducing our nuclear arsenal in the responsible manner outlined by START II as long as the Russians will do the same. I urge my colleagues to vote in favor of the resolution of ratification.

Mr. KERRY. Mr. President, the vote that will occur later this afternoon on the resolution of ratification for the START II Treaty is a truly historical event in the course of man's attempt to curtail conflict and violence and resolve differences by peaceful means. It is an especially historical event in the much briefer but arguably more frightful history of the world's effort to prevent use in anger of the terrifying power of nuclear fission and fusion, power that was initially unleashed only five decades ago.

When the Senate took up this this treaty on the floor on December 22, I spoke at some length concerning the potential benefits of this treaty for the United States, Russia, and, indeed, the entire world. I spoke of the great leap forward that this treaty represents as it is added to the foundation of earlier arms control agreements, notably including the original START Treaty signed by the United States and the Russian Federation in 1991 that provided for the first real reductions, rather than just limits on further growth, of strategic offensive arms of both nations. The leap forward that START II represents will increase the stability of the nuclear balance, ban deployment of the most destabilizing type of nuclear weapons system—land-based intercontinental ballistic missiles with multiple independently targetable nuclear warheads [or MIRV's], and reduce the number of nuclear weapons the United States and Russia each possess to 3,500.

The debate on December 22 is a part of the record, and lays out clearly the history of this treaty, its importance to enhancing stability and reducing the likelihood of use of nuclear weapons in anger, and the specific provisions of the treaty. This information is contained in the remarks of the distinguished Senator from Indiana [Mr. LUGAR] who served with distinction as a former chairman of the Foreign Relations Committee, the remarks of the distinguished ranking member of the Committee, Mr. PELL, who also served admirably as a previous chairman of the committee, and my remarks and those of the other Senators who participated in that debate. It is not necessary to take the time of the Senate today to repeat or embellish those remarks. The treaty's record is clear. Its benefits are clear. It will pass overwhelmingly this afternoon.

I am gratified that I was able to play a role in bringing us to this point by reaching an agreement with the chairman of the Foreign Relations Committee, Mr. HELMS to release for Senate floor action the treaty, which he was holding hostage until he could obtain floor action on the annual reauthorization bill for the State Department and its activities which he chose to use as a vehicle for provisions to dramatically reduce the structure of, and funding for, the agencies that implement our Nation's foreign policy and represent the U.S. interests to the rest of the world. The START II Treaty was and is too important to have been used in such a manner. While it should have been possible for the Senate to act on it much earlier than today, I am relieved that at least our action was not delayed beyond today, and am pleased to have played a role in liberating it so the Senate can give it ringing endorsement.

Once again, Mr. President, I compliment Senator LUGAR, Senator PELL, and all other Senators who have labored through the analytical and hearing processes to demonstrate conclusively that START II will significantly benefit the United States. I am fervently hopeful that the Russian Duma will act expeditiously and favorably on the treaty, sharing our recognition that it is strongly in the best interests of both nations, and that we do not discover that the delay in Senate consideration, during which Russia has experienced considerable political flux and has elected a number of new members to the Duma, has fatally injured the treaty. The treaty's ability to increase stability and reduce the risk of nuclear conflict will be even more important to the extent Russia's political unrest continues or accelerates.

Mr. THURMOND. Mr. President, Although I have reservations concerning the START II Treaty, I intend to support the resolution of ratification reported from the Senate Foreign Relations Committee. Many of my concerns have been addressed in the package of amendments the Senate adopted on December 22, 1995, which were drafted by the Arms Control Observer Group.

In addition to a number of hearings held by the Senate Foreign Relations Committee and the Senate Select Committee on Intelligence, the Senate Armed Services Committee conducted two hearings on the military and national security implications of ratification of START II.

The START II Treaty, signed by Presidents Bush and Yeltsin in January 1993, will hopefully contribute to the positive change in the relationship between the United States and the States of the former Soviet Union. If ratified and implemented by the

United States and the Russian Federation, START II will represent a continuation of the unprecedented reduction of the strategic arsenals of both sides. But we must always keep in mind that reductions for the sake of reductions do not necessarily contribute to stability. Unless these reductions contribute to strategic stability, they can actually undermine our national security. If START II is implemented and complied with, I do believe that it will be stabilizing. If, however, its terms are modified to allow, for example, the retention of heavy, multiple-warhead ICBM's, then this agreement could actually be destabilizing. As I stated back in 1992, when the committee considered the military implications of ratifying START I, I believe that stabilizing reductions in nuclear weapons are in the best interest of this Nation and humanity.

Whether START II will contribute to or undermine stability will also be determined by other factors. For example, the United States must fully exercise its rights to maintain a survivable and reliable strategic deterrent force. In my view, we must also begin to rethink the basic concepts underlying deterrence. As the sides reduce their forces below START I levels, we must be concerned about the long-term survivability of the force in an offense-only configuration. In my view, we must begin to modify our strategic policy to incorporate a more balanced mix of strategic offensive and strategic defensive forces. In the long run, as the cold war confrontation fades, we may even make a complete change to a defense dominant posture.

The long-term value of START II also depends on the sides' complying with its terms. In this regard, there is reason for concern. Russia has continued, to a very disturbing degree, the Soviet pattern of violating or circumventing the terms of various arms control agreements. Russia's failure to implement the agreements reached at last May's summit meeting is yet another reason for concern.

If ratified, fully implemented, and complied with, START II will achieve three principal objectives: First, the reduction of strategic nuclear warheads to a level at or below 3,500—more than a two-third reduction over current levels; second, ban the deployment of multiple-warhead intercontinental ballistic missiles; and third, obligate Russia to destroy all its SS–18 heavy ICBM's and to destroy or convert all its silo launchers for these missiles. If this last objective is not achieved, however, the stabilizing impact of START II will be seriously eroded.

During the Armed Services Committee's consideration of the military implications of ratification of START II, I raised a number of concerns, including concern about whether Russia would ratify the treaty with amendments that would allow them to keep their MIRV'd ICBM's, in particular the SS–18's. I was also concerned by administration efforts to unilaterally implement START II reductions prior to Russian ratification of START II. To date, Russia has not ratified START II, and I am not sure when it will. Until this happens and it is clear that START II will be implemented by both sides, I do not believe that the United States should take any irreversible actions to go below START I levels.

In September 1994, the administration concluded a review of U.S. nuclear policy and its nuclear force posture to determine the appropriate strategic nuclear force for the United States in the year 2003, when START II limits are supposed to be reached. The nuclear posture review [NPR] concluded that the United States would continue to rely on a "Triad" of strategic nuclear forces and a policy of nuclear deterrence to deter any future hostile foreign leadership with access to strategic nuclear weapons, and as a hedge against a reversal in political reforms in Russia, which made START II possible in the first place.

In essence, the Nuclear Posture Review recommended that the United States continue to maintain its nuclear triad, that it would maintain its mix of land, air and sea-based strategic nuclear delivery systems—while reducing the number of warheads to bring the U.S. into compliance with START II provisions. However, that recommended level would be below the level authorized under START II.

In addition to 20 B–2 bombers and 450–500 single warhead Minuteman III ICBMs, the NPR recommended that the U.S. triad include 14 Trident ballistic missile submarines versus 18 permitted under START II, and 66 B–52H bombers versus 94 permitted under START II. The NPR also directed DoD and DoE to maintain a nuclear weapons capability without underground nuclear testing and without producing fissile material. In order to accomplish this requirement, the NPR directed that a number of actions take place: development of a stockpile surveillance engineering base; and the maintenance of capabilities that include the ability to refabricate and certify weapons types, design, fabricate and certify new nuclear warheads (if necessary), and maintenance and support of a science and technology base.

Mr. President, given budget constraints, I remain concerned about the ability of the United States to maintain an adequate strategic nuclear force that would enable us to deter a nuclear attack. With regard to the future nuclear stockpile, I am concerned about the ability of DoD and DoE to meet its supply responsibilities. Quite frankly, I do not see how they will maintain the stockpile without underground nuclear testing.

As directed by the Nuclear Posture Review, the United States will continue to require and depend on its strategic forces for the foreseeable future to deter a broad range of threats. In order to do this, we will have to move away from an offense-only policy of deterrence, which will require the United States to work cooperatively with Russia.

As I stated during the Committee's hearing on May 6, we must move beyond the mindset of the ABM Treaty that equates vulnerability with stability. If we are to continue reducing our strategic nuclear forces—which is already the subject of interagency discussions—we must integrate defense into our deterrence policy and break the linkage between such reductions and the ABM Treaty.

I have been troubled by the Administration's careless linkage of START II with U.S. missile defense programs and the ABM Treaty. Although I certainly agree that there is a relationship between strategic offensive forces and strategic defensive forces, I believe that the Administration is dangerously misguided in its characterization of this relationship. Not only is ballistic missile defense not a threat to deterrence and strategic arms control; it is complimentary and may even be essential if we proceed with further reductions. There is no reason why the United States and Russia cannot agree on a stabilizing plan to transition from Mutual Assured Destruction, which is fundamentally still our unstated policy, to a world of assured security through defensive deployments.

We must come to terms with the fact that the ABM Treaty is outdated and must be revised and eventually replaced. By constantly reinforcing the mutual vulnerability logic that underlies the ABM Treaty, this Administration has simultaneously reinforced those in Russia who are most insistent on maintaining their destabilizing strategic offensive forces. Rather than trying to hold on to the cold war relationship, the Administration should attempt to nurture U.S.-Russian cooperation in the area of missile defense and defensive stability.

Before closing, I would like to amplify for purpose of this debate, my deep concern about actions taken by the Administration in the various arms control consultative commissions.

The role of the consultative commissions is to enable implementation of arms control treaties. The consultative commissions are to provide a forum for the parties to make technical and administrative changes to the treaty so that the provisions of the treaty can be implemented. Or, if there is a disagreement, to provide a forum for the parties to discuss compliance questions.

However, over the past couple of years, the Administration has used the consultative commissions of a number

of Treaties, such as the Intermediate Range Nuclear Forces (INF) Treaty, the Conventional Forces in Europe (CFE) Treaty, and START, to make a number of changes that I would define as more than just technical or administrative changes. In fact, I view these changes as substantive in nature, modifying the Treaties in a way which changes the original understanding under which the Senate provided its advice and consent.

The defense budget funds most of the costs of implementing arms control treaties, and as a result, to the extent it can, the Armed Services Committee has been monitoring these actions. As a result of some of these actions, the Committee has included language in the statement of managers for the defense authorization bills since 1993, requiring the Department of Defense to report to the Congress 30 days in advance of any agreement that would result in an increase in the costs of implementing the arms control agreements. DoD and administration efforts to inform the Congress prior to concluding these agreements, as well as recommending these changes, have been erratic at best.

It is my view that the President should notify the Congress 30 days in advance of concluding an agreement in the consultative commission, any change to interpretations of provisions, or implementation modifications and obligations that result in increases to implementation costs, or differ from the Senate's understanding when it provided its advice and consent to ratification of the treaty. As an example of what I am referring to, let me ask unanimous consent that a copies of two September 1994 letters regarding a policy agreement on implementation of inspections under START, from the Secretary of Defense be printed in the RECORD.

Mr. President, even though I have concerns about a number of issues, as I stated earlier, with the inclusion of the Arms Control Observer Group amendments, I will support START II.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 21, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to inform the Committee concerning an important issue that has arisen as we prepare for the implementation of the 1991 START Treaty in the new, multilateral context that has followed the breakup of the Soviet Union.

The START Treaty, like the INF Treaty before it, provides for certain inspection costs to be borne by the inspected Party. This was based on the assumption that the U.S. and the Soviet Union would conduct extensive inspections of each other's territory, whereby one side's inspection costs would be offset by the other party's inspection costs. This was done with the expectation that there would be an essential balance between the START inspections conducted by the two sides.

After the breakup of the Soviet Union, however, Belarus, Kazakhstan and Ukraine proposed in the START Treaty's Joint Compliance and Inspection Commission (JCIC) to have these inspection costs shifted to the inspecting Party. Given that they had little, if any, interest in inspecting U.S. facilities, they believed that such a change would be fair and appropriate, whereas the U.S. intended to carry out fully its inspection rights on their territories. They were concerned, therefore, that START cost provisions would impose on them an unbalanced cost burden.

In the JCIC, the U.S. side has refused to shift these costs. We have emphasized that we did not want any changes to the Treaty's obligations. Russia likewise has refused this proposal in the JCIC. Since Russia intends to carry out extensive inspections of U.S. facilities, Russia, too, wanted no change in these obligations.

The approach that we are developing in the JCIC in order to resolve this issue in the START context is similar to the understanding that was worked out in the Special Verification Commission (SVC) for the INF Treaty, which is the subject of a separate letter to you. Under this approach, which is consistent with the Treaty and the interests of the United States, each inspected Party will be responsible for inspection costs. However, for each six-month period in which Belarus, Kazakhstan or Ukraine chooses not to exercise its right to notify and conduct inspections of U.S. facilities under START, the U.S. will, as a matter of policy, reimburse certain costs for supporting U.S. inspections conducted on that Party's territory during the same period. These costs would be reimbursed using funds appropriated to the Department of Defense for treaty implementation purposes. If, however, one of those Parties notifies and conducts an inspection of a U.S. facility, thereby incurring host nation costs for the United States (aside from one initial multi-party baseline inspection), the U.S. will not provide reimbursement for any of its inspections on that Party's territory during the given six-month period.

This understanding will be reflected in an exchange of policy statements between the U.S. and each of these three Parties. We believe this represents an equitable solution that serves the interests of all five START Parties, both those (the U.S. and Russia) planning to make full use of their inspection rights and those (Belarus, Kazakhstan and Ukraine) that do not intend to do so.

During the START Treaty's four-month period for baseline inspections following entry into force of the Treaty, seventeen inspections (four in Belarus, four in Kazakhstan, and nine in Ukraine) would be required. Following the baseline period, the United States probably would conduct a total of between nine to thirteen inspections per year in Belarus, Kazakhstan, and Ukraine. OSIA estimates that future START Treaty inspections would run at most about $10,000.00 per inspection.

I want to emphasize that the exchange of policy statements is strictly a policy understanding. It will not be legally binding and no Treaty provision will be changed. The terms of the START Treaty will have their full force and effect, and each of these three Parties will have to carry out all of its Treaty obligations. This understanding will bring no change in the implementation of the START Treaty, which will be carried out in full accordance with the advice and consent already provided by the Senate. The Administration would not consider this to be a precedent for any other area of START implementation.

We attach considerable importance and urgency to the need to conclude this policy understanding with Belarus, Kazakhstan and Ukraine. With the prospect of START entry into force possibly occurring this fall, the priority objective of the United States at the coming session of the JCIC is to reach agreement among the five START Parties on all advance preparations needed to ensure that START enters into force smoothly and is carried out effectively. Reaching this understanding on reimbursements with Belarus, Kazakhstan and Ukraine will be essential to the achievement of this overriding U.S. objective.

I want to assure you that we will continue to keep the Committee informed of key developments affecting START implementation.

Sincerely,

WILLIAM J. PERRY.

THE SECRETARY OF DEFENSE,
Washington, DC, September 21, 1994.

Hon. SAM NUNN,
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to bring the Committee up to date on an important issue that we have encountered in seeking to preserve and implement the 1987 Intermediate Nuclear Forces (INF) Treaty in the new, multilateral context that has followed the breakup of the Soviet Union.

As you are aware, the INF Treaty provides for certain inspection costs to be borne by the inspected Party. This was based on the assumption that the U.S. and the Soviet Union would conduct extensive inspections of each other's facilities, whereby one side's inspection costs would be offset by the other party's inspection costs. The inspection regime of the START Treaty was also based on this same premise, namely, that there would be an essential balance between the inspections conducted by the two sides.

After the breakup of the Soviet Union, the United States took steps to ensure that the twelve states of the former Soviet Union would be bound by the prohibitions of the Treaty and that the INF inspection regime would continue. Moreover, the successor states themselves, meeting at Bishkek on October 9, 1992, also made their own declaration expressing their commitment to the Treaty.

Of the four key successor states whose cooperation is required to ensure the continued implementation of the INF inspection regime, three of them, Belarus, Kazakhstan and the Ukraine proposed, in the INF Treaty Special Verification Commission (SVC), the forum for dealing with compliance and implementation issues, to have these inspection costs shifted to the inspecting Party. Given that they had little, if any, interest in inspecting U.S. facilities, they believed that such a change would be fair and appropriate, whereas the U.S. intended to carry out fully its inspection rights on their territories. They were concerned that INF cost provisions impose on them an unbalanced cost burden. Indeed, Belarus, Ukraine and Kazakhstan have not conducted a single inspection of the United States' facilities since the demise of the Soviet Union.

The U.S. refused to shift these costs, making it clear that the United States did not want to change the Treaty's obligations. Russia likewise refused this proposal. Since

Russia intended to carry out extensive inspections of U.S. facilities, Russia, too, wanted no change in these Treaty obligations.

This impasse was one of the factors behind the initial delays in the U.S. being able to carry out its INF Treaty inspection rights in Belarus, Kazakhstan and Ukraine after the breakup of the Soviet Union. To resolve the issue, we have worked out with each of these three Parties in the SVC an understanding consistent with the Treaty and the interests of the United States. Each inspected Party will bear the costs of each inspection. However, for each six-month period in which Belarus, Kazakhstan or Ukraine, as a matter of policy, does not exercise its right to notify and conduct inspections of U.S. facilities, the U.S., as a matter of policy, will reimburse certain costs for supporting U.S. inspections conducted on their territory during that period. These costs would be reimbursed using funds appropriated to the Department of Defense for treaty implementation purposes. If, however, one of those Parties notifies and conducts an inspection of U.S. facilities, thereby incurring costs for the U.S., the U.S. will not provide reimbursement for any of its inspections on that Party's territory during the given six-month period.

This INF understanding was reflected in an exchange of policy statements between the U.S. and each of these three Parties intended to cover the remaining period of the INF inspection regime, through May 31, 2001. We believe this represents an equitable solution that serves the interests of all five Parties, both those (the U.S. and Russia) planning to make full use of their inspection rights and those (Belarus, Kazakhstan and Ukraine) that do not intend to do so. I want to emphasize that these policy statements are not legally binding and that no Treaty obligations are being changed. The terms of the Treaty remain in full force and effect, and each of these three Parties must carry out all of its Treaty obligations. There is no change in the implementation of the Treaty regime, which is being carried out in full accordance with the advice and consent provided by the Senate in 1988. The Administration would not consider this to be a precedent for any other area of Treaty implementation.

Following the exchange of policy statements, the U.S. was able to resume its conduct of INF inspections on the territories of the three Parties. We recently suspended such inspections in order to consult with key Congressional Committees on this matter.

The United States has conducted seven INF inspections in Belarus, Kazakhstan, and Ukraine. The costs for these inspections was about $4,000.00 for each inspection. The United States intends, in any given year, to conduct seven total inspections in the combined territories of Belarus, Kazakhstan, and Ukraine. OSIA estimates that future inspections would run at most about $10,000.00 per inspection.

We place considerable importance on continuing U.S. INF inspection activity in Belarus, Kazakhstan and Ukraine. Full implementation of U.S. Treaty rights in these three key successor states is essential not only to the preservation of the INF inspection regime, but also in establishing the basis for the effective implementation of the START Treaty with these states.

Belarus, Kazakhstan and Ukraine also have proposed, in the START Treaty Joint Compliance and Inspection Commission (JCIC), a similar understanding for the START Treaty, which—as in INF—would not be legally binding and would leave all Treaty obligations fully in force. The U.S. side wishes to exchange such START policy statements in the JCIC so as to be prepared for entry into force of the START Treaty in the near future. We will provide to you a separate letter describing the understanding that is under consideration for START.

Let me assure you that we will continue to keep the Committee informed of key developments in both INF and START implementation.

Sincerely,

WILLIAM J. PERRY.

Mr. DOLE. Mr. President, the Senate is about to vote on the START II Treaty. START II is an example of the bipartisan way in which foreign and defense policy should be conducted. President Bush negotiated it and President Clinton is seeking the Senate's advise and consent.

In response to those who are now saying that the Senate is rushing into giving its advice and consent to this treaty, I would point out that this treaty came to the floor and is being considered under the provisions of several unanimous consent agreements reached over the course of the past 2 months.

The Senate arms control observer group worked on a package of conditions and declarations to the resolution of ratification which were agreed to prior to Christmas. These conditions and declarations will not require any changes to the START II Treaty, however, they are the binding terms under which the Senate gives its advice and consent to this treaty.

START II has received widespread bipartisan support because, if faithfully implemented by both the United States and Russia, it is in the United States' interest. The treaty provides for further reductions in United States and Russian missiles and warheads. These reductions will be stabilizing because the treaty also, and most importantly, provides for the de-MIRVING of land-based missiles and the elimination of heavy ICBM's such as the Russian SS-18. These were U.S. arms control objectives throughout the Reagan and Bush administrations. Unquestionably, de-MIRVING and eliminating heavy ICBM's are the principal benefits of START II.

We must keep in mind, Mr. President, that the Russian Federation must still take a number of actions to make the START II Treaty a reality. First, the Russian Duma must offer its consent to ratification. The prospects for such action are more uncertain after the recent elections—since Communists and extreme nationalists now represent more than a third of the Duma. Furthermore, the Russians and the Clinton administration must firmly commit not to backtrack on START II provisions. There is already talk of alleviating some of START II's burden on Russia in a follow-on agreement. We will need to carefully watch out for the so-called nuclear summit next spring and its possible results.

Mr. President, I would like to comment on the conditions and declarations to the resolution of ratification unanimously agreed to by the Senate on December 22. These address the strategic environment in which this treaty will operate and which it will help shape.

The fact is that the strategic environment has changed since President Bush negotiated START II. In particular, the threat of the proliferation of ballistic missiles has sharply escalated. When, on June 17, 1992, Presidents Bush and Yeltsin agreed upon the foundations for START II, they also issued a joint statement on a global protection system endorsing United States-Russian cooperation on missile defenses. Since the beginning of the Clinton administration, however, talks on this idea have lapsed and our National Missile Defense Program has languished.

Today, I would urge President Clinton once again to resume these discussions with Russia on cooperation on defenses. Let us recall that it was President Yeltsin who called for such cooperation in his January 29, 1992 speech to the United Nations. Let us see what might be possible, while recognizing that talking does not give Moscow a veto over our programs.

The Congress provided clear direction and substantial additional funding for missile defense programs. Unfortunately, President Clinton vetoed the defense authorization bill the first time around, precisely because it set out a course toward providing a national missile defense system.

In my view—with Russian cooperation or without—it is high time to move forward on a missile defense system which protects America—from Alaska to Florida, and Hawaii to Maine. Included in the package of amendments we have adopted is a declaration which states that missile defenses are necessary and complementary to START II reductions.

And so, as we give advice and consent to the START II Treaty we must be crystal clear: our vote in favor of START II is not in any way a reaffirmation of the ABM Treaty. Conversely—for those who would argue that the Senate should not give its advice and consent to the START II Treaty—withholding our consent to START II does not in any way affect the terms of the ABM Treaty or how the administration applies these terms.

One of the binding conditions the Senate has approved unequivocally states that nothing we do here in any way alters our rights and obligations under the ABM Treaty. In other words, we can propose changes to the ABM Treaty or, if necessary, withdraw from the ABM Treaty in order to defend America.

There are a few other pieces of the bigger picture we must keep in mind,

including political developments in Russia. The amendment I offered—which was included in the manager's package—is a condition to the resolution of ratification which stipulates that the United States will not be legally bound by the START II Treaty if the Russian Federation does not ratify it. Furthermore, the condition requires the President to consult with the Senate if he decides to make reductions in our strategic forces below those currently planned. In that event he must also certify that such reductions are in the U.S. national security interest.

With respect to concerns about treaty compliance, it is no secret that Russian generals and politicians are saying openly and privately that they will not implement the START II Treaty if ratified. Let us not forget that the track record of compliance of the former Soviet Union and Russia is seriously marred.

The Soviet Union claimed to hold the ABM Treaty sacrosanct, but, wantonly violated it. For a long time, we have been worried about Soviet and Russian violations of the biological weapons convention. And, at present, Russia is in violation of the Conventional Forces in Europe [CFE] Treaty. One of the declarations to the resolution of ratification addresses the concern of potential violations to START II and requires the administration to brief and report regularly on Russian compliance with START II.

Finally, we can reduce our missiles and nuclear weapons to START II levels. But we need to preserve the reliability, safety and security of the strategic weapons we retain. The United States needs to develop a new post-cold-war nuclear doctrine in this era where we are faced with multiple threats from different regimes. It may be time to update our aging nuclear force with new weapons designs.

The Clinton administration is dismantling our nuclear weapons infrastructure and driving us toward a comprehensive test ban. Meanwhile, Russia is spending scarce resources on strategic modernization and updating its nuclear doctrine to include potential use against former Soviet States. I am pleased that one of the declarations included in the resolution of ratification speaks to the need to ensure the safety, reliability, and performance of our nuclear forces—which are and will remain, the cornerstone of our deterrent.

Mr. President, I would like to remind my colleagues that it was the Bush administration which negotiated START II. And START II, like the first START Treaty, was an outgrowth of the strategic arms reduction goals set by the Reagan administration. But, strategic arms control—under both the Bush and Reagan administrations was part of a smart, judicious and comprehensive approach to our national security—not the centerpiece of U.S. national security policy. Since the Clinton administration came to office, there has been an overreliance on arms control and a penchant for clinging to outdated cold war era thinking.

Mr. President, I am amazed at this administration, as well as some of my colleagues, and Moscow for their willingness to link the START II Treaty with the antiquated and hopelessly outdated Anti-Ballistic Missile [ABM] Treaty. Missile defense for America must be priority one at a time when ballistic and cruise missiles are coming into the possession of more and more countries. According to the Central Intelligence Agency, the North Koreans are currently working on a missile that will be able to hit Alaska and Hawaii. Iran, India, and others are also working on their own programs. Missile defense is not a threat to the Russians. It offers protection to us—and potentially to the Russians—during a time when the proliferation of weapons of mass destruction is escalating.

Mr. President, I support START II. However, the Clinton administration and Moscow must not backtrack on de-MIRVing missiles and getting rid of the heavy SS-18's. The Clinton administration must also support the restoration of our aging nuclear infrastructure—almost two-thirds of which dates from before the mid-1970's. The President must also seek the strictest compliance from a Russia which is changing—and given the Duma elections, not for the better. Especially in light of the recent Russian elections, we must safeguard at all costs against unilateral U.S. implementation of START II. Furthermore, I urge the Clinton administration to join the Senate to reiterate—loudly and clearly—the traditional U.S. position: START II and the ABM Treaty are in no way linked. START II is a good treaty for us and Moscow, but it should not—and must not—be used to keep us from pursuing a national missile defense system.

Mr. President, notwithstanding the reservations, I think the Senate did the right thing this evening in overwhelmingly ratifying the START II Treaty.

Mr. LEVIN. Mr. President, first I just want to compliment Senator DOLE, the majority leader, for his support of START II. As he pointed out, this was negotiated and supported by three Presidents, two Republicans and one Democrat. The majority leader's support of this treaty, bringing it forward in the way he has in the great bipartisan tradition of the U.S. Senate. I just want to add my thanks to him for his work in this area.

Mr. President, the START II Treaty is overwhelming in our national interest. It deserves our full and strong support. It will require the reduction of thousands of nuclear weapons that could otherwise pose a threat to our security. It will eliminate the most destabilizing weapons. There is a military threat more fearsome than nuclear weapons. They alone have the capability to destroy entire cities and to cause unparalleled destruction of anything in their path.

The prospects of a nuclear war are so terrifying that they are hard to imagine. That is why every President since President Truman has made it one of the Nation's highest priorities to control nuclear weapons and to prevent nuclear war. We came frighteningly close during the Cuban Missile Crisis to using nuclear weapons. There have been several nuclear crises since.

That is why Defense Secretary Bill Perry, in testimony before the Foreign Relations Committee last March, quoted Andrei Sakharov saying:

> Reducing the risk of annihilating humanity in a nuclear war carries an absolute priority over all other considerations.

Probably the best way to reduce the likelihood of nuclear war is to reduce nuclear weapons below the excessive levels of the cold war, particularly those systems that made the United States and the Soviet Union most insecure. Secretary Perry agreed with Sakharov's assessment and noted that the START II Treaty is about reducing the risk of nuclear war.

The START II Treaty that is before us achieves what no other arms agreement has: It will eliminate all multiple warhead land-based missiles, known as MIRV missiles for their multiple independently targetable reentry vehicles. It will eliminate all of the Russian heavy SS-18 intercontinental ballistic missiles, the ICBM's that have particularly concerned our defense officials for so long.

Those systems, those heavy SS-18 intercontinental ballistic missiles, those MIRV, multiple warhead missiles are considered to be destabilizing and caused deep concern that in a crisis it would create pressures to use nuclear weapons, and to use them first. Eliminating these weapons is considered the most important single achievement of the treaty.

Mr. President, I know that this treaty has broad and indeed vast support in this Senate, but we should not forget the historic nature of today's vote.

This treaty was worked on for long periods of time, by Presidents Reagan and Bush, and then strongly supported by President Clinton. This is a historic day in the ratification of this treaty and should not go unnoticed because the Senate was so busily occupied in a whole host of other important matters.

It not only will reduce and remove the most threatening of the missiles and the most destabilizing of the missiles, it also reduces the overall level of deployed long-range warheads to about two-thirds below the previous cold war levels. It will require the United States and Russia each to reduce to a level of some 3,000 to 3,500 nuclear weapons instead of the more than 10,000 long-

range warheads at the end of 1990. This is a dramatic reduction.

Finally, Mr. President, I want to comment briefly about the military's strong support for the ratification of the START II Treaty. The senior defense and military officials in this country are overwhelmingly supportive of the START II Treaty and for many months have urged us to act as quickly as possible to provide our advice and consent, to ratify the treaty so it can enter into force as soon as possible.

The overwhelming, unanimous support in the military includes the Secretary of Defense, the Chairman and Vice Chairman of the Joint Chiefs, all of the Chiefs of Staff and their civilian and military colleagues at the Pentagon.

This is what General Shalikashvili said now almost a year ago, March 1 of last year, before the Foreign Relations Committee. He said:

On the basis of detailed study of our security needs and careful review of the Treaty, it is my judgment, and the unanimous opinion of the Joint Chiefs of Staff, that the START II Treaty is in the best interests of the United States. I recommend the Senate provide its advice and consent to START II's ratification.

Then at the same hearing General Shalikashvili explained his view of the value of START II, in part, in this way:

As you well know [he said], START II builds on the progress of START I, but goes beyond it, because it will restructure our nuclear forces to eliminate instabilities that have always been matters of great concern to military planners and to our citizens alike. By this [he said], I'm of course referring to the elimination of all land-based missiles with multiple independently targeted re-reentry vehicles, as well as the last of the land-based heavy ICBM's, the Russian SS-18's.

As Secretary Perry mentioned, [he went on,] we have always been convinced that these particular systems are intrinsically the most dangerous and unstable elements of our strategic arsenals. Because they are vulnerable to a first strike from the other side, they could impose a use-or-lose decision that would be a very unstable factor in any crisis. Eliminating these systems makes both of our nuclear forces more stable deterrents.

Finally, he said:

More specifically, we concluded that the START II/NPR force—

The force that is left after the START II Treaty—

is sufficient to prevent any foreseeable enemy from achieving his war aims against us or our allies, not matter how a nuclear attack against us is designed.

In practice, this means that our nuclear forces must be robust enough to sustain the ability to support an appropriate targeting strategy and a suitable range of response options, even in the event of a powerful first strike that attempts to disarm our nuclear forces.

He said in conclusion:

Our analysis shows that, even under the worst conditions, the START II force levels provide enough survivable forces, and survivable, sustained command and control to accomplish our targeting objectives.

No matter what the attack is after START II, no matter how an attack is designed, it cannot succeed. That is one of the many accomplishments of the treaty.

Its ratification today will not be noted in much of the media because of the huge number of other issues which are being debated in Washington, but for us in the U.S. Senate, looking at the ratification of a treaty worked so hard upon by three Presidents, it will be a banner day, not just for us, but, more important, for humanity that there has been such a huge reduction approved and that the most destabilizing nuclear weapons which we have faced, which were the subject of years and years and decades of agony by President after President facing these forces so destabilizing to the world, that we have taken a major step today in bringing this to the floor for ratification.

Now we must hope that the Duma in Russia will do the same, that they also will consent to the ratification of this treaty so that it can take full force and effect.

When the Joint Chiefs of Staff try to imagine the worst possible military disaster, the worst possible nuclear attack upon the United States and our nuclear forces, they can come up with some horrible possibilities. That's their job, and they are consumate professionals. They have no doubt that the START II Treaty will leave us with more than enough nuclear forces to meet our security needs. That, Mr. President, is very powerful testimony and should erase any doubt that START II will permit adequate forces.

In conclusion, General Shali had this to say:

When both the United States and Russian strategic nuclear forces are reduced to the levels established by this treaty, our forces will remain roughly equivalent, but without the unstable pockets that have troubled us for decades. This, beyond even the considerable reductions to our nuclear forces, is the beneficial hallmark of this treaty—a security gain that is as positive for the Russians as it is for the Americans.

The other members of the Joint Chiefs of Staff and I have no reservations towards this treaty, about the strategic force reductions it entails, or about our ability to properly verify that the Russians are complying with its provisions. I, thus, encourage you to promptly give your advice and consent to the ratification of the START II Treaty.

Mr. President, this is compelling evidence from our Nation's senior officer that the START II Treaty is a good deal for American security. Few, if anybody, know more about the military perspective of our security requirements than General Shalikashvili.

START I IMPLEMENTATION AND RELATIONSHIP

The START II Treaty is based on the START I Treaty, which was negotiated between the United States and the Soviet Union. After the Soviet Union dissolved, START I was expanded to include Ukraine, Kazakhstan, and Belarus—in addition to Russia—as the new inheritors of the nuclear forces of the former Soviet Union.

One crucial aspect of this expanded START I process that people should understand is that when the Soviet Union collapsed, it produced, overnight, four nuclear weapon nations where there was just one before. And two of those overnight nuclear weapon powers—Ukraine and Kazakhstan—had larger nuclear arsenals than Britain, France, and China combined. As part of START I, the three newest nuclear weapon states signed the Non-Proliferation Treaty as nonweapon states and pledged to eliminate all their nuclear weapons and be totally nuclear-free. That is a great nonproliferation success story, and those nations are all well on the way to eliminating their nuclear forces, as I will outline below.

The START II Treaty is built upon the START I Treaty, and uses it as a foundation. START I provides the basic framework for START II, including definitions, rules, data exchanges, monitoring and inspection provisions, elimination processes, and so on. START I, which entered into force on December 5, 1994, provides a good example of what we can expect under START II, so it is useful to review START I briefly and how its implementation is proceeding.

START I was the first arms reduction treaty, that is, it called for actual reductions in nuclear forces. It required overall cuts of about one third in United States and Soviet arsenals, and also calls for a 50-percent cut in so-called heavy ICBM's, namely the SS-18. START I requires reductions in accountable weapons, that is, numbers agreed upon for purposes of the treaty, whether or not they are the real numbers. START I provided for limits on both the "strategic nuclear delivery vehicles"—otherwise known as land-based and submarine-launched ballistic missiles and bombers—and for accountable warheads. The treaty required reductions to 1,600 delivery vehicles and 6,000 warheads by the end of a 7-year period of implementation.

The reductions must be made according to a schedule of limits in two phases before reaching the final limits: Phase I permits no more than 2,100 delivery vehicles and 9,150 warheads by December 5, 1997; Phase II permits no more than 1,900 delivery vehicles and 7,950 warheads by December 5, 1999. At the time of the data exchange for START I in September 1990, the United States had 2,246 strategic delivery vehicles and 10,563 warheads, while the Soviet Union had 2,500 delivery vehicles and 10,271 START accountable warheads. That is the baseline against which to measure implementation.

In May 1995, Under Secretary of Defense Walter Slocombe testified before

the Armed Services Committee about START I implementation, just 5 months after the treaty entered into force:

U.S. implementation of START I continues to proceed smoothly. We have deactivated all of our forces to be eliminated under START I, by removing over 3,900 warheads from ballistic missiles and retiring heavy bombers to elimination facilities. We have already eliminated over 300 missile launchers and over 240 heavy bombers, putting us below the first START I intermediate ceiling that will not come into effect until December 1997.

Secretary Slocombe also stated that:

Our START I Treaty partners in the former Soviet Union are also making great strides. Russia has moved rapidly on launcher eliminations. Like the United States, the former Soviet Union has already met the first intermediate ceiling on launchers, with over 600 missile launchers and heavy bombers eliminated thus far, in fact, it is very close to meeting the second intermediate limit on launchers that will not take effect until December 1999. The implementation of START I and NPT obligations by Belarus, Kazakhstan, and Ukraine continues to proceed, as over 2,700 strategic warheads in these three countries have been deactivated, and over 2,100 have been returned to Russia. Over 1,000 additional warheads have been deactivated in Russia itself. The success of START I implementation thus far leaves us confident that START II's limits can be achieved on schedule.

More recently, the State Department provided my office with the most up to date information available on START I implementation. As of September 1, 1995, the United States had 1,727 START accountable deployed nuclear delivery vehicles—ICBM's, SLBM's and heavy bombers—compared to 2,246 in September of 1990. The United States had 8,345 START accountable warheads, compared to 10,563 5 years earlier. The Former Soviet Union [FSU] parties—Russia, Belarus, Kazakhstan, and Ukraine—collectively had 1,799 strategic nuclear delivery vehicles—of which 1,513 are Russian—compared to 2,500 5 years before. The FSU Parties had 8,859 START accountable warheads—of which 6,769 are Russian—compared to 10,271 warheads in 1990.

Both sets of parties are below the Phase I limits that will not come into effect until December 1997. In addition, both the United States and the former Soviet Union are below their Phase II launcher limits that will not come into effect until December 1999. So implementation of START I is going very well, and well ahead of schedule. Given the close relationship between START I and START II, there is every reason to expect that START II will be an equal success, as the states.

VERIFICATION AND CHEATING CONCERNS

Mr. President, every arms control treaty raises concerns about verification and compliance—our ability to check that the other party isn't cheating. START II has the most comprehensive and intrusive verification provisions of any nuclear arms control treaty ever negotiated, a system that our defense and military leaders are confident will work well.

When Defense Secretary Perry was asked in a Senate hearing why he felt confident that cheating would not be a problem in START II, he gave the following explanation.

There are three factors which make cheating, I think, improbable in START II. The first is just the general openness of communication and exchange of personnel which now exist between our two countries. For example, I have myself been to the Russian test range at Baikonur. I have been to the ICBM operational site at Pervomaysk. I've examined the missiles in their control centers in great detail. I have discussed detailed issues about these programs with the scientists in the program and with the operational officers in the strategic rocket force. That kind of communication makes it very difficult to execute successfully a cheating program.

Second, there are in START I very comprehensive verification procedures that go well beyond national technical means. They require the sharing of telemetry data. They require various kinds of cooperative measures, displaying the forces. They involve continuous monitoring. They involve on-site inspection. This is an exceedingly comprehensive form of inspection. So that's the second reason that I think cheating is exceedingly improbable.

The third is that we have added on START II additional on-site inspections and exhibitions specifically pointed out verifying the configuration of the SS–18 silos and the actual bomber loadings. All three of these together, I think, give us a high degree of confidence that we are not going to be subject to cheating.

General Shalikashvili reinforced Secretary Perry's answer with the following comment:

Mr. Chairman, as Secretary Perry mentioned, START II verification rests essentially on three pillars—intrusive inspections, data exchanges and national technical means. START II has 14 types of intrusive on-site inspections, 10 from the START I treaty and four new ones. Both treaties require very detailed exchanges of data of strategic systems. And certainly you're familiar with the ability of our national technical means to oversee that.

Given these factors, I would say, first of all, that I'm very confident, and so are the joint chiefs, that the treaty is effectively verifiable. Second, we think that it's very difficult to picture a scenario that would give an advantage to the Russians to cheat. They have already under this treaty the ability to successfully accomplish deterrence and accomplish the military task of covering necessary targets. So any cheating would at best give them some ability to increase their reserve. And the cost of being caught at cheating would far outweigh any of that advantage. So therefore, I see very little incentive for them to cheating, but I'm also very confident that should they, we would be in a very good position, through the inspections and verification procedures, to detect that.

It does not get much clearer than that. The Secretary of Defense and the Joint Chiefs of Staff all agree that the START II Treaty is effectively verifiable. Furthermore, they can't even imagine a credible situation in which the Russians would have any incentive to cheat; they would not gain any appreciable advantage, and we would detect such a violation and would be able to respond if necessary. This is the first time I have ever heard our military say they cannot imagine a situation in which the other party could or would want to cheat on an arms control treaty.

Before the Armed Services Committee last May, Gen. Wesley Clark, Director of Strategic Plans and Policy of the Joint Staff, testified that: "Both during and after the Treaty negotiations, we have examined multiple ways that the Russians could conceivably violate the Treaty to augment their forces. It is difficult to come up with a militarily relevant cheating scenario." The monitoring and verification provisions of the Treaty would prevent either side from violating the Treaty without being detected, but the Joint Chiefs cannot see an incentive for Russia to cheat because the Treaty will leave Russia with more than enough nuclear forces for its security needs. As General Clark explained it:

Even at fewer than 3,500 warheads, Russia will have sufficient warheads to cover their U.S. targets and still maintain a reserve. Because of this, additional warheads generated by cheating would only have marginal effect on damage expectancy or would be used to increase sides' reserve force. Since these additional warheads would have only marginal effect on a Russian attack and would be very embarrassing if detected, we can find little incentive to carry out a military significant violation.

I cannot think of a better combination of positive factors about a nuclear arms reduction treaty than we have in START I: It requires deep cuts—two-thirds below the 1990 levels—and eliminates the most destabilizing nuclear systems on both sides. It leaves both sides with adequate forces to protect their security. Its monitoring and verification provisions assure that START II is effectively verifiable. Finally, the treaty provides neither side with an incentive to cheat. It has been endorsed without reservation by the civilian and military leaders in the Pentagon, who have all urged numerous times that we promptly give our advice and consent to ratification. That makes it pretty plain that we should vote overwhelmingly for ratification and move the treaty closer to implementation.

SENATE ACTION ON START II

Mr. President, the Senate has spoken clearly on its desire to act on the START II Treaty. For example, on February 2, 1993, Senator DOLE, our current majority leader, cosponsored Senate Resolution 54, commending President Bush on the conclusion of the START II Treaty. That resolution stated that the Senate "intends to

take up the Treaty at the earliest possible moment in pursuit of its constitutional duty to advise and consent to the ratification of treaties."

On September 5, 1995, the Senate adopted unanimously an amendment to the Defense authorization bill urging prompt ratification of the START II Treaty and the Chemical Weapons Convention. This amendment stated:

It is the sense of the Senate that the United States and all other parties to the START II Treaty and the Chemical Weapons Convention should promptly ratify and fully implement, as negotiated, both treaties.

This provision was adopted by the conference on the Defense authorization bill, and appears in the conference report, so it will be part of the final Defense Authorization Act.

Mr. President, on December 5 of last year, 35 of our colleagues joined with myself and the senior Senator from Illinois [Mr. SIMON] in a letter to the majority leader urging that the Senate complete action on the START II Treaty during the first session of the 104th Congress in 1995. So it is clear that the Senate is on record in various ways as favoring prompt action on the START II Treaty.

The Senate came very close to completing action on START II at the end of last year. That was a result of a unanimous-consent agreement worked out between the Chairman of the Foreign Relations Committee, Mr. HELMS, and Senator KERRY of Massachusetts. That agreement called for the treaty to be brought up for Senate consideration before adjournment of the 1st session of this Congress. And last month, on December 22, the Senate did take up the treaty, but did not complete action on it.

Although we did not vote on the treaty, we did agree on several issues. We adopted a manager's package of amendments to the resolution of ratification, and agreed that when we return to the treaty there would be no other amendments in order. We also agreed that debate would be limited to 6 hours, with additional time for Senator THURMOND. But it was clear that the purpose of our action was to try to complete final action on the treaty as quickly as possible. That was certainly the spirit of the effort of the Arms Control Observer Group that came together to work out a package of amendments to the Foreign Relations Committee resolution of ratification.

The Arms Control Observer Group, which is composed of members from the various committees of jurisdiction on arms control matters, gathered just before the end of last year to consider a series of amendments proposed by majority members in an effort to reach both a time agreement and secure a vote by Friday, December 22. The members acted in good faith, upon exceptionally short notice and, after considerable effort, reached agreement on the amendments as a means to complete action on the treaty before we adjourned for the year. Unfortunately, we only got a partial time agreement and no date certain for a vote. That was a disappointment. We failed to vote on the treaty before the end of the 1st Session of 104th Congress, and before the end of 1995, as had been the stated goal of the Senate.

Now we have the opportunity, at long last, to vote in favor of the resolution of ratification and move this treaty toward entry into force and implementation. I believe that the Russian Government, and especially its Parliament, will have the wisdom to ratify this treaty because it is also so strongly in their security interest to do so.

NEXT STEPS IN ARMS REDUCTIONS

Mr. President, the START II Treaty is an extremely important step to improve our security and reduce the danger of nuclear weapons and nuclear war. It will result in reductions of some two-thirds of the deployed long-range nuclear weapons of the cold war superpowers, and will restructure the remaining arsenals into more stable configurations. These are the most ambitious nuclear weapon reductions undertaken by the United States and the former Soviet Union. But they are not sufficient. There will remain after all the required START II reductions, as many as 3,500 long range warheads deployed by each side, and even more warheads not deployed. That is far more than we need for our security, and poses more of a danger than we should accept. We need to continue the reductions begun by the START process, and reduce to the lowest level possible, including the other nuclear weapon states in the process at the appropriate time.

At the hearing before the Foreign Relations Committee, Secretary Perry was asked about further reductions in nuclear forces. He stated that further reductions are desirable and planned: "I have always believed that we should reduce to the maximum extent we can, compatible with the threats and the potential threats from other countries. I think we can make dramatic reductions, though, beyond where we are today, if we have favorable political developments continu[ing] as they have been in the last 5 years or more."

Secretary Perry was then asked when he envisioned the nuclear weapon reduction process, which has been bilateral so far, involving the other acknowledged nuclear weapon countries to conclude further reductions. Secretary Perry gave the following reply:

At the time when we start getting down to levels of nuclear arms which are on the same order of magnitude of the levels of the other nations. So far, even at the level of 3,000, we have many, many more nuclear weapons than any—we and Russia—than any other country. But we certainly envision deeper cuts beyond the level of 3,000 to 3,500. And as we start going down in the hundreds instead of in the thousands of nuclear weapons, then I think it's not only appropriate; it would be necessary to bring in the other countries who have nuclear weapons.

When asked what specific steps he envisioned to get to further nuclear weapon reductions, he stated the following:

The sequence of events which I see is, first, we need to get START II ratified in the Senate and the Duma. Secondly, we need to get an agreement on implementation—on accelerating the implementation between ourselves and the Russians. Third, we need to mutually phase together the accelerated draw-down. Fourth, we begin a discussion of START III, which has enabled us to make further deep reductions. We've already looked at those deep reductions, have pretty good feelings about how far we can go. We believe they ought to be bilateral. I think it is appropriate, at that stage, though, to begin discussions with other countries, because if the START III reductions are deep enough we're going to get down to levels where we need to be talking with other countries about this.

CONCLUSION

Mr. President, the evidence is both compelling and overwhelming: The START II Treaty is unquestionably in our security interest. It is long overdue for Senate action, and I welcome the opportunity for this body finally to ratify this treaty. I know the outcome will be very strong support for the treaty, and I hope the Russian Duma can take it up soon and then we can begin implementing the treaty soon.

I would like to close by quoting the conclusion of General Shalikashvili's testimony before the Foreign Relations Committee on March 1, 1995:

The START II Treaty offers a significant contribution to our national security. Under its provisions, we achieve the long-standing goal of finally eliminating both heavy ICBM's and the practice of MIRVing ICBM's, thereby significantly reducing the incentive for a first strike. For decades, we and the Russians have lived with this dangerous instability. With this treaty, we can at last put it behind us.

The Joint Chiefs and I have carefully assessed the adequacy of our strategic forces under START II. With the balanced triad of 3,500 warheads that will remain once this treaty is implemented, the size and mix of our remaining nuclear forces will support our deterrent and targeting requirements against any known adversary and under the worst assumptions. Both American and Russian strategic nuclear forces will be suspended at levels of rough equivalence; a balance with greatly reduced incentive for a first strike. By every military measure, START II is a sound agreement that will make our Nation more secure. Under its terms, our forces will remain militarily sufficient, crisis stability will be greatly improved, and we can be confident in our ability to effectively verify its implementation. This treaty is clearly in the best interests of the United States.

On behalf of the Joint Chiefs of Staff, I recommend that the Senate promptly give its advice and consent to the ratification of the START II Treaty.

Mr. DOLE. Mr. President, I make a request that I understand may be objected to. I was going to ask, as in executive session, that the yeas and nays

on the resolution of ratification accompany START II be vitiated.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object——

Mr. NUNN. I object.

The PRESIDING OFFICER. The objection is heard. There is 1 minute for debate.

Mr. DOLE. I yield the time back.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the resolution of ratification. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Colorado [Mr. CAMPBELL], the Senator from Indiana [Mr. COATS], the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Texas [Mr. GRAMM], the Senator from Arizona [Mr. KYL], and the Senator from Alabama [Mr. SHELBY] are necessarily absent.

I further announce that, if present and voting, the Senator from Colorado [Mr. CAMPBELL] would vote "yea."

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is necessarily absent.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 87, nays 4, as follows:

[Rollcall Vote No. 6 Leg.]

YEAS—87

Abraham	Feinstein	Mack
Akaka	Ford	McCain
Baucus	Frist	McConnell
Bennett	Glenn	Mikulski
Biden	Gorton	Moseley-Braun
Bingaman	Graham	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Bradley	Gregg	Nickles
Breaux	Harkin	Nunn
Brown	Hatch	Pell
Bryan	Hatfield	Pressler
Bumpers	Heflin	Pryor
Burns	Hutchison	Reid
Byrd	Inouye	Robb
Chafee	Jeffords	Rockefeller
Cochran	Johnston	Roth
Cohen	Kassebaum	Santorum
Conrad	Kempthorne	Sarbanes
Coverdell	Kennedy	Simon
Craig	Kerrey	Simpson
D'Amato	Kerry	Snowe
Daschle	Kohl	Specter
DeWine	Lautenberg	Stevens
Dodd	Leahy	Thomas
Dole	Levin	Thompson
Dorgan	Lieberman	Thurmond
Exon	Lott	Warner
Feingold	Lugar	Wellstone

NAYS—4

Ashcroft	Inhofe
Helms	Smith

NOT VOTING—8

Campbell	Faircloth	Kyl
Coats	Gramm	Shelby
Domenici	Hollings	

The PRESIDING OFFICER. The yeas are 87; the nays are 4; two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

EXTENDING THE CURRENT FARM PROGRAM

Mr. DORGAN. Mr. President, the hour is late, and I will simply take 1 minute on an issue many of us are concerned about on both sides of the aisle. I have previously offered unanimous-consent requests to extend the current farm program for a year, provide planting flexibility, and forgive advanced deficiency payments in the process of doing that. I am very concerned that the Congress provide an answer to farmers about what the farm program will be.

I want to work with Members on both sides of the aisle here in Congress to get that done. Maybe we could hear a bit from the majority leader. I think there are some plans, perhaps next week, to address this, which I think will be a real step forward.

UNANIMOUS-CONSENT REQUEST—S. 1523

Mr. DORGAN. Mr. President, I know he is constrained to object tonight, but let me ask unanimous consent the Senate proceed to the immediate consideration of S. 1523, the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

Mr. President, S. 1523 is the bill I just mentioned with respect to the extension of the farm program.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. Mr. President, reserving the right to object, let me indicate I have discussed this with the Senator from North Dakota. We are in the process—the distinguished chairman of the subcommittee, Senator LUGAR, Members on both sides of the aisle, Senator GRASSLEY from Iowa, Senator PRESSLER from South Dakota, the Democratic leader and others on both sides—to see if we cannot come to some agreement by Thursday of next week.

It is my hope we can lay out some process where, first of all, we would try to bring up or at least proceed to the bill we passed one other time. We would have to obtain cloture. That would probably not be invoked.

Then perhaps the Senator from North Dakota could lay down his 1-year extension, and if at that time we should have a bipartisan compromise, we would offer that as a substitute. That is what we have been discussing. I have talked to the Democratic leader two or three times today. I know the farmers are anxious in all parts of the country. We hope we can work it out. It may not be possible to do it that quickly, but we are working on it. Our staffs will continue to work in a bipartisan way, and we hope we can have it done by next Thursday.

Therefore, I feel compelled to object.

The PRESIDING OFFICER. Objection is heard to the request of the Senator from North Dakota.

Mr. DORGAN. If the Senator will yield for one moment, I understand that, and I hope we can reach a bipartisan compromise on this. I think, to the extent we will move to it and address it next week, that is real progress. I think farmers and others in rural America will be pleased by that, and I hope we can make some significant progress next week on this issue.

I thank the Senator from Kansas.

ORDER OF PROCEDURE

Mr. DOLE. I will just indicate to my colleagues, I know others have planes to catch. I will come back on the floor later. It is quite possible we will be in session on Tuesday and Wednesday of next week for morning business.

I think on Tuesday there will be maybe 3 hours equally divided, on Wednesday 4 hours equally divided, and on Thursday it would be my hope that we could have completed the telecommunications conference by then and have that conference report on the floor; also, that we might have some agreement on the farm legislation, at least on the Senate side, and have that vote on Thursday, and any other votes that may come up. We could have a vote on Thursday of next week. I do not anticipate any votes prior to Thursday. If something should occur so that those votes should become unlikely, we could still be in morning business. But we would notify our colleagues on both sides of the aisle.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, let me thank the majority leader for that information. We have had a good discussion about the schedule next week, and I am pleased that there is a possibility that we could address both the farm legislation and the telecommunications bill. So next week could be a very productive week, and hopefully we can continue to ensure that that can be done on Thursday.

TRIBUTE TO LYNN TERPSTRA

Mr. DASCHLE. Mr. President, the Democratic Policy Committee's assistant editor, Lynn Terpstra, will retire from the Senate next week. This marks the end of the long and productive career of a vigilant and dedicated congressional staff member.

Hers is a career that spans 25 years, from 1969 to 1996.

Lynn Terpstra began her congressional career in July, 1969, on the staff of Senator George Aiken of Vermont. Her next Senate assignment was on the staff of the Commission on the Operation of the Senate. In February 1977,

she brought her quick mind and diligent habits to the Senate Democratic Policy Committee. Her technical skills and her grasp of how to help organize the ever-increasing DPC graphics and publications workload made Lynn an invaluable player on the DPC team.

Lynn Terpstra's keen eye, creative talent and dedicated approach to the work of the Senate's Democratic Policy Committee will be missed. The DPC is grateful for her contribution to our work, and I want to thank Lynn and wish her well in her future endeavors.

I yield the floor.

BILL READ THE FIRST TIME—S. 1541

Mr. LUGAR. Mr. President, after consultation with the distinguished majority leader, Mr. DOLE, I send a bill to the desk and ask for its first reading.

The PRESIDING OFFICER. The bill will be read for the first time.

The legislative clerk read as follows:

A bill (S. 1541) to extend, reform and improve agricultural commodity, trade, conservation, and other programs, and for other purposes.

Mr. LUGAR. Mr. President, I now ask for its second reading.

Mr. NUNN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The bill will be read on the next legislative day.

UNANIMOUS-CONSENT AGREEMENT

Mr. LUGAR. Mr. President, given this turn of events, I ask unanimous consent that it be in order on Tuesday, January 30, 1996, for the majority leader or his designee to file a cloture motion with respect to the farm bill to be introduced this evening.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair. I will simply say, parenthetically, this is the farm bill that has been referenced by the majority leader, and cloture will attempt to be obtained on this. I appreciate the procedure of the Senate.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

DEFENSE AUTHORIZATION BILL

Mr. EXON. Mr. President, I want to take a moment, if I might, to congratulate the Senator from South Carolina, Senator THURMOND, the chairman of the Armed Services Committee, on which I am pleased to serve, and his counterpart on the Democratic side, Senator Sam NUNN from the State of Georgia. They did an exceptional job in getting finally a defense authorization bill approved that the President said he will sign after vetoing the previous bill.

I thought the President was right in that timeframe when he vetoed the bill. I am not happy completely with the bill, as I outlined earlier in remarks on the Senate floor before the vote. But certainly the Senator from South Carolina and the Senator from Georgia did an admirable job in eliminating some of the most obnoxious parts of the defense authorization bill originally and coming to a successful conclusion today where we have passed it in the U.S. Senate.

START II TREATY

Mr. EXON. Mr. President, I want to move on and thank my dear friend and colleague who has just spoken with regard to the START II Treaty. There is nothing that has a better chance for the hope of mankind in the future than the overwhelming approval of the START II Treaty. When it is implemented, it will reduce the number of nuclear warheads both in Russia and the United States of America. I congratulate the ranking member and the chairman of the Foreign Relations Committee for a job very well done.

Mr. PELL. Mr. President, if the Senator will yield for a moment, I want to say what a wonderful job the chairman, Mr. HELMS, and my fellow floor manager, Senator LUGAR, have done. I thank the Senator from Nebraska for his kind remarks.

I think this is truly a historic day. I am glad my retirement from the Senate is coming after this and not before.

Mr. EXON. I thank my friend, Senator PELL, so very, very much.

TOUGH TALK ON THE FARM BILL IS DOUBLETALK

Mr. EXON. Mr. President, on another matter, very briefly—and I will not tie up the Senate, it will take me 3 or 4 minutes—I want to talk briefly about what I was surprised to see, which I term "Tough Talk on the Farm Bill Is Doubletalk."

Mr. President, in the Friday edition of the Omaha World Herald there was a curious story. In it, Dean Kleckner of the American Farm Bureau takes to task several farm State Senators and seems to blame us for the impasse on the farm bill. He goes so far as to say, and I quote: "I have heard some Members of Congress say that the (Freedom to Farm) bill will pass over their dead bodies. If there is no farm bill, there will be a lot of dead bodies."

Mr. President, this is, indeed, curious and offensive hyperbole. Some of us have been encouraging a farm bill to be brought up for debate and to be acted on for a long time. But where was the Farm Bureau? They certainly were not taking that line on December 13.

On that day, I received a letter from Mr. Kleckner which took just the opposite position. The Farm Bureau wanted a farm bill only, quoting from that letter, "provided it is part of the budget reconciliation package."

This bit of now you see it and now you don't from the Farm Bureau should come as no surprise, however. On November 6, I received a letter from Mr. Kleckner which said in part, "Particularly troubling throughout this debate has been the inability of the budget process to encourage programs which provide higher income supports when market prices are low and lower supports when prices are high."

And he added at that time in that message, "Continued linkage of market prices and producer payments is very necessary."

In essence, the Farm Bureau staked out a position that is absolutely contrary to the Freedom to Farm bill that it now endorses. That is a 180-degree change. Now they support a farm welfare bill that, I believe, will fail our farmers who do not want welfare payments to do nothing. It cannot withstand the light of day, and I predict that it will not. I am at a loss to explain the schizophrenic behavior of the Farm Bureau. Perhaps they want to hurry up and clear the tracks so they can campaign in the Iowa caucuses and New Hampshire primary. I, for one, however, would prefer that Congress stay in session to work out a farm policy that makes sense, and maybe what was decided tonight is going to allow us to do that.

Certainly, if we do that, it will give us the time for the Farm Bureau to change their minds once again.

I ask unanimous consent that communications of different views from the Farm Bureau of November 6, 1995, December 13, 1995, January 26, 1996, and the Omaha World Herald story of January 26, 1996 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, December 13, 1995.

DEAR SENATOR: Farm Bureau members are concerned about reduced farm program spending levels but support the framework of the Congressional farm program compromise provided it is part of the budget reconciliation package.

It is urgent that a budget agreement be reached before the end of 1995. The situation is especially critical for America's farmers and ranchers who need to make planting decisions for the 1996 crop year now.

The American Farm Bureau Federation supports the overall reconciliation package as developed by Congress which includes tax relief, spending restraint and a balanced budget within seven years.

The people have spoken in support of significant government reform and reduced federal spending to balance the budget in seven years. The 4.5 million Farm Bureau families across the nation urge swift and responsible action to resolve the budget impasse.

DEAN R. KLECKNER,
President.

AMERICAN FARM BUREAU FEDERATION,
Washington, DC, November 6, 1995.

Hon. JAMES J. EXON,
528 Senate Hart, Washington, DC.

DEAR SENATOR EXON: The agriculture components of both the House and Senate Budget Reconciliation packages propose substantial changes in farm policy. Both proposals significantly restructure the income safety net for farmers and drastically reduce the dollar amount of that support over the seven-year period. This leaves farm program crop producers more exposed to the production and price risk inherent in farming. The level of spending reductions currently under consideration represents far more than a fair share for agriculture. Even at reduced levels of spending reductions, agriculture would still provide a significant contribution to deficit reduction.

Neither the Senate nor House proposal contains all the answers. In fact both, to a great extent, are too directly driven by the vagueness of budget scoring rather than effective long-term agricultural policy.

Within the Senate and House proposals there are several key elements of an income safety net which should become part of the final reconciliation package.

These elements include:

1. Increased planting flexibility;
2. Minimal use of supply management tools;
3. Increased non-paid flex acres to meet budget requirements;
4. Continued linkage of market prices and producer payments;
5. Protections for non-program crop producers; and
6. Utilization of all budgeted outlays for mandatory program spending.

Particularly troubling throughout this debate has been the inability of the budget process to encourage programs which provide higher income supports when market prices are low, and lower supports when prices rise, while utilizing available budget outlays. In order to provide a long-term safety net the conference committee should develop a program which maintains a price-payment linkage and allows budgeted funds not expended in years of high prices to be available in years in which farm income is low. Failure to resolve this issue will render farm programs either an ineffective income support mechanism or subject them to being an irresistible political target. Unless good policy prevails over budget rules and scoring limitations, American farmers will lose.

The American Farm Bureau supports the Senate language with regard to the dairy provisions. We do not believe that complete deregulation of the dairy industry is in the best interest of our producers across the United States. Full funding for the Dairy Export Incentive Program (DEIP) to the maximum extent allowed by the Uruguay Round of GATT should be included in the conference agreement.

Likewise, we ask conferees to build on the growing opportunities for agricultural exports made possible by the passage of GATT and NAFTA. U.S. agricultural exports are expected to reach $53 billion in 1995. The continuation of effective trade policy is paramount to maintaining market share in the world agricultural economy. Cuts in trade programs would jeopardize the hard fought battle to combat unfair foreign subsidies and regain world market share. We strongly urge you to restore funding for agricultural export promotion and development programs to GATT-permissible levels. We would support increases in unpaid flex to accomplish this goal.

We support the EQUIP, livestock cost-share program, and the elimination of the authority for permanent easements within the Wetlands Reserve Program and on properties acquired by the Farmers Home Administration. We believe these ideas promote sensible agricultural policy that can also generate needed budget savings.

Establishing long-term priorities for agricultural policy should be a part of the new farm bill. As the income safety net is reduced, discussions should be focused on research needs, trade opportunities, credit requirements and risk management alternatives for U.S. farmers. We support the establishment of a national farm policy impact review process.

We appreciate your interest in our views on farm policy. We look forward to working with you to ensure that a farmer-friendly farm policy becomes law.

Sincerely,

DEAN R. KLECKNER,
President.

AFBF CALLS FOR IMMEDIATE ACTION ON SEVEN-YEAR FARM BILL

PARK RIDGE, IL.—January 25, 1996.—With the absence of progress on federal budget reform, the American Farm Bureau Federation said a farm bill like the one formerly linked to the congressional budget reconciliation proposal is needed immediately.

The AFBF Board of Directors today said the organization would support a seven-year farm bill now being proposed by House Agriculture Chairman Pat Roberts (R-Kan.), as a stand-alone measure or attached to other legislation. The Roberts proposal includes greater planting flexibility so farmers can better respond to the marketplace and financial support in the form of "market transition payments."

The reasons for this move are numerous, according to AFBF President Dean Kleckner. The two alternatives—an extension of the 1990 farm bill, or reverting to the 1949 farm act—are unacceptable to America's farmers.

Kleckner said the 1949 act is incompatible with U.S. farmers selling their commodities in the world market, and an extension of the 1990 act would fail to provide farmers needed planting flexibility and would invite deeper cuts in agriculture spending during future budget reconciliation efforts.

"Spring planting season in many southern states is just around the corner," Kleckner said. "Farmers must be able to make their planting decisions and secure financing from lenders with full knowledge of the farm program. A stand-alone farm bill, like the framework proposed by Chairman Roberts is essential to the viability of American agriculture over the next seven years."

According to Kleckner, immediate action is required because the longer it takes to approve a farm bill, the lower agriculture's funding baseline will be. He also said a delay would increase the budget pressures on agriculture in any future budget reconciliation efforts.

"Farmers will continue to push for the tax reform measures included in the stalled budget reconciliation measure," Kleckner said. "Securing an increase in the estate tax exemption and a decrease in the capital gains tax rate are as important to the agriculture economy as nailing down a sensible farm bill. We will continue to highlight the importance of those tax measures as the budget debate continues, but America's farmers need a farm bill now. AFBF and state Farm Bureaus will be making a concerted push in Washington, D.C. and at home in the coming weeks, during Congress' ill-timed February recess."

[From the Omaha World Herald, Jan. 26, 1996]

FARM BUREAU TRIES TO FREE MIRED FARM BILL

(By David C. Beeder)

WASHINGTON.—Members of the American Farm Bureau Federation are seeking immediate action on farm legislation that has been stalled along with the balanced-budget bill. Farm Bureau President Dean Kleckner said Thursday.

Kleckner said the 4.5 million-member Farm Bureau, the country's largest agricultural organization, has started working in every congressional district to urge House and Senate members to separate farm legislation from the long-delayed budget bill.

"Our intention now is to lead the charge in getting a farm bill passed as soon as possible," said Kleckner, a farmer from Rudd, Iowa. "Spring planting season in many Southern states is just around the corner."

Without farm legislation, some farmers are finding it difficult to borrow money, Kleckner said.

A stand-alone farm bill introduced by Rep. Pat Roberts, a Republican from Kansas who heads the House Agriculture Committee, would allocate $44 billion over seven years to make declining annual payments to farmers based on subsidies they received in the past.

The Roberts bill, co-sponsored by Rep. Bill Barrett, R-Neb., would eliminate acreage restrictions and a requirement that farmers grow the same crop year after year to qualify for payments. Farmers could plant any crop, or no crop, under the bill.

Kleckner said everyone involved in U.S. agriculture recognizes that "declining payments are a fact of life we will have to live with."

However, he said, "My gut feeling is there will always be payments made on agriculture. They may not be related to crop production. They may be made for environmental reasons."

The Roberts-Barrett bill has run into opposition in the Senate.

Opponents include Sens. Tom Daschle, D-S.D., the minority leader, Byron Dorgan, D-N.D., Bob Kerrey, D-Neb., J.J. Exon, D-Neb., and Tom Harkin, D-Iowa.

"I have heard some members of Congress say the bill would pass over their dead bodies." Kleckner said, "If there is no farm bill, there will be a lot of dead bodies."

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

AGRICULTURE

Mr. HARKIN. Mr. President, I have another matter on which I wish to speak, but I want to thank the Senator from Nebraska for bringing this issue to the floor. For the life of me, I cannot understand why we do not have a farm bill this year. We passed a farm bill out of the Senate Agriculture Committee. It was not what I wanted. But we had our votes, we debated it. Yet, we never brought it on the Senate floor to debate and vote on it. Never. Here it is, almost February 1996, and farmers in our area do not know what to do, how much credit to apply for, or what seed to buy, or what kind of program

we are going to have this year. Then listening to the Senator from Nebraska repeat the rapid changes in the national president, or chairman, whatever his position is, of the Farm Bureau, is disconcerting at best.

The Senator from Nebraska, if I understand this right, said that as recently as a month ago, the leader of the Farm Bureau was saying in a letter that was written publicly, I guess, that the Farm Bureau was in favor of a farm program that would have some connection between commodity programs and support prices, and that they were in favor of a program that would support farmers in years when prices were low, but not necessarily when prices are high. Was that just a month ago, I ask the Senator?

Mr. EXON. I believe the date was November 6, maybe 60 days ago. The timeframe may be a little over a month. But the Senator is absolutely correct, regardless of the date, there was a dramatic change overnight, without any explanation from the Farm Bureau of being against the program they are now for, and that boggles my mind.

Mr. HARKIN. I add, on the Agriculture Committee last summer—and I forget the exact date—the same individual, the president of the American Farm Bureau, was before our committee. Then we were talking about the budget, of which the distinguished Senator from Nebraska knows a lot, since he is a ranking member on our Budget Committee. I was asking him about the budget. I said that the Clinton budget cuts about—I think at that time it was around $4 billion, over a period, from agriculture, and I think the House budget cut something like $13 billion or $14 billion from agriculture. I asked him, "Given those two options, which would you prefer? Which would the Farm Bureau be for?" He said they would prefer the Clinton budget.

Now it seems like there is another big turnaround where they want this so-called freedom to farm bill, which, as the Senator said, is really the farm welfare bill. I do not know how anyone could ask us to pass a bill that would give a Government check to a farmer when prices were extremely high in the marketplace. But that is what they are asking for. It is a siren song for farmers. If they buy into that, in a few years there will not be any farm program or any farm bill at all to protect them when prices are low. I thank the Senator for bringing this up.

Mr. EXON. If the Senator will yield for a minute——

Mr. HARKIN. Yes. I yield.

Mr. EXON. My friend has been at the forefront of workable farm programs for a long time. I am as mystified as he is. To build upon what the Senator just said, I placed in the RECORD the other day the farm welfare program, the so-called Freedom to Farm Act. It would provide a massive amount, thousands of dollars a year, to a farmer whether or not the farmer even planted, on one hand, and he would get the same amount of thousands of dollars—I figured out that a typical farm of 500 acres, a corn farmer, at $3.10 a bushel, under the Freedom to Farm Act, even though that farmer at 500 acres, 120 bushels return, which is somewhere near normal——

Mr. HARKIN. We get more than that in Iowa.

Mr. EXON. It would be $186,000 gross income the farmer would make. That is gross, not net. But on top of that $186,000, that particular farmer would receive a check of about $16,000. Or, I might add, if the price of corn went up to $4 a bushel, he would still get the $26,000, or at $5 a bushel, the farmer would get the $26,000; or if the farmer did not want to do anything and just sit home and watch television and surf the channels and not even go out and plant, he still gets $26,000 from the Federal Government.

If that is not a form of welfare—as I said in my remarks, once the Sun shines in on that, once the members of the Farm Bureau realize and recognize that their leadership is trying to convert a farm program based on production that supports them when prices are low but does not support them when they are getting $3.10 a bushel, there is going to be a revolution in the Farm Bureau. There is also going to be, what is more serious, a revolution that the Senator from Iowa commented on when the people of the United States and the Members of the House of Representatives and U.S. Senate recognize that you are throwing that kind of money away, regardless of what the price of corn is, even at $5 a bushel, you get it whether or not you earn it, and that is welfare.

Mr. HARKIN. I thank the Senator from Nebraska. I compliment him. He has been a great leader in agriculture. I am going to miss his leadership in the years to come on the Senate floor.

REDUCING NUCLEAR TENSIONS IN THE WORLD

Mr. HARKIN. Mr. President, I rise on a matter of great concern to me and all those who are concerned about reducing nuclear tensions in the world, who are concerned about nonproliferation, and who are in favor of and concerned about a comprehensive test ban treaty. I might point out that in the State of the Union Message last Tuesday, President Clinton said that one of the things he wanted to accomplish was a comprehensive nuclear test ban treaty.

Most experts agree that nowhere on Earth is the potential for a nuclear confrontation more real today than on the Indian subcontinent. Recent news has only served to heighten those concerns.

According to an article in the December 15, 1995, issue of the New York Times, "U.S. intelligence experts suspect that India may be preparing for its first nuclear test since 1974." Needless to say, Mr. President, this is alarming news and it cannot be taken lightly.

Mr. President, this is the article from the New York Times, Friday, December 15: "U.S. Suspects India Prepares To Conduct Nuclear Test."

The day after that, on December 16—I might add in this article of December 15, the Indian spokesman said that that is not what it was. He said that these were army exercises whose "movements have been absurdly misinterpreted." That was on December 15.

On December 16, the next day, a story in the New York Times: "India Denies Atom-Test Plan But Then Turns Ambiguous."

It went on to say that the Indian Government denied it was planning its first nuclear test, and a few hours later recast its position to describe as "highly speculative" a report in the New York Times that quoted American intelligence experts as saying they suspected an Indian test was being prepared.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Dec. 15, 1995]

U.S. SUSPECTS INDIA PREPARES TO CONDUCT NUCLEAR TEST

(By Tim Weiner)

WASHINGTON, December 14.—American intelligence experts suspect India is preparing for its first nuclear test since 1974, Government officials said today.

The United States is working to discourage it, fearing a political chain reaction among nuclear nations.

In recent weeks, spy satellites have recorded scientific and technical activity at the Pokaran test site in the Rajasthan desert in India. But intelligence experts said they could not tell whether the activity involved preparations for exploding a nuclear bomb or some other experiment to increase India's expertise in making nuclear weapons.

"We're not sure what they're up to," a Government official said. "The big question is what their motive is. If their motive is to get scientific knowledge, it might be months or years before they do the test. If it's for purely political reasons, it could be this weekend. We don't know the answer to those questions."

Shive Mukherjee, Press Minister of the Indian Embassy here, said today that the activities at the nuclear test site were army exercises whose "movements have been absurdly misinterpreted."

The Congress Party of India, which has governed the country most of the years since independence in 1947, is facing a serious challenge from a right-wing Hindu nationalist party. United States Government officials say a nuclear weapons test could be used by the Congress Party as a symbol of its political potency.

Despite efforts to persuade the world's nuclear powers to sign a comprehensive test ban treaty, China and France have tested nuclear weapons in recent months. If India follows suit, its neighbor, Pakistan, with which

it has tense relations, may also test a nuclear weapon, Government and civilian experts said. Neither country has signed the Nuclear Nonproliferation Treaty.

"It's going to have a nuclear snowball effect," said Gary Milhollin, director of the Wisconsin Project on Nuclear Arms Control in Washington and a leader civilian expert on the spread of nuclear weapons. "It also jeopardizes the possibility that the world will sign a comprehensive test ban treaty next year."

A State Department official who spoke on condition of anonymity said that if India exploded a nuclear bomb, it "would be a matter of great concern and a serious setback to nonproliferation efforts."

"The United States is committed to the early completion of a comprehensive test ban," the official said. "We are observing a moratorium on nuclear testing and we have called upon all nations to demonstrate similar restraint."

But not all nations have heard the call.

India says publicly that it wants the complete elimination of nuclear weapons. But its nuclear hawks argue that the United States and Russia will never live up to that ideal and that a comprehensive test ban that is not linked to drastic reductions in the world's nuclear arsenals could leave India a second-rate or third-rate nuclear power.

Mr. Milhollin said India did not have a great archive of test data for nuclear weapons that could be mounted on a warhead and placed on a missile. "Once the test ban treaty comes in, they will be data-poor," he said "A test now would supply them data, it would be a tremendous plus for the Congress Party, it would give them a big boost in the elections."

Political pressure for a nuclear test is building among India's right wing. "They are saying: 'What are we sitting around for? Why should we sign a test ban treaty not linked to the reduction of nuclear weapons?'" said Selig S. Harrison, an expert on South Asia at the Carnegie Endowment for International Peace.

In 1974 India exploded what was believed to be a Hiroshima-sized bomb equal to 12,000 tons of TNT, which it called a "peaceful nuclear explosion." It renewed its program some years later, and in 1989 the Director of Central Intelligence, William H. Webster, testified that India had resumed research on thermonuclear weapons.

While India has sought to limit the nuclear abilities of China, it is most concerned about the nuclear-weapons program of Pakistan, although Pakistan has not acknowledged it has one. The two countries have had three wars, unending political tensions and constant border disputes since they were formed by the partition of India in 1947 after its independence from Britain.

A subnuclear experiment, which would not involve a nuclear explosion, might not have the political effect of a full-fledged detonation. But Administration officials said they feared that any test would create pressure on Pakistan to follow suit.

"We look at this in a balance with Pakistan," a White house official said.

[From the New York Times, Dec. 16, 1995]

INDIA DENIES ATOM-TEST PLAN BUT THEN TURNS AMBIGUOUS

(By John F. Burns)

NEW DELHI, Dec. 15.—The Indian Government denied today that it was planning its first nuclear test since 1974, then recast its position a few hours later to describe as "highly speculative" a report in the New York Times today that quoted American intelligence experts as saying they suspected an Indian test was being prepared.

The Government offered no explanation for the change in its statements. But the effect was to leave open the possibility that an underground test is being prepared or that the Government wants to keep alive the impression that it has the option to conduct a test.

Senior political, military and scientific officials in India gathered to discuss the response to the Times report, which said United States spy satellites had detected preparations at the Pokaran test site in Rajasthan, 340 miles west of New Delhi.

Western intelligence agencies say India has been pursuing a secret nuclear weapons program intensively for years.

Someone faxed a copy of the Times article to the Foreign Ministry shortly after the first edition of the newspaper went on sale in New York on Thursday night. Within an hour, Arif Khan, Foreign Ministry spokesman, telephoned the Times bureau in New Delhi with a denial. "There is no truth in this," he said. "There is no question of any test being conducted."

Mr. Khan said the technical activity detected could have been related to "routine military exercises," including a recent air force training operation in the area, which is near the Pakistan border.

After the high-level officials had met to discuss the issue, Mr. Khan held a briefing for reporters, and was cautious in his responses, avoiding outright denial. "It is a totally speculative kind of report," he said. When a reporter asked if the speculation was true or false, he replied: "There is no such thing as true speculation. Speculation is speculation."

By encouraging uncertainty about its plans the Government appeared to be following the ambiguous policy it has laid down since the test at Pokaran on May 18, 1974. That test stunned Western governments that had hoped that India would turn its back on nuclear weapons. At the time, India described the test of a Hiroshima-sized bomb equal to about 12,000 tons of TNT, as "a peaceful nuclear explosion," a description Mr. Khan repeated today.

India's program to perfect nuclear warheads has been presented as a contingency plan, not as a program aimed at building or deploying nuclear weapons. Mr. Khan re-affirmed this position today, saying, "While we have the capability, we have not utilized it, because we believe in the peaceful uses of nuclear energy and not for weapons purposes."

But behind this public stance, Indian experts said, pressures have been building for new tests. The experts said the tests would measure the effectiveness of development since 1974, allowing scientists to measure the efficiency of new approaches to bomb-making, including miniaturization of warheads and new triggering mechanisms.

But others said the main pressure has been political. While the nuclear debate here has focused on Pakistan, which has been identified by United States intelligence officials as having its own secret nuclear weapons program, officials say India's long-range concerns focus more on China, which has at least 450 nuclear-armed ballistic missiles capable of striking targets in India.

Mr. HARKIN. India has denied but Indian officials have failed to state clearly and categorically that India will refrain from testing. I fear, and many others fear, if India proceeds with its testing program then Pakistan will feel obligated for their own security reasons to follow suit. This deadly game of chicken would almost certainly escalate.

To make matters even more troubling, reports today indicate that international negotiations in Geneva on a comprehensive nuclear test ban treaty are being severely complicated, perhaps even undermined, by India's insistence to link a test ban with total nuclear disarmament.

Mr. President, India must be reminded that a nuclear test will trigger severe economic sanctions. U.S. military and economic aid, U.S. support for loans by the World Bank and other multilateral institutions, and export licenses, would all be suspended.

Mr. President, it is time for both India and Pakistan to pull back from a nuclear collision course. It is time to end the nuclear saber-rattling and begin real talks at the negotiating table. To that end, Mr. President, I commend the recent statement by Pakistan Prime Minister Benazir Bhutto expressing Pakistan's willingness to meet with India anywhere in the world at any time to ensure that what happened in Hiroshima and Nagasaki does not happen in Pakistan or India. I hope Indian officials take up her offer. It is the right thing to do.

The fact is that in the two decades since India's first nuclear weapons test, Pakistan has initiated at least eight proposals to reduce or eliminate the threat of nuclear weapons in that region. Most recently, it proposed the creation of a missile-free zone in all of South Asia. Each time, India has resisted these proposals.

Mr. President, I had a chart prepared which is the Pakistani proposals that they have provided, that they have produced over the years, trying to seek an accommodation, trying to keep nuclear weapons from being produced in their area. I might just briefly go through those.

First, to establish a nuclear weapons free-zone in South Asia, proposed in 1974; second, to issue a joint Indo-Pakistan declaration renouncing the acquisition and manufacture of nuclear weapons, proposed in 1978; to have mutual inspections by India and Pakistan of nuclear facilities, proposed in 1979; for simultaneous adherence to NPT by India and Pakistan, proposed in 1979; to endorse a simultaneous acceptance of full-scope international atomic energy agency safeguards, proposed in 1979; for agreement on a bilateral or regional nuclear test ban treaty, proposed in 1987; to commence a multilateral conference on the question of nuclear proliferation in South Asia, proposed in 1991; and to create a missile-free zone in all of South Asia, proposed in 1993.

These are the steps that Pakistan has proposed over the years to reduce the level of tensions, to stop the production of nuclear weapons in that area.

Each time that they have proposed this, India has resisted these proposals.

Mr. President, since the end of the cold war, solving nuclear tensions in the Indian subcontinent has been a leading nonproliferation goal of the United States. At best, this senseless arms race would squander billions of dollars and decrease security in the region and beyond. For this reason I call on my colleagues to join me in urging India to clearly state that it will refrain from nuclear testing. Furthermore, I call on the administration to support efforts to bring both India and Pakistan together for negotiations to eliminate the threat of nuclear proliferation in that region once and for all.

Mr. President, I further ask unanimous consent to have printed in the RECORD an editorial that appears in the Chicago Tribune, Sunday, January 7, 1996, entitled "The Nuclear Danger In South Asia."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Jan. 7, 1996]

THE NUCLEAR DANGER IN SOUTH ASIA

Here's a question certain to unsettle those who still delude themselves that the end of the Cold War eliminated the menace of potential nuclear war on planet Earth: Is there an international rivalry today, one so unstable and hostile, that nuclear weapons might be launched in anger?

According to those in the government charged with keeping an American eagle on this problem, the answer, sadly, is yes. Not so very likely between the U.S. and Russia, they say—thank goodness!—nor between the U.S. and China. And while the two Koreas remain locked in a standoff of highly hostile intent, the South has no nuclear capability.

A nuclear war between India and Pakistan is the most likely scenario. Partitioned from former British colonial territory, the two nations are divided by religion and already have fought three wars over territory.

The Bush administration went so far as to say in private that it believed the 1990 Indo-Pakistani dispute over the province of Kashmir might have gone nuclear had shooting started in that crisis.

That's why reports from the U.S. intelligence community that India is preparing for another nuclear test, its first in 21 years, are worrisome. Why would India want to throw a match into this tinderbox?

The government of India denies American accusations, that it is about to conduct a nuclear operation at its Pokaran test site in the Rajasthan desert. But American experts say that two motivations may be driving India to a new round of testing.

First, the sitting government has been stung by weak electoral showings and can read public opinion that favors a strong defense, including nuclear arms.

And second, India wants to publicly defy the will of the major nuclear powers, which are urging treaties that would forever bar new states from seeking nuclear defenses. India derides such a system of dividing the world into "bomb haves" and "bomb havenots" as "nuclear apartheid."

Why should the world care if India and Pakistan continue to go nuclear? There are reasons of the heart and of the mind.

Between them, India and Pakistan are home to a full one-fifth of the world's population, and even a nuclear exchange "limited" to a few warheads would present a humanitarian and ecological disaster of near-biblical proportions.

And to be coldly realistic, nobody knows what would happen once the nuclear taboo was broken, but the liberating effects—and on possible enemies of the United States—cannot be dismissed. The nuclear genie must remain locked in the bottle.

Thus, India must be dissuaded in every way possible from conducting a nuclear test. And it should join in understanding that the Nuclear Non-proliferation Treaty and the Comprehensive Test Ban Treaty will make the whole planet safer for all by limiting the spread of nuclear weapons and know-how.

Mr. HARKIN. Again, Mr. President, it is time to reduce the tensions in that area. The best way to do that is to use our good offices, the Administration, and also to let our voices be heard so that our friends in India—and I say that forthrightly; India is not an enemy of ours. They are a friend of ours. We have relations with India. But they have to understand the gravity of this situation. They have to understand that if they would clearly state that they will not conduct nuclear testing, how much further that would advance the cause of peace and reduce the tensions in that area.

Perhaps then we can get about bringing both India and Pakistan together, to stall the problems that we have in Kashmir, where thousands of innocent people are losing their lives. It need not be that way. We can solve these problems. But India must first renounce the use of nuclear weapons and must first state very clearly that they are not going to conduct nuclear testing.

With that out of the road, and I believe the pathway would be clear for this Administration and for other governments to get India and Pakistan together to solve the outstanding problems that continue to engulf the entire area.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUCTION OF SATELLITE SLOT BRINGS IN MILLIONS FOR AMERICAN TAXPAYERS

Mr. DOLE. Mr. President, I ask unanimous consent that today's New York Times article entitled, "News Corp. and MCI Win Satellite Slot" be printed in the RECORD. The sale of this national resource is a windfall for American taxpayers. Many thought it would only bring in $20 million to $100 million. But the experts were wrong. It brought in a whopping $682.5 million. Senator MCCAIN and Senator BROWN deserve recognition, and our thanks, for pushing through the legislation that made this auction possible.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 26, 1995]

NEWS CORP. AND MCI WIN SATELLITE SLOT

BID OF $682 MILLION TO BEAM TV TO HOMES

(By Edmund L. Andrews)

WASHINGTON, January 25.—After a brief but spirited bidding war, MIC Communications and Rupert Murdoch's News Corporation agreed today to pay the Federal Government $682 million for the last unclaimed orbital slot for a satellite that can beam television straight to individual homes across the United States.

The two companies, which have formed a joint venture to build and operate the system, said they planned to invest another $1 billion and hoped to begin offering both television and a broad range of business communication services within two years.

"We are talking about much, much more than higher quality television," said Bert C. Roberts, the chairman and chief executive of MCI, in a satellite-linked news conference with Mr. Murdoch.

But some analysts remain skeptical about the idea. MCI and the News Corporation paid top dollar for the license, more than twice that Tele-Communications Inc. of Denver was willing to pay when it dropped out of the Federal Communications Commission's auction on Wednesday.

The two companies will also be years behind several rivals, all of which either can or will beam more than 150 channels of television to relatively small antennas.

"I'm scratching my head, trying to figure out where they are going," said Daniel P. Reingold, a telecommunications analyst with Merrill Lynch.

DirectTV, a subsidiary of General Motors' Hughes Electronics, has signed up 1.2 million subscribers who receive service over antennas about 18 inches in diameter. And its pace is likely to speed up because the AT&T Corporation bought a small stake in the company this week and plans to start marketing its service through the AT&T sales force.

Echostar Communications of Englewood, Colo., which lost out to MCI in today's auction, already owns another direct-broadcast license and has launched its first satellite. It hopes to beam about 75 channels of television in March and to double that capacity with a second satellite by the end of the year.

And Primestar Partners, a consortium owned by several of the country's biggest cable television companies, is marketing a similar service that customers receive on bulkier three-foot-wide satellite dishes.

Today, however, Mr. Roberts and Mr. Murdoch radiated confidence and said they had much more in mind than simply emulating traditional cable television. Mr. Roberts described beaming things like medical images between hospitals, video training materials for corporations and high-speed data links to connect far-flung offices of a company.

Winning this license will allow MCI and the News Corporation to embark on the first tangible project of the alliance they formed nearly a year ago, in which MCI paid $2 billion for a 13.5 percent stake in News Corporation.

As the nation's second-largest long-distance carrier, MCI has been struggling to move beyond its traditional business and match moves made by both AT&T and the Sprint Corporation.

Sprint, meanwhile, has teamed up with four of the country's biggest cable companies in a bid to offer a full range of telephone, cable television and wireless communication services.

The new satellite license will allow the two companies to beam more than 200 channels of television programming over direct-broadcast satellites, high-powered satellites whose signals can be received by pizza-sized 18-inch dishes in individual homes.

Under the new joint venture, MCI said it would take lead responsibility for developing business communication services and the News Corporation would take the lead on consumer services. Mr. Murdoch said the consumer business would focus primarily on competing with traditional cable television operators.

Mr. Murdoch has already been both shrewd and highly successful in the satellite television business overseas. In Europe, the News Corporation owns a 40 percent in B Sky B, a service that now has five million subscribers. And in Asia, the News Corporation owns Star TV, which beams television and radio over Japan, Korea, China and India.

MCI, despite its difficulties in branching beyond the long-distance market, has nevertheless repeatedly shown itself a master of marketing prowess that has generally outpaced both AT&T and Sprint in the long-distance arena.

David Roddy, a communications analyst with Deloitte & Touche Consulting Group, said MCI had particular need for obtaining the last unclaimed satellite spot for direct-broadcast television because it had no other way of distributing entertainment and other forms of media.

"A lot of people are asking whether MCI can afford to do this, but my answer is, can they afford not to do it?" Mr. Roddy said.

MEDICARE REIMBURSEMENT FOR TAMOXIFEN

Mr. HATCH. Mr. President, each year in this country approximately 180,000 women are diagnosed as having breast cancer, a terrible disease that will claim nearly 50,000 lives. But, nearly 2.6 million women are breast cancer survivors, in part because of the availability of Tamoxifen citrate, a widely used post-operative drug for this disease.

My colleagues may not be aware that a low-cost version of Tamoxifen is available on the market today. As a result, the estimated 800,000 women who take two tablets per day of this lower cost medicine are saving a total of $81 million a year.

It has not been widely publicized, but during consideration of the Balanced Budget Act, a provision was included in the now-vetoed conference report to amend the Medicare Program to include reimbursement for Tamoxifen. In an effort to lessen the cost of this expansion of Medicare reimbursement, a rebate was included to reduce the cost of the drug to the Federal Government when covered as part of Medicare.

Unfortunately, I believe my colleagues were unaware of the negative effects of this rebate provision when it was passed as part of the budget bill. One notable drawback is that the provision would have set the very undesirable precedent of establishing a Medicare rebate. Such a rebate would be unwise policy for a number of reasons, but that is not the focus of my remarks here today.

More importantly, as a result of this new and unprecedented Medicare rebate, the provider of the low-cost alternative of Tamoxifen would no longer be able to make this product available in the domestic market. That is because the rebate, combined with the terms of a contract negotiated between the lower cost provider and the drug innovator, would cause the lower cost provider to lose money on each bottle of Tamoxifen sold.

Ironically, for Medicare beneficiaries and other consumers, the result of what I believe was a well-intentioned amendment could only be higher prices for this life-saving breast cancer therapy. Such a result would indeed be tragic, and I hope that my colleagues will give this a second thought as future Medicare bills are developed.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2880. An Act making appropriations for fiscal year 1996 to make a downpayment towards a balanced budget, and for other purposes.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2353) to amend title 38, United States Code, to extend certain expiring authorities of the Department of Veterans Affairs relating to delivery of health and medical care, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

At 1:28 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker pro tempore (Mr. GOSS) has signed the following enrolled bill:

S. 1341. An act to provide for the transfer of certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

At 7 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker pro tempore (Mr. GOSS) has signed the following enrolled bill:

H.R. 2280. An Act making appropriations for fiscal year 1996 to make a downpayment towards a balanced budget, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. Thurmond).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on January 26, 1996 he had presented to the President of the United States, the following enrolled bill:

S. 1341. An act to provide for the transfer of certain lands to the Salt River Pima-Maricopa Indian Community and the city of Scottsdale, Arizona, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 1406. A bill to authorize the Secretary of the Army to convey to the city of Eufaula, Oklahoma, a parcel of land located at the Eufaula Lake project, and for other purposes (Rept. No. 104–205).

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 583. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for two vessels (Rept. No. 104–206).

S. 653. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Aura* (Rept. No. 104–207).

S. 654. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Sunrise* (Rept. No. 104–208).

S. 655. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Marantha* (Rept. No. 104–209).

S. 656. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Quietly* (Rept. No. 104–210).

S. 680. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Yes Dear* (Rept. No. 104–211).

S. 739. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for

employment in the coastwise trade for the vessel *Sisu*, and for other purposes (Rept. No. 104–212).

S. 763. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Evening Star*, and for other purposes (Rept. No. 104–213).

S. 802. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Royal Affaire* (Rept. No. 104–214).

S. 808. A bill to extend the deadline for the conversion of the vessel M/V *Twin Drill*, and for other purposes (Rept. No. 104–215).

S. 826. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Prime Time*, and for other purposes (Rept. No. 104–216).

S. 869. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Dragonessa*, and for other purposes (Rept. No. 104–217).

S. 889. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Wolf Gang II*, and for other for other purposes (Rept. No. 104–218).

S. 911. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Sea Mistress* (Rept. No. 104–219).

S. 975. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Jajo*, and for other purposes (Rept. No. 104–220).

S. 1016. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Magic Carpet* (Rept. No. 104–221).

S. 1017. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with the appropriate endorsement for employment in the coastwise trade for the vessel *Chrissy* (Rept. No. 104–222).

S. 1040. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Onrush* (Rept. No. 104–223).

S. 1041. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Explorer* (Rept. No. 104–224).

S. 1046. A bill to authorize the Secretary of Transportation to issue certificates of documentation with appropriate endorsements for employment in the coastwise trade of the United States for fourteen former U.S. Army hovercraft (Rept. No. 104–225).

S. 1047. A bill to authorize the Secretary of Transportation to issue certificates of documentation and coastwise trade endorsements for the vessels *Enchanted Isles* and *Enchanted Seas* (Rept. No. 104–226).

By Mr. McCAIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 814. A bill to provide for the reorganization of the Bureau of Indian Affairs, and for other purposes (Rept. No. 104–227).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

DEPARTMENT OF DEFENSE

NOMINEE AND OFFICE: H. MARTIN LANCASTER, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE NANCY PATRICIA DORN, RESIGNED.

DEPARTMENT OF DEFENSE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND REAPPOINTMENT TO THE GRADE OF GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 154:

To be general

GEN. JOSEPH W. RALSTON, [redacted] U.S. AIR FORCE

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MARCUS A. ANDERSON, [redacted] U.S. AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 8373, 8374, 12201 AND 12212:

To be major general

BRIG. GEN. WILLIAM A. HENDERSON, [redacted] AIR NATIONAL GUARD
BRIG. GEN. TIMOTHY J. LOWENBERG [redacted] AIR NATIONAL GUARD
BRIG. GEN. MELVYN S. MONTANO, [redacted] AIR NATIONAL GUARD
BRIG. GEN. GUY S. TALLENT [redacted] AIR NATIONAL GUARD
BRIG. GEN. LARRY R. WARREN [redacted] AIR NATIONAL GUARD

To be brigadier general

COL. JAMES H. BAKER, [redacted] AIR NATIONAL GUARD
COL. JAMES H. BASSHAM [redacted] AIR NATIONAL GUARD
COL. PAUL D. KNOX, [redacted] AIR NATIONAL GUARD
COL. CARL A. LORENZEN [redacted] AIR NATIONAL GUARD
COL. TERRY A. MAYNARD, [redacted] AIR NATIONAL GUARD
COL. FRED L. MORTON, [redacted] AIR NATIONAL GUARD
COL. LORAN C. SCHNAIDT, [redacted] AIR NATIONAL GUARD
COL. BRUCE F. TUXILL [redacted] AIR NATIONAL GUARD

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be admiral

ADM. JOSEPH W. PRUEHER [redacted]

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE U.S. NAVY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, UNITED STATES CODE:

To be vice admiral

VICE ADM. RICHARD C. ALLEN [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JOHN J. MAZACH [redacted]

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE U.S. NAVY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, UNITED STATES CODE:

To be admiral

ADM. WILLIAM A. OWENS [redacted]

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 17 nomination lists in the Air Force and Army, which were printed in full in the RECORDS of September 19, 1995, November 28, 1995, December 4, 1995, and December 18, 1995, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of September 19, and November 28, December 4, and 18, 1995, at the end of the Senate proceedings.)

In the Army there are 1,655 promotions to the grade of major (list begins with David L. Abbott). (Reference No. 646.)

In the Air Force there are 30 appointments to the grade of second lieutenant (list begins with Todd D. Bergman). (Reference No. 733.)

In the Air Force Reserve there are 2 appointments to the grade of lieutenant colonel (list begins with Ruth T. Lim). (Reference No. 734.)

In the Army there is 1 promotion to the grade of lieutenant colonel (Nelson L. Michael). (Reference No. 735.)

In the Army there are 14 promotions to the grade of colonel (list begins with Robert L. Ackley). (Reference No. 736.)

In the Army Reserve there is 1 appointment to the grade of lieutenant colonel (Paul A. Ostergaard). (Reference No. 737.)

In the Army there are 41 promotions to the grade of lieutenant colonel (list begins with Charles W. Baccus). (Reference No. 738.)

In the Army there are 30 promotions to the grade of major (list begins with Mark E. Benz). (Reference No. 739.)

In the Army there are 106 appointments to the grade of colonel and below (list begins with Vincent B. Bogan). (Reference No. 740.)

In the Air Force there are 3.099 appointments to the grade of captain (list begins with James P. Aaron). (Reference No. 741.)

In the Army there are 363 promotions to the grade of colonel (list begins with Alvin D. Aaron). (Reference No. 742.)

In the Air Force there are 928 appointments to the grade of second lieutenant (list begins with Carlos L. Acevedo). (Reference No. 743.)

In the Air Force Reserve there are 23 promotions to the grade of lieutenant colonel (list begins with William C. Alford). (Reference No. 752.)

In the Air Force there are 12 appointments to the grade of colonel and below (list begins with Rogelio F. Golle). (Reference No. 753.)

In the Army Reserve there are 11 promotions to the grade of lieutenant colonel (list begins with William Hayes-Regan). (Reference No. 787.)

In the Army Reserve there are 38 promotions to the grade of colonel and below (list begins with Michael C. Appe). (Reference No. 788.)

In the Air Force Reserve there are 98 promotions to the grade of colonel (list begins with Dwayne A. Alons). (Reference No. 789.)

Total: 6,469.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first

and second time by unanimous consent, and referred as indicated:

By Mr. DEWINE (for himself and Mr. GLENN):

S. 1529. A bill to provide for the Federal treatment of certain relocating National Football League franchises, and for other purposes; to the Committee on Finance.

By Mr. BUMPERS:

S. 1530. A bill to create a government corporation to own and operate the Naval Petroleum Reserves and Naval Oil Shale Reserves, and for other purposes; to the Committee on Armed Services.

By Mr. McCAIN:

S. 1531. A bill to reimburse States and their political subdivisions for emergency medical assistance provided to illegal aliens under their custody as a result of Federal action; to the Committee on the Judiciary.

By Mr. SIMON:

S. 1532. A bill to provide for the continuing operation of the Office of Federal Investigations of the Office of Personnel Management, and for other purposes; to the Committee on Governmental Affairs.

By Mr. McCAIN:

S. 1533. A bill to provide an opportunity for community renewal and economic growth in empowerment zones and enterprise communities, and for other purposes; to the Committee on Finance.

By Mr. HATFIELD (for himself and Mr. KENNEDY):

S. 1534. A bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ABRAHAM:

S. 1535. A bill to strengthen enforcement of the immigration laws of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMPSON:

S. 1536. A bill to amend title 18, United States Code, to permit Federal firearms licenses to conduct firearms business with other such licenses at out-of-State gun shows; to the Committee on the Judiciary.

By Mr. ROBB (for himself, Mr. DASCHLE, and Mr. SIMPSON):

S. 1537. A bill to require the Administrator of the Environmental Protection Agency to issue a regulation that consolidates all environmental laws and health and safety laws applicable to the construction, maintenance, and operation of above-ground storage tanks, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GLENN (for himself and Mr. GORTON):

S. 1538. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of excess benefit arrangements of certain tax-exempt group medical practices, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 1539. A bill to establish the Los Caminos del Rio National Heritage Area along the Lower Rio Grande Texas-Mexico border, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 1540. A bill to amend chapter 14 of title 35, United States Code, to preserve the full term of patents; to the Committee on the Judiciary.

By Mr. LUGAR (for himself, Mr. DOLE, Mr. HELMS, Mr. COCHRAN, Mr. CRAIG, Mr. GRASSLEY, Mr. PRESSLER, and Mr. COVERDELL):

S. 1541. A bill to extend, reform, and improve agricultural commodity, trade, conservation, and other programs, and for other purposes; read the first time.

By Mr. ABRAHAM (for himself and Mr. LIEBERMAN):

S. 1542. A bill to amend the Internal Revenue Code of 1986 to provide for the expensing of environmental remediation costs in empowerment zones and enterprise communities; to the Committee on Finance.

By Mr. KERREY:

S. 1543. A bill to clarify the treatment of Nebraska impact aid payments; considered and passed.

By Mr. DORGAN (for himself and Mr. CONRAD):

S. 1544. A bill to authorize the conveyance of the William Langer Jewel Bearing Plant to the Job Development Authority of the City of Rolla, North Dakota; considered and passed.

By Mr. SPECTER (for himself and Mr. HOLLINGS):

S.J. Res. 48. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE:

S. Res. 213. A resolution commending Senator Sam Nunn for casting 10,000 votes; considered and agreed to.

By Mr. BROWN:

S. Res. 214. A resolution to express the Sense of the Senate concerning the payment of social security obligations; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. BRADLEY, and Mr. MOYNIHAN):

S. Res. 215. A resolution to designate June 19, 1996, as "National Baseball Day"; to the Committee on the Judiciary.

By Ms. SNOWE (for herself and Mr. COHEN):

S. Res. 216. A resolution to express the sense of the Senate that if a $1 coin is minted to replace the $1 bill, the Secretary of the Treasury should be authorized to mint and circulate $1 coins bearing the likeness of Margaret Chase Smith; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DEWINE (for himself and Mr. GLENN):

S. 1529 A bill to provide for the Federal treatment of certain relocation National Football League franchises, and for other purposes; to the Committee on Finance.

THE TEAM RELOCATION TAXPAYERS PROTECTION ACT OF 1996

Mr. DEWINE. Mr. President, I rise today to introduce, along with my distinguished colleague from Ohio, Senator JOHN GLENN, legislation that will get U.S. taxpayers out of the business of subsidizing NFL franchise moves.

It is clear by now that these franchise moves have a very substantial impact not only on communities, on the economy, but also, frankly, on the future of professional sports.

Mr. President, I have already on this floor in days past addressed at length the question of the proposed move of the Cleveland Browns to Baltimore. I believe, as do many Ohioans—indeed, as do many Americans—that this move is simply wrong. I have discussed on this floor the great tradition of the Browns, the love the people of Cleveland and the people of Ohio have for the Browns.

Candidly, whether you care about the Browns or do not, whether you are a sports fan or not a sports fan, you and every taxpayer are paying for this move—every taxpayer in the entire country. Whether you live in Cleveland, OH, or Los Angeles, CA, the Federal Government is reaching into your pocket to pay for this move. I believe the taxpayers will be shocked to know this, and they should be. The sports fan who have followed all the back and forth of this move, very few of them are aware today as I speak from the Senate floor that the Federal Government, is subsidizing this purported move by $36 million—$36 million of taxpayers' money.

That provides the occasion and the rational and the public policy reason for the legislation Senator GLENN and I are introducing today. Quite frankly, I can see no moral justification for taxpayers, for the people of Cleveland or anywhere else to reward a sports team with public money to assist that team in breaking its word and deserting the community. I believe that to do this is unconscionable and is simply wrong.

Let me put it in real terms. To force a family in Parma, OH, or Euclid, or in Cleveland, or in Columbus, OH, to take there tax dollars, to send them to Washington and to have Washington turn around and subsidize Baltimore, MD, to steal the team from the Browns and to do it with $36 million in Federal taxpayers' money makes absolutely no sense. I believe that we must stop the insanity. We must act to get the Government out of this subsidy business.

Mr. President, today, more and more public money is being used to support professional football franchises. Communities are making significant public investments to lure and keep NFL teams in there area. In each one of these cases, in return for the public investment, teams are agreeing to stay in the community for a specifically defined period of time. There is a deal made. The local community will offer financial incentives, will support the team, and in return the owner agrees to stay in that community during the term of the lease. It is fairly simple. Unfortunately, however, some franchises are breaking their part of the deal by seeking to relocate before the term of the deal has expired, before the lease is over.

That is why I am introducing legislation that will get the Federal taxpayer out of the business of subsidizing this

particular kind of relocation. The enactment of this bill will result, frankly, in less Government involvement in professional sports, not more. Under the current system, when a city or State wants to raise funds to build a stadium and thereby secure a professional team, it authorizes a governmental entity such as a stadium authority to issue bonds. In other words, to sell the debt to anyone who wants to buy the debt. The stadium authority can then use the proceeds to build the stadium and the people who have invested pay no tax on the interest they earn—tax-free bonds. The tax exemption allows the stadium authority to pay lower interest rates and thus keep more money for itself. They can build the stadium at less of a cost—in this particular case in Baltimore it is $36 million less cost. That is the difference between issuing the bonds, building the stadium with taxable bonds versus building that stadium with nontaxable bonds.

Mr. President, because the bondholder does not pay Federal tax on interest, the interest amounts to a Federal subsidy for stadium authority bondholders. For example, in the case of the Browns move, this subsidy is worth, as I have stated, $36 million to the Browns.

The legislation that Senator GLENN and I are introducing today will prohibit the use of these Federal subsidies in bond deals associated with the relocation of an NFL team, when that team breaks an existing deal with the community that has supported the team. In short, new Federal subsidies under this bill cannot be used to help a team violate an existing commitment where that commitment includes public money.

The bill's criteria are straightforward. There are five separate criteria and each one of these has to be met before our bill applies: First, if the franchise is currently in a public facility; second, if the proposed relocation will be to a new public facility; third, if fan support in the current location, the current team's local area—in this case, Cleveland—has been at least 75 percent of stadium capacity in the preceding season; fourth, if the current lease with the public entity has not expired—in other words, they are breaking the lease; and fifth, if asked, voters in the current jurisdiction have approved the use of further tax dollars to improve the current facility or to build a new one.

If all five of these criteria apply, then our bill provides as follows: No expenditure of Federal funds including grants, awards, loans, guarantees, tax credits, exemptions, allowances or any use of Federal tax-exempt financing may be used to benefit the franchise seeking to relocate.

In short, Mr. President, if you own a football team and you want to break your lease and the local community has done everything it can to support the team, you can do it; Congress will not stop you, not under this bill, but—but—the Federal taxpayers will not help you do it. They will not encourage you with a subsidy to do it. The Federal taxpayers will not subsidize your breach of faith. That is the message that the bill will send to NFL owners. If you want to go build your own stadium, you can do that, too, but the Federal taxpayers will not help you do it. If you want to rely only on State, local dollars, not Federal dollars, you can do that, too, but Federal taxpayers simply will not help you do it. If you want to break a deal in the community and the community you are leaving has done everything it can to keep its part of the bargain, then the Federal taxpayer will not get involved.

Mr. President, it is important to discuss this issue in the context of everything else that is occurring today and this past year in Washington. In the Senate, we have been consumed with decisions on Federal spending. How can we slow the rate of growth of spending? What Federal budget should we pass? How can we balance the Federal budget? We are making very tough decisions on health care for poor people, welfare reform, Medicare, Medicaid, the education of our youth.

I do not need to tell anyone in this Chamber that these are very difficult decisions, but here is an easy decision. As I stated earlier, in just this case, the case of the Browns purported move to Baltimore, it is estimated that the Federal tax subsidy is $36 million. That is over and above any local taxpayer subsidy—$36 million of Federal tax money, $36 million that will benefit one professional sports franchise.

The American people want to know what we mean by corporate welfare. This, Mr. President, is corporate welfare. This is what we mean. Paying the Browns $36 million of Federal money is, simply, morally wrong.

For me, the question is, under our serious budget constraints, what in the world justifies taking $36 million from taxpayers, including the ones in Cleveland whose trust with the Browns has been broken, to pay for this move? Absolutely nothing justifies it.

Mr. President, I have spoken at length regarding the impact of sports franchise relocation on the communities that love their teams. I have mentioned the pride that the people of Cleveland, the people of all of Ohio have in the Browns. I have discussed the unbroken bonds of affection that stretch from the days after the Second World War, when the Browns started playing in Cleveland, to today's fans who, frankly, still cannot believe that the Browns are trying to leave town. I will not replow that field here except to say simply this: Loyalty counts. Loyalty is not transferable.

The Cleveland story is very important precisely because the Browns are the heart and soul of Cleveland and because the people of Cleveland have done all they can to save the Browns. The Cleveland situation is, Mr. President, the worst-case scenario. If the Browns can leave Cleveland, any team can leave any town any time.

This was an ad that was paid for by Browns fans that appeared in USA Today. I think it pretty much summarizes the situation. If this can happen in Cleveland, Mr. President, this can happen to any team, to any sports fans in the country.

Mr. President, I ask unanimous consent for an additional 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, in the last several weeks we have seen much activity surrounding the Browns' move to Baltimore. The State of Maryland has filed an antitrust lawsuit against the NFL. The city of Cleveland sued the Browns. The city of Cleveland also sued the city of Baltimore. Who knows, there may be more lawsuits coming.

My bill does one very important thing: It gets the American taxpayer out of the middle of all this. Whatever the economic factors that cause teams to go and to come, whatever the circumstances that lead city to sue city, teams to sue teams, and the league to sue teams and individuals, the American taxpayer should be left out of it. The taxpayers' burden is high enough. It is wrong to make the taxpayers pay.

My bill does not seek to manage the NFL team relocation process. It does not intend to have more regulation of the NFL. But it does say that the Federal Government will not help them leave and that the Federal taxpayers will not subsidize these moves.

Mr. President, I considered naming my bill after our beloved "Dawgs" and the hard-core Browns fans who are represented in this particular ad. You see in the ad the "Big Dawg," who is certainly famous in Cleveland, around the country, a great fan looking at this empty stadium after the last home game. I considered naming my bill after the Dawgs, and the Dawgs, of course, is, in this case, spelled d-a-w-g-s. In this case, the Dawgs would stand for "don't allow welfare for greedy sports owners."

While that title would express very accurately the deepest feelings of the people of Ohio, I have decided on a title that would tell all Americans why they should support this particular bill. I have called the bill the Team Relocation Taxpayer Protection Act. The bill is called the Team Relocation Taxpayer Protection Act.

If you are a taxpayer and you think we have better things to spend Federal money on than corporate greed, you should support this bill.

Mr. President, I ask unanimous consent that the full text of this bill, the

Dawgs bill, the Team Relocation Taxpayer Protection Act, be printed in the RECORD.

Mr. SPECTER. Mr. President, before proceeding to the purpose for which I have sought recognition, I would like to express my support for the proposition outlined by the distinguished Senator from Ohio. I believe that Baltimore ought to have a football team, and that is the Colts. I think that Indianapolis is entitled to an expansion team.

I believe that Senator DEWINE has articulated the issue cogently and forcefully on a travesty which is being perpetrated on many American cities and on many American taxpayers. There is really a situation where sports teams are entrusted with a public interest.

The movement of the Dodgers from Brooklyn to Los Angeles was the start of pirating in America of sports franchises and should never have been allowed, accompanied by the movement of the Giants from New York to San Francisco.

We have seen that matter proliferate. It is hard to understand why the taxpayers of Maryland and Baltimore have to be in a bidding contest, which, as I understand it, approximates some $200 billion to bring a football team to Baltimore. Certainly Baltimore ought to have a football team, and it ought to be the Colts, which moved out of Baltimore in the middle of the night to go to Indianapolis.

American has a love affair with sports. I just came from a brief sporting event in the office of Senator KAY BAILEY HUTCHISON, where she and Senator SANTORUM and I articulated a bet on the Super Bowl game. If you cannot see this on C-SPAN 2, this is an unusual tie for me to wear. It is a Steelers tie.

I am going to be going to the Super Bowl, weather permitting and Senate schedule permitting. Who knows, we may be in session Sunday the way things are going. But I have participated in America's love affair with sports since I was a youngster in Wichita, KS, reading the box scores from the Wichita Eagle every morning because of my love and passion for baseball.

I have been attending the Phillies games and the Eagles games, and when I can, in Pittsburgh, the Pirates games and the Steeler games because of my love of the sport. It is tremendously exciting.

Just basically, it is unfair for the Browns—I was about to say the Indians—for the Browns to be taken out of Cleveland. I hope we can do something about it. I hope that with the complications of free agency and franchise removal, salary caps and revenue sharing, that we will be able to address this matter in a sane way in the Congress.

Baseball enjoys an antitrust exemption. Football enjoys a limited antitrust exemption from revenue sharing for television. I believe those sports are under an obligation to work out the rules so that the teams do not get themselves pirated from one city to another.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1529

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Team Relocation Taxpayer Protection Act of 1996".

SEC. 2. TREATMENT OF RELOCATING NATIONAL FOOTBALL LEAGUE FRANCHISES.

(a) EFFECT ON INTERSTATE COMMERCE.—

(1) FINDINGS.—The Congress finds that the conduct of a National Football League franchise occurs in interstate commerce and has a substantial effect on interstate commerce and that when the facts and circumstances described in subsection (c)(1) are combined, there arises substantial potential for harmful effects on interstate commerce.

(2) PURPOSE.—The purpose of this section is to deter such harmful effects.

(3) NO PREEMPTION OF STATE OR LOCAL ACTIONS.—Such other actions as may be taken by a State or local governmental unit or entity referred to in subsection (c)(1)(A) to address the facts and circumstances described in subsection (c)(1) are not preempted by this section and do not burden interstate commerce.

(b) FEDERAL TREATMENT.—Notwithstanding any other provision of law—

(1) any entity or person described in paragraph (1) or (2) of subsection (c)—

(A) may not benefit, directly or indirectly, from any expenditure of Federal funds, and

(B) shall not be allowed any Federal tax exclusion, deduction, credit, exemption, or allowance,

in connection with or in any way related to the relocation of a National Football League franchise of an entity or person described in subsection (c)(1); and

(2) the interest paid or accrued on any bond, any portion of the proceeds of which is used or is to be used to provide facilities that are used or are to be used in whole or in part by any entity or person described in paragraph (1) or (2) of subsection (c), shall not be exempt from any Federal tax.

(c) ENTITY OR PERSON DESCRIBED.—For purposes of this section—

(1) GENERAL DESCRIPTION.—An entity or person is described in this paragraph if—

(A) the entity or person has conducted regular season home football games through ownership of a franchise in the National Football League in facilities—

(i) which are owned, directly or indirectly, by a State or local governmental unit or entity, or

(ii) which are financed by a Federal, State, or local governmental unit or entity;

(B) the entity or person has publicly announced that such entity or person has the intention to conduct such football games outside the facilities described in subparagraph (A) before the expiration of the period during which such governmental unit or entity has authorized the entity or person to use such facilities;

(C) the entity or person has publicly announced that such entity or person has the intention to conduct such football games in facilities—

(i) to be owned, directly or indirectly, by a State or local governmental unit or entity, or

(ii) to be financed by a Federal, State, or local governmental unit or entity;

(D) in the National Football League season preceding the announcement of the intention of the entity or person to relocate, attendance at the regular season home football games of such entity or person averaged at least 75 percent of normal capacity as previously published by the National Football League with respect to such season; and

(E) within the period of 1 year before or after such announcement by the entity or person, an election or referendum has been held by the State or local governmental unit in which the facilities described in subparagraph (A) are located and the voters have approved a tax increase or extension of a tax, or have failed to repeal any such tax increase or extension, intended by such governmental unit to be used as part of the financing for improved facilities or new facilities for such football games of such entity or person.

(2) RELATED PERSON.—

(A) IN GENERAL.—An entity or person is described in this paragraph if such entity or person is a related person to an entity or person described in paragraph (1).

(B) APPLICATION OF CERTAIN RULES.—For purposes of this paragraph, a person or entity shall be treated as a related person to an entity or person described in paragraph (1) if—

(i) under the terms of section 144(a)(3) of the Internal Revenue Code of 1986, such person or entity would be treated as a related person to an entity or person described in paragraph (1), or

(ii) such person or entity is a successor in interest to an entity or person described in paragraph (1) or to any related person.

(C) RULES REGARDING CERTAIN RELATIONSHIPS.—In determining whether a person or entity is a related person to an entity or person described in paragraph (1), the rules of sections 144(a)(3), 267, 707(b), and 1563 of the Internal Revenue Code of 1986 shall be applied—

(i) by substituting "at least 25 percent" for "more than 50 percent" each place it appears therein and by determining such percentage on the basis of the highest percentage of the stock or other indices of ownership that any person or entity has owned directly or indirectly at any time after December 31, 1991,

(ii) by treating a person's step-children or step-grandchildren as the person's natural children or grandchildren, and

(iii) by treating all children and step-children of such person as if they have not attained the age of 21 years.

(d) BANKRUPTCY VENUE.—Notwithstanding any other provision of law, including titles 11 and 28 of the United States Code, any case under such title 11 with respect to an entity or person described in paragraph (1) or (2) of subsection (c) may be commenced only in the district court for the judicial district in which the principal place of business in the United States of such entity or person has been located during the greatest part of the 3-year period immediately preceding the commencement of such case.

(e) EFFECTIVE DATE.—This section shall apply to—

(1) any expenditure of Federal funds on or after the date of the introduction of this Act,

(2) any case commenced under title 11, United States Code, after November 1, 1995, and

(3) any Federal tax exclusion, deduction, credit, exemption, or allowance for any taxable period ending after December 31, 1994.

Mr. GLENN. Mr. President, I rise today in strong support of the legislation being offered by my colleague from Ohio. We have worked together very closely on the whole issue of professional sports team relocation. It should come as no surprise this is an issue that hits home for the people of our States.

Organized, professional sports have always played a prominent role in American life. Individuals, cities, States, and even the entire nation have come together and rallied around sports teams. And professional sports teams have helped local economies rally and revitalized our inner cities, creating whole new sectors of economic opportunity.

This week, many Americans' eyes are on Tempe, AR, where the Dallas Cowboys will take on the Pittsburgh Steelers to determine who will win a fifth NFL championship. Think of some of the other major sports events that have riveted the nation's attention over the past months.

How about those Cleveland Indians and their amazing season which culminated in a World Series appearance?

Who hasn't heard all the talk this winter about the return of Michael Jordan and the Chicago Bulls' dominance of the NBA.

And who can forget the elation we all felt watching Cal Ripken, Jr., take his historic lap around Camden Yards?

What can be more American, or says more about our country, than stories such as these? Or how we bask in a team's victories, commiserate over the losses, and cheer exciting and dramatic exploits on the field or on the court?

But there is a story that overshadows these and threatens this spirit, that is community pride. Of course, I am speaking of team relocation. And the relocation which has shocked the nation involves the Cleveland Browns. Let me tell you a little about Cleveland and the Browns.

The Cleveland Browns have been a symbol of undying and unwavering fan support. Week after week, 70,000 people cram into Lakefront Memorial Stadium to root on the Browns. The "Dawg Pound" is a national symbol of fan support. Through 3–13 seasons, 13–3 season, exciting play-off victories, demoralizing play-off defeats, Browns fans have been through it all and still support their team.

There's no talk of getting on or off a bandwagon in Cleveland—every fan is there, through thick and thin.

That's what makes the announcement that the Browns intend to desert their home of 50 years the toughest to take. The Browns have enjoyed backing from generations of fans, only to be told that it doesn't matter.

Well, it does matter. It matters to the season ticket holder who has been going to games for 30 years. It matters to the worker who sells hot dogs at the stadium. It matters to businesses selling Browns t-shirts, hats, and other paraphernalia. It matters to restaurants and hotels that cater to fans and players. It matters to those raised as Browns fans looking forward to passing along that tradition.

It should matter to every football, baseball, hockey, and basketball fan across the country, because if it can happen to Cleveland, it can happen to you.

And it should matter to every single taxpayer in America who are going to end up footing part of the bill for the Browns' move and others as relocation fever sweeps the country. It's shocking, but Federal tax subsidies are going to help ease the cost of the Cleveland Browns' relocation. It absolutely makes no sense that we should allow taxpayer dollars to back up this kind of deal.

Why should taxpayers in Cleveland, or any American city, help foot the tab for their local team to pull stakes and move to another city? Talk about adding insult to injury. That's why I am pleased to join my colleague from Ohio today in introducing this legislation.

Let me stress that this legislation does not put an all-out ban on the use of public money in such situations. In fact, it is a very narrowly tailored bill which says: if a team already took advantage of tax dollars to build its existing stadium; and there has been tremendous fan loyalty and support; and voters in the current jurisdiction have approved of the means to improve the team's current facility or build a new one; and the team's current lease has not expired; then, we're not going to allow Federal tax dollars to subsidize the move.

I think that's pretty reasonable. We shouldn't be in the business of giving Federal tax subsidies to a team that already received the benefit of public money to build their existing stadium, that intends to turn its back on loyal fans and a community commitment to build or improve their stadium, and a team that has broken its lease—that team should not receive a Federal tax subsidy.

Right now, Washington is embroiled in a very nasty and partisan debate about how our Government can reach a balanced budget. One of the key issues in this debate centers on tax cuts—who should get them, who shouldn't benefit.

Well, I put to my colleagues the question: should tax breaks go to professional sports teams when they turn their back on an ironclad commitment that is already backed by a Federal subsidy? I'm sure my colleagues and all Americans know the answer to that question.

The Senate has a unique opportunity to start putting an end to the chaos in professional sports. The bill we are introducing today is the second step in that effort. I intend to continue pushing our Fans Rights Act through Congress. We still need to grant leagues a limited anti-trust exemption related to team transfers. I am pleased that many of the witnesses at a Judiciary Committee yesterday agreed with this point. I hope there is Senate action on that bill, and the one we are introducing today, early this season.

Mr. President, I am pleased to have worked with my colleague from Ohio on this important legislation. It will provide a solution to a serious, yet limited, problem. I urge all Senators to support this bill.

By Mr. BUMPERS:

S. 1530. A bill to create a government corporation to own and operate the naval petroleum reserves and naval oil shale reserves, and for other purposes; to the Committee on Armed Services.

THE NAVAL PETROLEUM RESERVES AND NAVAL OIL SHALE RESERVES CORPORATIZATION ACT OF 1996

• Mr. BUMPERS. Mr. President, I introduce the Naval Petroleum Reserves and Naval Oil Shale Reserves Corporatization Act of 1996. This bill would: First, create a government corporation to own and operate the naval petroleum reserves and naval oil shale reserves; and second, authorize the privatization of the corporation within 5 years if the taxpayers receive a fair return.

The naval petroleum reserves consist of three fields: Elk Hills in California; Buena Vista Hills in California and Teapot Dome in Wyoming. The Federal Government owns 100 percent of both Buena Vista Hills and Teapot Dome. However, the Government owns only 78 percent of Elk Hills. The remaining 22 percent is owned by Chevron. Elk Hills is by far the most significant area, making it one of the largest fields in the United States. In fact, Elk Hills produces approximately $400 million per year in revenues for the Federal Treasury.

Similarly, there are three naval oil shale reserves. Naval oil shale reserves 1 and 3 are located in northwest Colorado. Naval oil shale reserve 2 is located in eastern Utah. Unlike the Naval Petroleum reserves, there is no production from the oil shale reserves because development of oil shale is not currently economical. However, there is also recoverable natural gas.

Both the administration and the majority party in Congress have, at various times, proposed that the naval petroleum reserves be sold and the administration has also proposed that two of the three oil shale reserves be privatized as well. While I am not necessarily opposed to the notion of removing the Government from the oil production business, I am troubled that the various proposals do not put the

taxpayers' interests first. The Congressional Budget Office [CBO] has estimated that the sale of the naval petroleum reserves as originally proposed would produce $1.55 billion in receipts. CBO also determined that the sale would actually cost the Government $992 million over 7 years because the reserves would produce approximately $2.5 billion in revenues in the Government retains the assets during that same time period. While the CBO estimate does not take into account the appropriated expenditures made annually for operation and maintenance of the petroleum reserves, the sale of the assets would eliminate possibly billions of dollars worth of additional revenue that would be derived from the continued operation of the naval petroleum reserves over the life of the assets.

From 1987 until this year, Congress prohibited revenue derived from the sale of Government assets from being scored for budget purposes. I strongly opposed the change made to the asset sale scoring rule in this year's budget resolution for exactly the reasons exemplified by the proposed sale of the naval petroleum reserves. It makes no sense to sell an asset for some quick cash when, in the long run, the loss of revenues from the sold Government asset outweighs the funds derived from the sale. However, that is exactly what the budget rules now permit and, in fact, promote.

Mr. President, as I mentioned earlier, I am not necessarily opposed to the privatization of the naval petroleum reserves and the naval oil shale reserves. However, I am opposed to selling these assets for far less than they are worth to their current owners—the Americans taxpayers.

The bill I am introducing today is designed to ensure that the value of these assets are maximized. First, by creating a Government corporation, the naval petroleum reserves can be operated in a more efficient manner in the absence of burdensome restrictions placed on Government agencies. Second, the corporation will have the time to adequately evaluate the worth of the naval petroleum reserves and naval oil shale reserves to make sure that if they are sold, the taxpayers receive an adequate return. Finally, my bill authorizes the corporation to privatize, but only if the price paid by private investors is at least equal to the net present value if the corporation remained in Government hands.

Government corporatization is not a new idea. In fact, the Department of Energy [DOE] proposed creating a Government corporation to own and operate the naval petroleum reserves in 1993. An internal DOE analysis determined that a Government corporation is the option that would produce the greatest net present value associated with the naval petroleum reserves through 2040. In addition, in 1994 the National Academy of Public Administration [NAPA] recommended that the naval petroleum and oil shale reserves be owned and operated by a Government corporation. In fact, the Academy estimated that the net present value of the naval petroleum reserves, if they were owned by a Government corporation, would be $4.1 billion. This is far greater than the $1.55 billion which CBO estimates the sale of the petroleum reserves would produce.

Mr. President, our constituents have sent us to Washington, in part, to act as their guardians by ensuring that their interests, as taxpayers, are protected. Our obligations are not limited to making sure that the funds provided by their taxes are spent wisely. It is also the duty of everyone in this body to require that when taxpayer-owned assets are disposed of, that the taxpayers receive a fair return. It is beyond belief that anyone could argue that selling the naval petroleum reserves for $1.55 billion is a better choice than creating a Government corporation to own and operate the reserves which will provide more than $4 billion adjusted for net present value.

Mr. President, I urge my colleagues to join me by cosponsoring the Naval Petroleum Reserves and Naval Oil Shale Reserves Corporatization Act of 1996. I ask unanimous consent that the full text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Naval Petroleum Reserves and Naval Oil Shale Reserves Corporatization Act of 1995".

TITLE I—ESTABLISHMENT OF THE NAVAL PETROLEUM RESERVES CORPORATION.

SEC. 101. ESTABLISHMENT OF THE CORPORATION.

(a) There is established a body corporate to be known as the "Naval Petroleum Reserves and Naval Oil Shale Reserves Corporation" (referred to in this Act as "the Corporation").

(b) The Corporation is a for-profit, wholly owned Government Corporation subject to chapter 91 of title 31, United States Code (the Government Corporation Control Act). The Corporation is an agency of the United States, subject to annual apportionment under section 1512 of title 31, United States Code.

(c) JURISDICTION AND CONTROL.—The Corporation has exclusive jurisdiction and control over all of the Naval Petroleum Reserves and Naval Oil Shale Reserves.

SEC. 102. CORPORATE OFFICES.

The Corporation shall maintain an office for the service of process and papers in the District of Columbia, and is considered, for purposes of venue in civil actions, to be a resident of the District of Columbia. The Corporation may establish offices in any other place it determines necessary or appropriate in the conduct of its business.

SEC. 103. GENERAL POWERS AND FUNCTIONS OF THE CORPORATION.

The Corporation—

(a) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(b) may settle and adjust claims, sue and be sued in its corporate name, and be represented by its own attorneys in all administrative and, with prior approval of the Attorney General, judicial proceedings, including appeals from decisions of Federal courts;

(c) shall adopt and may amend and repeal bylaws, and may adopt, amend and repeal corporate orders and directives, governing the manner in which its business may be conducted and the powers granted to it by law may be exercised and enjoyed;

(d) may acquire, purchase, lease, and hold the real and personal property it considers necessary to conduct its business;

(e) may sell, lease, grant, and dispose of property as it considers necessary to conduct its business;

(f) with the consent of the agency concerned, may utilize or employ the services, records, facilities, or personnel, of any Federal, State, or local government agency;

(g) may enter into contracts and incur liabilities;

(h) may retain or use up to $250 million annually of its revenues, without further appropriation, for reasonable capital and operating expenses of the Corporation;

(I) shall have the priority of the United States with respect to the payment of debts out of bankrupt, insolvent, and decedents' estates;

(j) may request from the Administrator of General Services the services the Administrator is authorized to provide agencies of the United States, and Administrator shall furnish the requested services to the Corporation on the same basis those services are provided agencies of the United States;

(k) may accept gifts or donations of services or of real, personal, mixed, tangible, or intangible property to conduct its business; the Corporation shall establish written rules setting forth the criteria to be used in determining whether the acceptance of gifts or donations of real, personal, mixed, tangible, or intangible property to conduct its business under this subsection would reflect unfavorably upon the ability of the Corporation or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or appearance of integrity of its programs or any official involved in those programs;

(1) may execute all instruments necessary or appropriate in the exercise of its powers;

(m) may acquire liability insurance or act as self-insurer;

(n) shall pay any settlement or judgment entered against it from the Corporation's own funds and not from the judgment fund established under section 1304 of title 31, United States Code; section 1346(b) and chapter 171 of title 28, United States Code do not apply to claims against the Corporation; and

(o) may request the Secretary of the Treasury to invest monies of the Corporation in public debt securities having maturities suitable to the needs of the Corporation, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding obligations of the United States of comparable maturity.

SEC. 104. SPECIFIC POWERS AND FUNCTIONS OF THE CORPORATION.

The Corporation—

(a) shall explore, prospect, develop, use, produce, and operate the Reserves to maximize the economic value of these properties to the Nation;

(b) may enter into joint, unit, or other cooperative plans, leases, or other agreements and transactions as may be necessary in the conduct of its business;

(c) subject to section 109(c) shall administer and may amend existing contracts, including the Unit Plan Contract, and other agreements transferred to the Corporation under section 109(a) of this subtitle;

(d) may construct, acquire, or contract for the use of storage and shipping facilities, and pipelines and associated facilities, on and off the Reserves, for transporting petroleum from the Reserves to the points where the production from the Reserves will be refined and shipped;

(e) may store, for appropriate reimbursement reasonably reflecting fair market value, petroleum owned or managed by other Federal agencies and instrumentalities and may store petroleum owned or managed by non-Federal entities at rates consistent with subsection (j) of this section;

(f) may acquire privately owned lands and leases inside the Reserves, or outside those Reserves on the same geologic structure, by exchange or contract, and in order to protect the Reserves from drainage, and if unable to arrange an exchange or contract, by purchase or condemnation;

(g) may acquire any pipeline in the vicinity of the Reserve not otherwise operated as a common carrier by condemnation, if necessary, if the owner refuses to accept, convey, and transport without discrimination and at reasonable rates any petroleum produced at the Reserve;

(h) may acquire a right-of-way for new pipelines and associated facilities by eminent domain under the Act of February 26, 1931 (40 U.S.C. 258a–258e), and the prospective holder of the right-of-way is "the authority empowered by law to acquire the lands" within the meaning of that Act; new pipelines shall accept, convey, and transport any petroleum produced at the Reserves at reasonable rates;

(i) may use, store, or sell its share of the petroleum produced from the Reserves and lands covered by joint, unit, or other cooperative plans;

(j) shall establish prices for products, materials, and services on a basis that will allow it to maximize the financial return to the Government;

(k) shall give priority to assisting in national security matters when requested by the Secretary of Defense; and

(l) shall transfer annually to the Treasury all revenues in excess of that needed for reasonable capital and operating expenses of the Corporation, but in no event may the revenues retained or used for those purposes in any fiscal year exceed $250 million.

SEC. 105. CHIEF EXECUTIVE OFFICER.

The powers and functions of the Corporation are vested in a Chief Executive Officer to be appointed by the Secretary. The Chief Executive Officer serves at the pleasure and under the supervision of, and may be removed at the discretion of, the Secretary. The Secretary shall set the compensation of the Chief Executive Officer, not to exceed Executive Level III.

SEC. 106. EMPLOYEES.

(a) APPOINTMENTS.—

(1) The Chief Executive Officer may appoint officers and employees of the Corporation without regard to the provisions in title 5, United States Code, governing appointments in the competitive service, and may fix compensation without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, governing general schedule classifications and pay. In appointing officers of the Corporation and setting their compensation, which may not exceed Executive Level IV, the Chief Executive Officer shall consult with the Secretary. Any officer or employee of the Corporation may be removed at the discretion of the Chief Executive Officer except as specified in subsection (b) of this section.

(2) Section 3132(a)(1) of title 5, United States Code, is amended by adding at the end the following:

"(E)" the United States Navel Petroleum Reserves and Naval Oil Shale Reserves Corporation;".

(b) TRANSFER OF FUNCTIONS.—An officer or employee of the Department who the Secretary determines is performing functions vested in the Corporation by this subtitle is transferred to the Corporation under section 3503 of title 5, United States Code. Such an officer or employee retains the compensation in effect immediately prior to the transfer to the Corporation until changed by the Chief Executive Officer, and may not be separated involuntarily by reason of the transfer (but may be separated for cause) for a period of one year from the date of the transfer to the Corporation.

(c) PAYMENTS FOR EMPLOYEE BENEFITS.—

(1) The Corporation shall make those payments to the Employees' Compensation Fund which are required by section 3147 of title 5, United States Code.

(2) The Corporation shall pay to the Civil Service Retirement and Disability Fund—

(A) those employee deductions and agency contributions which are required by sections 3334, 3422, and 3423 of title 5, United States Code.

(B) those additional agency contributions which are determined necessary by the Office of Personnel Management to pay, in combination with sums under paragraph (2)(A) of this subsection, the normal cost (determined using dynamic assumptions) of retirement benefits for the employees of the Corporation who are subject to subchapter III of chapter 83 of title 5, United States Code; and

(C) those additional amounts, not to exceed two percent of the amounts under paragraphs (2)(A) and (2)(B) of this subsection, which are determined necessary by the Office of Personnel Management to pay the costs of administering retirement benefits for the Corporation's employees and retirees and their survivors (which months shall be available to the Office as provided in section 3343(a)(1)(B) of title 5, United States Code).

(3) The Corporation shall pay to the Employees' Life Insurance Fund—

(A) those employees deductions and agency contributions which are required by sections 8707 and 8708(a) of title 5, United States Code; and

(B) those amounts which are determined necessary by the Office of Personnel Management under paragraph (5) of this subsection to reimburse the Office for contributions under sections 8708(d) of title 5, United Stated Code.

(4) The Corporation shall pay to the Employees Health Benefits fund—

(A) those employees payments and agency contributions which are required by section 8906 (a)–(f) of title 5, United States Code; and

(B) those amounts which are determined necessary by the Office of Personnel Management under paragraph (5) of this subsection to reimburse the Office for contributions under section 8708(d) of title 5, United States Code.

(4) The Corporation shall pay to the Employees Health Benefits fund—

(A) those employee payments and agency contributions which are required by section 8906 (a)–(f) of title 5, United States Code; and

(B) those amounts which are determined necessary by the Office of Personnel Management under paragraph (5) of this subsection to reimburse the Office for contributions under section 8906(g)(1) of title 5, United States Code.

(5) The amounts required under paragraphs (3)(B) and (4)(B) of this subsection are the Government contributions for retired employees who retire from the Corporation after the date of transfer, the survivors of those retired employees, and survivors of the employees of the Corporation who die after the date of the transfer, prorated to reflect the portion of the total civilian service of such employee and retired employees that was performed for the Corporation after the date of transfer.

(6) The Corporation shall pay to the Thrift Savings Fund those employee and agency contributions that are required by section 8432 of title 5, United States Code.

(d) SEPARATION INCENTIVE PAYMENTS.—The Corporation shall pay any voluntary separation incentive payments authorized, but not yet paid, by the Department prior to the transfer of functions under subsection (b) of this section.

SEC. 107. EXEMPTION FROM TAXATION.

The Corporation, including the Reserves and all other corporate property, all corporate activities, and all corporate income are exempt from taxation in any manner or form by any State or local government entity.

SEC. 108. APPLICABILITY OF OTHER LAWS.

(a) FEDERAL LAWS GOVERNING ACQUISITION AND DISPOSAL.—The Corporation shall not be considered to be a department, agency, establishment, or instrumentality of the United States for purposes of Federal laws, regulations, or other requirements concerning acquisition of services and supplies, and the acquisition, use, and disposal of real and personal property, including the Federal Property and Administrative Services Act (40 U.S.C. 471, et seq.), except that the Corporation shall be considered to be a department, agency, establishment, or instrumentality of the United States for the purposes of the Davis-Bacon Act (40 U.S.C. 276a–276–7), the McNamara-O'Hara Service Contract Act (41 U.S.C. 351, et seq.), the Contract Work Hours and Safety Standards Act (40 U.S.C. 327, et seq.), and civil rights laws and regulations applicable to Federal contractors and subcontractors.

(b) EXEMPTION FROM ADMINISTRATIVE PROCEDURAL PROVISIONS.—Chapter 5 of title 5, United States Code, does not apply to the Corporation.

SEC. 109. TRANSFERS TO THE CORPORATION.

(a) TRANSFER OF ASSETS.—Subject to subsection (c) of this section, the Secretary shall transfer to the Corporation the contracts, records, unexpended balance of appropriations and other monies available to the Department (including funds set aside for accounts payable and all advance payments), accounts receivable, and all other assets that are related to the powers and functions vested in the Corporation by this subtitle.

(b) TRANSFER OF LIABILITIES AND JUDGMENTS.—

(1) All liabilities attributable to the operation of the Reserves by the Department are transferred to the Corporation.

(2) Any judgment entered against the Department imposing liability arising out of the operation of the Reserves by the Department is considered a judgment against and is payable solely by the Corporation.

(c) UNIT PLAN CONTRACT DISPUTE RESOLUTION.—The Secretary shall retain, and shall not transfer, dispute resolution authority under section 9 of the Unit Plan Contract.

(d) PAYMENT OF INTEREST TO THE TREASURY.—From time to time, and at least at the close of each fiscal year, the Corporation shall pay into the Treasury as miscellaneous receipts interest on any Federal financial capital utilized by the Corporation, as determined by the Director of the Office of Management and Budget. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding each fiscal year, on outstanding obligations of the United States with remaining periods to maturity of approximately one year.

TITLE II—PRIVATIZATION OF THE CORPORATION

SEC. 201. STRATEGIC PLAN FOR PRIVATIZATION.

(a) Within 5 years after the establishment of the Corporation, the Corporation shall prepare a strategic plan for transferring ownership of the Corporation to private investors. The Corporation shall revise the plan as needed.

(b) The plan shall include consideration of alternative means for transferring ownership of the Corporation to private investors, including public stock offering, private placement, or merger or acquisition. The plan may call for the phased transfer of ownership or for complete transfer at a single point of time. If the plan calls for phased transfer of ownership, then—

(1) privatization shall be deemed to occur when 100 percent of ownership has been transferred to private investors;

(2) prior to privatization, such stock shall be nonvoting stock; and

(3) at the time of privatization, such stock shall convert to voting stock.

(c) The plan shall evaluate the relative merits of the alternatives considered and the estimated return to the Government's investment in the Corporation achievable through each alternative. The plan shall include the Corporation's recommendations on its preferred means of privatization.

(d) The Corporation shall transmit copies of the strategic plan for privatization to the President and Congress upon completion.

SEC. 202. PRIVATIZATION.

(a) Subsequent to transmitting a plan for privatization pursuant to section 101, and subject to subsections (b) and (c), the Corporation may implement the privatization plan if the Corporation determines, in consultation with appropriate agencies of the United States, that privatization will result in a return to the United States at least equal to the net present value of the Corporation.

(b) The Corporation may not implement the privatization plan without the approval of the President.

(c) The Corporation shall notify the Congress of its intent to implement the privatization plan. Within 30 days of notification, the Comptroller General shall submit a report to Congress evaluating the extent to which—

(1) the privatization plan would result in any ongoing obligation or undue cost to the Federal Government; and

(2) the revenues gained by the Federal Government under the privatization plan would represent at least the net present value of the Corporation.

(d) The Corporation may not implement the privatization plan less than 60 days after notification of the Congress.

(e) Proceeds from the sale of capital stock of the Corporation under this section shall be deposited in the general fund of the Treasury.•

By Mr. McCAIN:

S. 1531. A bill to reimburse States and their political subdivisions for emergency medical assistance provided to illegal aliens under their custody as a result of Federal action; to the Committee on the Judiciary.

IMMIGRATION AND NATURALIZATION SERVICE LEGISLATION

• Mr. McCAIN. Mr. President, this legislation would require the Immigration and Naturalization Service to reimburse States and localities for the cost of emergency ambulance services provided to illegal aliens injured while crossing the border. Currently, border communities pay the high cost associated with providing emergency ambulance services to illegal aliens. Although Federal authorities consistently have placed illegal aliens injured crossing the border in State and local custody in order to obtain medical services, the Federal authorities have failed to reimburse local Governors for the emergency ambulance services provided. As a result, Federal authorities have left border States and localities to pick up the tab for a Federal responsibility. This cannot continue.

In my home State of Arizona, the border city of Nogales has been particularly impacted by the failure of Federal authorities to reimburse the city for the costs of transporting aliens injured while crossing the border. Between April 22 and July 31, 1995, 44 calls were made by the Border Patrol to the city requesting ambulance service for illegal aliens injured while crossing the border. Because these patients rarely pay their own ambulance transport bill, the financial burden on the city has become very heavy. The city has paid almost $200,000 in ambulance costs in the past 6 years. This cost is significant to Nogales, a border community which has only 20,000 inhabitants, a low tax base, and recently reported a $100,000 deficit. The devaluation of the peso has left many Southwestern border communities in a similarly depressed financial position. Illegal immigration is a Federal matter and our Nation's border communities cannot afford and should not be forced to pay for emergency ambulance services provided at the request of Federal authorities. Again, that is a Federal responsibility.

I recognize that a separate and much broader debate is being waged across the Nation concerning a State's obligation to provide health care and other social services to illegal aliens residing within its borders. That issue is much larger and remains to be resolved. Today, however, I believe we can all agree that Federal authorities who call upon local emergency ambulance services for injured illegal aliens should be required to pay for those ambulance services. Our border States and communities should not be saddled with this additional financial burden.•

By Mr. SIMON:

S. 1532. A bill to provide for the continuing operation of the Office of Federal Investigations of the Office of Personnel Management, and for other purposes; to the Committee on Governmental Affairs.

THE OFFICE OF FEDERAL INVESTIGATIONS PRIVATIZATION ACT OF 1996

• Mr. SIMON. Mr. President, 1 year ago, as part of the National Performance Review, the administration announced that the Office of Personnel Management [OPM] would privatize its investigative branch, the Office of Federal Investigations [OFI]. The Treasury and Postal Service conference report directs OPM not to implement a reduction in force before March 31, 1996, in order to allow the GAO to conduct a cost-benefit analysis. OPM is prepared to initiate an employee stock ownership plan [ESOP], which would have a sole source contract with OPM for the first 2 to 3 years, after which contracts would be offered to private firms. I am very concerned that privatization is not the best approach in this important area.

Today I offer legislation that would prevent immediate privatization of this extremely important Government function. For over 40 years, the OFI has been responsible for conducting background investigations for potential employees of various agencies within the Federal Government, including the Department of Energy, the Department of Justice, and the Treasury Department. Overall, OFI conducts about 40 percent of all Federal background investigations for positions ranging from bureaucratic responsibilities to high-ranking positions requiring substantial security clearances. In my view, shifting this responsibility to the private sector raises a host of extremely important questions which must be addressed before the decision to privatize is made.

First, we must ensure that our national security is not in any way jeopardized by a move to privatization. Currently, OFI does background checks on individuals that will ultimately have access to top secret information, including weapons systems and nuclear energy data. We need to ask ourselves if this is the type of information that we want a private investigator to have access to. If the answer is "yes," certainly we need to carefully review the safeguards needed to ensure that our national interests remain secure.

The ability of private firms to maintain the privacy of sensitive records is

another area that needs to be looked at closely. A private contractor would potentially have the ability to amass large quantities of information on Government employees. Although OPM has suggested that they would have the ability to keep records private, I have not heard specific measures that could be taken to guarantee this. Serious study must be given to what measures can and should be taken to protect privacy.

We must also ensure that quality investigations will continue to be conducted. The Federal Government currently uses private investigators for a very small fraction of background checks. The only experience with private investigators on a large scale produced numerous investigations that were not up to standard, or, even in a fraction of cases, were falsified. This must not happen again. What safeguards can and should OPM put in place to ensure that quality is maintained? We must be certain that quality can be maintained before we make the decision to privatize.

It is also important to ask ourselves if private investigators will be able to provide the best available information to Government agencies. Will they have difficulty obtaining vital information from law enforcement officials? In a preliminary study, the General Accounting Office [GAO] determined that law enforcement officials may be reluctant to give out sensitive information to private investigators. This issue deserves further study.

I have asked the GAO, as part of their ongoing cost-benefit analysis, to address my concerns and report their findings to me before the end of January, 1996. In addition, I sent a letter to a number of Federal agencies asking for their input on the effect of privatization. In response to my inquiry, I was told that privatization could cause disruptions to operations and that the quality of investigations could suffer. I urge my colleagues to think carefully about the negative impact that may be created by privatization.

My comments are not meant to imply that private contractors cannot perform top quality investigations while also ensuring privacy and protecting our national security. It is certainly conceivable that they could. However, before this decision is made, we must be sure that adequate study of the potential impact has been conducted.

The legislation I offer today would prevent privatization from occurring for 2 years, during which time OFI would be prohibited from reducing its number of full-time employees. In addition, the bill would require OPM and the GAO to issue a comprehensive report detailing the likely effect of privatization on all of the issues that I have addressed.

I urge my colleagues to support this legislation. While I certainly support the goals of the Clinton administration's National Performance Review, and applaud efforts to eliminate Government waste, Federal investigators employed by the Government have served all of us extremely well, and we should proceed with great caution before changing this role.•

By Mr. McCAIN:

S. 1533. A bill to provide an opportunity for community renewal and economic growth in empowerment zones and enterprise communities, and for other purposes; to the Committee on Finance.

THE COMMUNITY RENEWAL AND ECONOMIC OPPORTUNITY ACT OF 1996

• Mr. McCAIN. Mr. President, today, I am pleased to introduce the Community Renewal and Economic Opportunity Act of 1996.

The bill contains 10 major initiatives to revive communities afflicted by joblessness and crime and to help the neediest Americans better provide for themselves and their families.

Included in the bill are measures to foster new job opportunities and economic development in America's poorest communities through targeted tax incentives; to improve public infrastructure in blighted areas by channeling a greater percentage of Federal grant monies to the neediest communities and by lowering the cost of project construction; to invigorate the fight against violent crime which most seriously affects low-income neighborhoods by allowing local law enforcement agencies to keep a greater amount of forfeited criminal assets and by requiring family opportunities for needy innocent victims; to increase family opportunities for needy children by banning racial discrimination in adoption; and to promote voluntarism by protecting volunteers against liability.

All Americans, no matter who they are, where they live, or the color of their skin, deserve the opportunity to provide for their families, to pursue their aspirations and to share fully in the American dream.

History teaches us that there's no panacea for poverty and crime, but, no matter how intractable the problem, it is the essence of the American character to constantly advance our society so that the social and economic progress of each generation exceeds that of its predecessor. No American is unimportant. As a nation, we have a solemn obligation to help those in need to help themselves. Our success in that endeavor is bound only by the limits of our energy and imagination.

It is painfully clear that the traditional welfare state response to poverty and community decay has been a miserable failure. Over the past 30 years, we have spent over $5 trillion on poverty programs, yet millions of Americans remain ensnared in the grinding cycle of dependence and need. The time is now for new ideas and approaches to restore hope and increase economic opportunity for all Americans.

The most effective way to revive American communities mired in poverty and to improve the quality of life is to provide job opportunities and sustainable economic development. A job and a paycheck are the most effective welfare programs. And, as any mayor or city council member in our country can attest, a healthy tax base produced by an employed population is the most potent prescription for community renewal.

Accordingly, the first title of the bill authorizes a battery of new and expanded tax incentives to attract businesses to blighted areas and to hire economically disadvantaged residents.

Four years ago, Congress designated 9 of the poorest communities in America as enterprise zones and 90 others as enterprise communities. The designation made these communities eligible for a host of tax incentives and other community renewal programs. This was an excellent step but inadequate in scope.

Currently, the law provides special tax benefits only to enterprise zone businesses which hire at least 35 percent of their employees from the local community. The bill I'm introducing would enhance the tax incentive by allowing firms to take an additional ten percent tax credit if they increase their local hiring rate to 50 percent.

Furthermore, the bill extends eligibility for the credit beyond enterprise zones to include qualified businesses within the 90 enterprise communities, as well as 90 additional poverty stricken economic recovery areas—areas which will be designated by the Secretary of Housing and Urban Development.

Many communities are suffering economic distress as deeply as the areas we have officially designated as enterprise zones, and they deserve the opportunity to attract the jobs and economic development they so desperately need.

Mr. President, the 10-percent tax credit will serve as a strong incentive for businesses to form within economically depressed areas and to increase the hiring of local residents. However, the bill I'm introducing today would also authorize what I believe might be an even more powerful alternative inducement—a low 10-percent flat tax.

The bill would allow businesses within federally designated enterprise zones, enterprise communities, and economic renewal areas which hire at least half of their employees from the local community to pay a simple 10-percent flat tax. Simplifying taxes and offering a low incentive rate as an alternative to today's excessive and byzantine tax rules, might prove to be the

most potent inducement for businesses to invest in places and in people that need the helping hand.

I look forward to hearing from employers on the relative merits of the flat tax and the credit option.

No matter which option an employer might choose, it's clear that once a company has opted to locate within a blighted area and to assume the associated risk, one of the biggest challenges will be to attract the capital and investment necessary for the enterprise to survive and grow.

To address this need, the bill once again would use our tax system to stimulate the necessary investment. Specifically, the bill would make stock dividends from qualified enterprise zone and enterprise community businesses nontaxable, and it would eliminate the capital gains tax for investments held at least 5 years within designated enterprise zones, enterprise communities and economic recovery areas. Exempting dividends and capital gains within our poorest areas from taxes should attract a healthy flow of job-producing capital investment.

So, Mr. President, this bill provides substantial new tax-based incentives for companies to assume the risk of locating within blighted areas and to invest in their human resources. However, we must recognize that poverty and economic disadvantage do not confine themselves within certain municipal boundaries. Economically disadvantaged people reside in practically every community and we have an obligation to help these Americans even if they do not happen to live within areas of the most severe poverty.

Accordingly, the bill would expand the work opportunity tax credit passed by Congress last year. The bill would raise the credit from 35 percent for the first $6,000 in wages for a targeted economically disadvantaged employee to 35 percent for the first $12,000 in wages.

Expanding the credit will provide a greater incentive for businesses, no matter where they are located, to hire economically disadvantaged individuals; and will discourage the practice of rapidly turning over employees in order to maximize the tax credit.

Most importantly, the bill expands the list of individuals who qualify for the work opportunity tax credit. As currently conceived, the credit would be available only to residents of enterprise zones and enterprise communities; recipients of AFDC; vocational rehabilitation recipients and Summer Youth. The bill extends the credit to individuals who have been chronically unemployed, have few assets, and have been living for a significant period of time under the poverty level.

A flexible, transportable, and more widely applied credit will help needy individuals no matter where they reside or by whom they are employed.

Mr. President, we all recognize that it's one thing to attract businesses to the poorest communities and encourage them to hire the most economically disadvantaged Americans by sweetening the tax incentives, but ensuring that such firms are sustainable and can overcome the many risks they assume to succeed is quite another.

Accordingly, the second major thrust of the bill's first title is to use the purchasing power of the Federal Government to assist risk-taking entrepreneurs and corporations who are willing to help poor Americans.

The bill would accomplish that goal by reforming the Small Business Administration's (8)(a) set-aside program. The current program provides Federal contract set-asides to businesses based on the race or ethnicity of the business owner. The bill would reorient the program by making the set-asides available to businesses that hire economically disadvantaged Americans regardless of their race, creed, or color.

As my colleagues are aware, the current (8)(a) program has been rife with fraud and abuse. The record is replete with unsavory examples of unscrupulous individuals establishing shell corporations to obtain set-aside benefits and cases in which very wealthy and successful enterprises remain in the program when they can and should compete quite nicely through the normal competitive contracting process.

Mr. President, America is based on the concept of equality among all people. As a society that aspires to full equality and color blindness, the time for special programs that focus on the race and ethnicity of particular Americans rather than their economic status is past. A needy American is a needy American no matter their race, creed, color, or gender. Certainly, the Supreme Court's decision in the Adarand case emphasized that reality that, by and large, race-based set-asides do not comport with the fundamental tenets of equality and equal protection.

The original purpose of the 8(a) program was to assist economically disadvantaged Americans without regard to race or gender. I believe we can return the program to its original intent, and assist far more needy people than today's ownership-based program by providing set-asides to businesses located within enterprise zones and communities as well as to other firms which train and employ a significant percentage of economically disadvantaged individuals.

Exactly how do we determine who is an "economically disadvantaged individual"? For purposes of this bill, EDI's are defined as: (1) individuals who live within EZ's or EC's; (2) individuals who have assets no greater than the ceiling allowed for AFDC eligibility; who were not claimed as a dependent for 4 years preceding the date of their hiring; and whose income did not exceed the poverty level in either the year before their hiring nor in 3 of the 4 years before their hiring; or (3) individuals with a dependent; who have assets no greater than the ceiling allowed for AFDC eligibility; who were not claimed as a dependent for 4 years preceding the date of their hiring; and whose income did not exceed the poverty level during the year prior to their hiring.

Once designated as an EDI an individual would retain the designation for 5 years, which should be ample time for the employee to receive training and to establish a work history. Reorienting the 8(a) program as provided by this bill will help us to achieve the goals of assisting economically disadvantaged individuals more fairly and effectively.

Finally, Mr. President, the first title of the bill recognizes the important role private entrepreneurship can and should play in serving the needs of our poorest communities and that we must do a better job of promoting start-up enterprises. Toward that end, the bill would establish a business mentor program under the auspices of the Small Business Administration. The program would pair businesses owned by economically disadvantaged individuals with mentor businesses and lending institutions.

Pairing start-up enterprises owned by individuals who live within poverty stricken areas with established mentor businesses will enhance the success of first-time business owners creating additional jobs and economic opportunity.

Mr. President, again, I want to stress a bill cannot be written that will solve the problem of joblessness and poverty. But, I believe we can make significant gains by employing the kinds of incentives proposed by the bill I've introduced today. The incentives are not perfect and I look forward to a detailed debate on the initiatives to ensure that we craft incentives that will be as appropriate and cost-effective as possible.

Mr. President, the second major title of this bill is designed to assist depressed communities in improving their infrastructure. Strong infrastructure and dependable public works such as roads, utilities, schools, and other public accommodations, are critical to improving the quality of life and to fostering sustainable community development. This bill would lower the cost of constructing and operating public facilities by repealing the the Davis-Bacon Act within enterprise zones and enterprise communities.

The Davis-Bacon Act requires that the prevailing union wages be paid on all contracts and subcontracts for construction projects that utilize Federal monies. This costly Federal mandate inflates the price of infrastructure and disproportionately impacts poorer communities. Moreover it makes it more difficult for entry level job seekers to obtain training and work.

In addition, the bill would channel a greater share of Federal Community

Development Block Grant moneys to the neediest counties and cities.

The Federal CDBG program was created to promote local economic and community development. Current law requires that 70 percent of these grant monies be channeled to disadvantaged communities. The bill increases the amount to 75 percent and cuts the percentage allowed for administrative overhead from 20 percent to 10 percent so that more dollars can flow to bricks and mortar projects in needy areas.

Furthermore, the bill would require wealthier communities to cost-share any CDBG grants they may receive. Greenwich, CT and Beverly Hills, CA are fine communities, but we should not be spending scarce Federal economic development aid in communities that can well afford to meet their own needs, at the expense of much needier areas.

The third title of the bill seeks to improve educational opportunities in the poorest communities. Quality education is the key to improving the lives of our youth and helping to break the cycle of poverty.

The bill authorizes a Federal school voucher system within enterprise zones and enterprise communities. Empowering parents to send their children to the schools that best meet their needs will increase the quality of educational opportunity. The program would in no way require the affected local school districts to diminish or reallocate their own funding. The Federal monies would be additional to the local funds currently used to run the affected school districts.

The fourth title of the bill seeks to make our streets safer. The gravest threat to quality of life and community redevelopment within blighted areas is violent crime. The streets must be made safer and victims must be treated compassionately and justly.

The bill allows counties and cities which have a high rate of violent crime to retain a higher share of Federal asset forfeiture proceeds under the Racketeer Influenced Corrupt Organization (RICO) statutes.

Current law allows local law enforcement agencies which participate in a Federal RICO operation to have a share of the proceeds from asset forfeiture. The bill would authorize an additional 25 percent share for communities that suffer from inordinately high rates of violent crime. The additional resources would be used for violent crime control programs.

In addition, the safe streets title authorizes mandatory restitution for certain violent crimes, and increases victim assistance resources by boosting fines against Federal felons. This title mirrors legislation that I had the privilege to work on with Senator HATCH, Senator NICKLES, Senator BIDEN, and other Members last year.

The bill's fifth title seeks to promote family opportunities for poor children. The family unit is the foundation of our society. A loving and supportive family is the key to a child's development into a healthy and productive member of the community.

The bill prohibits racial discrimination in adoption. Many adoption agencies make adoption decisions based on inappropriate racial considerations. Consequently, countless children, many of them minorities from the inner city remain in foster care, denied the opportunity for a loving family.

Finally, the bill seeks to promote voluntarism. America has a proud tradition of neighbor helping neighbor which must be nurtured and sustained if we are to revitalize America's communities, particularly those poverty stricken areas most needful of help.

The bill encourages states to pass laws protecting volunteers against lawsuits. The provision is modeled after legislation introduced by Congressman JOHN PORTER of Illinois. It's fundamentally unfair that we continue to subject volunteers to the threat of liability when they share their time, resources and expertise to help the community. Increasing exposure to liability in our ever litigious society will chill voluntarism to the detriment of all communities.

Mr. President, as I said, I do not pretend this bill is the answer to all our inner city problems. Far from it. But, I believe it provides some excellent initiatives which will help us make a real difference in improving lives and communities of areas that need and deserve the help of a caring nation.

Moreover, I am convinced we can enact these or very similar initiatives without worsening the deficit. The programs that require outlays or offsets, such as the package of tax credits, can be paid for by reductions in non-essential programs that are of a lower priority including, I might add, corporate pork.

This bill is by no means perfect or complete. I believe it is a starting point for more vigorous debate and action to meet the challenges of the poorest Americans and the neediest communities. I look forward to a dialogue on the bill and the issues it raises, and to hearing the many other suggestions about how most effectively to end the cycle of poverty and dependence.

One suggestion I would make is that the appropriate committees hold field hearings and engage the Americans who live in the poorest communities in the debate over how best we can help them to meet the needs of their families and their neighborhoods.

Too often politicians cloak themselves within the insulated, and many times, out of touch environs of the Capitol as we devise the policies that affect millions of lives. Perhaps it's time we more diligently consult and work with real people and address their realities as we endeavor to meet our oath of office and the needs of our great Nation.

I am pleased to note that his bill is strongly supported by Secretary Jack Kemp of Empower America. Such an endorsement is germane and is as fitting as it is welcome, because personal and community empowerment is what this bill is about. It's about new alternatives to the failed prescriptions of the past. It's about recognizing that every American counts and that a leg up to self-sufficiency is more lasting, meaningful, and compassionate than a handout; and that a caring nation can and must help all of those who truly need assistance to participate in the social, economic and political freedom that is the essence of the American dream.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMUNITY RENEWAL AND ECONOMIC OPPORTUNITY ACT OF 1996

TITLE I—JOBS, PAYCHECKS, AND TAX BASE

The most effective way to revive America's poverty stricken communities and to improve the quality of life for economically disadvantaged residents is to stimulate job creation and sustainable economic development—jobs, paychecks and tax base. This title provides a battery of new and expanded incentives for businesses to form and capitalize within blighted areas and to hire local residents.

I. Tax credits and businesses that hire economically disadvantaged individuals within blighted areas

Enables each qualified business located within a federally designated Enterprise Zone and Enterprise Community to deduct ten percent of its tax liability if 50 percent of its employees are residents of the zone.

Current law provides special tax incentives to businesses within the 9 designated Enterprise Zones if 35 percent of their employees are residents of the area. Increasing the incentive and expanding it to the 90 enterprise communities and beyond (see below) will increase employment opportunities for residents of blighted areas.

Authorizes the Secretary of Housing and Urban Development to designate an additional 90 poverty stricken communities in which businesses would be eligible for the 10 percent negative surtax.

Many communities are suffering the same economic distress as areas designated to be Enterprise Zones and Communities. Extending the credit to other economically distressed areas will stimulate job creation and tax base.

Authorizes zero capital gains tax for investments held for at least five years within Enterprise Zones and Economic Communities.

A zero capital gains tax will spur investment and economic activity within economically depressed areas.

II. Tax incentives for hiring economically disadvantaged individuals regardless of business location or employee residence

Expands the Work opportunity Tax Credit from 35 percent for the first $6,000 in wages for a targeted economically disadvantaged

employee to, 35 percent for the first $12,000 in wages.

Expanding the credit will provide a greater incentive for businesses, no matter where they are located, to hire economically disadvantaged individuals; and will reduce the rapid turnover of economically disadvantaged employees in order for businesses to take maximum advantage of the credit.

Expands the list of individuals who qualify for the Work Opportunity Tax Credit to include individuals who have been chronically unemployable.

The current Work Opportunity Tax Credit is available to residents within Economic Zones and Enterprise Communities; Recipients of AFDC; Vocational Rehabilitation recipients; and Summer Youth. The bill expands the list to include individuals who have been chronically unemployed, have few assets and have been living for a period of time under the poverty level.

III. Alternative flat tax for firms located in blighted areas which hire local residents

Authorizes businesses within enterprise Zones ad Enterprise Communities to replace their current tax liability with a 10-percent flat tax option if 50 percent of their employees reside within the zone.

A low flat tax can be a powerful incentive for businesses to locate within economically distressed areas, and to hire residents of those communities.

IV. Investor incentives to attract capital for firms located in blighted areas

Makes stock dividends from businesses within Enterprise Zones and Economic Communities non-taxable.

Tax free dividends will spur capital formation for businesses which locate in economically distressed communities and employ residents of high unemployment areas.

V. Contracting set-asides for business who hire and train economically disadvantaged individuals

Transforms the SBA (8)(a) set-aside program from one that provides federal contracting set-asides to businesses based on the race or ethnicity of the owner, to one based on the economic disadvantage of the business' employees.

Providing set-aside contracts to businesses located within EZ and EC's or which hire economically disadvantaged people will enable the federal government to utilize its purchasing power to help a greater number of needy people in a more fair and racially blind manner.

EDI's are defined as: (1) individuals who live within EZ's or EC's, or (2) Individuals who have assets no greater than the ceiling allowed for AFDC eligibility; who were not claimed as a dependent for four years preceding the date of their hiring; and whose income did not exceed the poverty level in the year before their hiring nor in three of the four years before their hiring, or (3) Individuals with a dependent; who have assets no greater than the ceiling allowed for AFDC eligibility; who were not claimed as a dependent for four years preceding the date of their hiring; and whose income did not exceed the poverty level during the year prior to their hiring. Once designated as an EDI for purposes of this program an individual retains the EDI designation for a period of five years.

VI. Business ownership mentor program

Establishes a mentor program under the SBA to pair businesses owned by economically disadvantaged individuals with mentor businesses and lending institutions.

Pairing start-up enterprises owned by individuals who live within poverty stricken areas with mentor businesses will enhance the success of first time business owners.

TITLE II—UTILITIES, SCHOOLS AND INFRASTRUCTURE

Successful and sustainable community development depends upon healthy infrastructure and public works including transportation, utilities, schools and other public accommodations. Lowering the cost of constructing and operating public facilities and providing additional resources to poverty stricken communities is vital to improving the quality of life within these areas.

Repeals Davis-Bacon within Enterprise Zones and Enterprise Communities.

The Davis-Bacon Act requires the payment of prevailing union wages for any contract or subcontract which utilizes federal funding. The rule inflates the cost of public facilities and disproportionately impacts poverty stricken communities which have fewer resources.

Channels a greater share of federal Community Development Block Grant monies to the neediest counties and cities.

The federal CDBG program was created to assist communities with economic and community development project. Currently, 70 percent of these grant monies are to be channeled to disadvantaged communities. The bill increases the amount to 75 percent and cuts the percentage allowed for administrative overhead from 20 to 10 percent and calls on wealthier communities to cost share CDBG grants so that more dollars can flow to bricks and mortar projects in needy areas.

TITLE III—EDUCATIONAL CHOICE

Quality education is the key to improving the lives of our youth and helping to break the cycle of poverty.

Authorizes a federal school voucher program within enterprise zones and enterprise communities.

Empowering parents to send their children to the schools that best meet their needs will increase and improve the educational opportunity of Americans who reside within blighted communities. Educational quality will dramatically improve with competition. The bill would authorize voucher payments to families within EZ and EC and would not redirect or diminish the local funding of area schools.

TITLE IV—SAFE STREETS

The gravest threat to quality of life and community redevelopment within blighted areas is violent crime. The streets must be made safer and victims must be treated compassionately and justly.

Allows counties and cities which have a high rate of violent crime to retain a higher share of federal asset forfeiture proceeds under the Racketeer Influence Corrupt Organization (RICO) statutes.

Current law allows local law enforcement agencies which participate in a federal asset seizure to a percentage of the asset proceeds. The percentage reflects the level of participation by the local agency. The bill allows an additional 20 percent of the asset proceed to go to communities that are disproportionately affected by violent crime.

Authorizes mandatory restitution for certain violent crimes, and increases the federal Crime Victim Fund by increasing fines against federal felons.

Current law does not mandate that violent criminal compensate their victims.

TITLE VI—FAMILY OPPORTUNITY

The family unit is the foundation of our society. A loving and supportive family is the key to a child's development into a healthy and productive member of the community.

Prohibits racial discrimination in adoption which deprives millions of children from the opportunity to have a family.

Many adoption agencies make adoption decisions based on racial consideration. Consequently countless children, many of them minorities from the inner city remain in foster care, denied the opportunity for permanent family placement.

TITLE VII—VOLUNTARISM

America has a proud tradition of neighbor helping neighbor which must be nurtured and sustained if we are to revitalize America's communities, particularly those poverty stricken areas most in need of a helping hand.

Encourages states to pass laws protecting volunteers against lawsuits.

It's fundamentally unfair that we continue to subject volunteers to the threat of liability when they share their time, resources and expertise to help the community. The exposure to liability in our increasingly litigious society will chill voluntarism to the detriment of all communities.•

By Mr. HATFIELD (for himself and Mr. KENNEDY):

S. 1534. A bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes; to the Commission on Labor and Human Resources.

THE CLINICAL RESEARCH ENHANCEMENT ACT OF 1996

•Mr. HATFIELD. Mr. President, the proud tradition of American leadership in science and health care has been an important factor in our international stature and our domestic quality of life. This tradition is however vulnerable and may wither if not nurtured. The CBO predicts that national expenditures for health will reach the astonishing sum of $1,613 billion by the year 2000. This an astronomical sum for a nation who seemingly can meet its health care needs. Investments in biomedical research offer the only reasonable hope of reducing not only monetary costs, but, more importantly, human suffering.

Biomedical research is commonly thought of as existing in two spheres. The first is "basic" research in which fundamental biological principles are studied primarily in laboratories using molecules, cells or animals. The second is "clinical" or patient oriented research [POR], in which the scientific principles discovered in the lab are applied to patients with disease. To determine which of several medicines is most effective in curing a cancer, careful comparison of these drugs is necessary in large groups of real people. To understand which of several different types of treatment: medical, surgical, or nutritional is best in helping patients not merely for the short run but over time, the various treatment options must be tried systematically on real people. The emphasis is on people. We must use the knowledge gained

by biomedical research to help people get better.

Both aspects of biomedical research are essential because they depend upon each other—without the foundation of basic research, clinical research would be impossible. For example the current successful treatment of sickle cell anemia which so cruelly strikes young people, had its origins in basic research from the development of chicken embryos. Medications which modified chicken embryonic cells were found to also enable monkeys to manufacture certain types of hemoglobin, hemoglobin a component of blood cells necessary to combat thalassemia and sickle cell disease. The studies moved from basic research in chickens to monkeys and finally to clinical research in humans leading to a successful therapy for a previously terrible disorder.

Yet despite their mutual importance clinical research has failed to receive the support necessary to permit us to fully benefit from the advances of basic research. The proposal for a national fund for health research which Senator HARKIN and I have introduced goes a long way to prevent the possibility of robbing funds from Peter to pay Paul. We need more money in the system, but we also will have a better balance between basic and clinical research.

The Institute of Medicine has recently published an exhaustive report which concludes that clinical research is in a state of crisis. A state which if not addressed will result in: a serious deficiency of clinical expertise; a paucity of effective clinical interventions; an increase in human suffering and disability; and ultimately an increase in the cost of medical care.

Historically clinical research has resulted in marked improvements in care and costs. A $1.2 million investment in neonatal screening for subnormal thyroid has saved $206 million in treatment costs annually. A $679,000 investment in developing a treatment for recurring renal stones has resulted in an estimated savings of $300 million annually. A multicenter clinical trial of interventions in stroke prevention cost approximately $4.6 million. Its results could prevent 20 to 30,000 strokes per year with an annual savings of $200 million. All of these and many other achievements have occurred because of the ability of clinical research to take knowledge derived from basic research to the bedside, bridging the gap between the laboratory and the patient.

Yet despite its clear societal and economic benefits, clinical research is in crisis. The amount and proportion of personnel and fiscal resources devoted to clinical research, particularly at the NIH has fallen to levels which place our Nation at a severe disadvantage. Unable to capitalize on new discoveries, the quality of life of our patients slowly falls as ironically our costs continue to rise. The nature of this crisis is threefold a relative lack of: people involved in clinical research; an infrastructure to adequately select and support the best clinical research; and declining fiscal investment in biomedical research overall.

PEOPLE

While the United States continues to train large numbers of excellent young physicians the proportion of those choosing careers in clinical research becomes ever smaller. The Association of American Medical Colleges [AAMC] survey of 1994 medical graduates found that only 10 percent of these young physicians intended to enter research careers. Students enrolled in public medical schools were much less likely to choose research careers than those attending private institutions.

America's teaching hospitals have of necessity increased the proportion of their income derived from service from 12.2 percent 1971—to 38.5 percent—1988. As a result the proportion of physicians in those institutions who are active in research has fallen from 40 to 25 percent. This leaves fewer clinicians available for instruction of students and fewer investigators for clinical research.

INSTITUTIONS

Our medical schools need to increase their focus on the training of students for clinical research careers. Fully 58 percent of 1994 graduates reported inadequate instruction in research techniques. Unlike the situation in Ph.D. programs for basic research, there is no clear academic pathway into a clinical research career. Only 11 percent of physicians in clinical departments are principle investigators of NIH grants. This compares unfavorably to 27 percent rate for Ph.D.'s. As a result there are relatively fewer role models for young clinical researchers.

Our ability to fund new research ideas has not been able to keep pace with the development of new initiatives. It is extremely difficult for young clinical investigators to even obtain research funding. Only 55 percent of all applicants for NIH grants are ever funded. The overall number of research grant applications has increased by 42 percent from 14,142 in 1980 to 20,154 in 1990. The number of new grant applications funded has actually fallen by 15 percent from 5,400 in 1989 to 4,600 in 1990. This is complicated by the fact that the greatest proportion of research grants goes to continue funding previously granted awards, 70 percent. So that ever increasing number of new projects compete with an ever smaller pool of resources.

The emphasis is so heavily weighted toward basic research that the NIH has difficulty determining just what proportion of funded studies are directed at patients. The Institute of Medicine estimates that only 10.4 percent of all NIH funded research is clinical research. Only 20 percent of grant reviewers are physicians, therefore the expertise necessary to critically review clinical research applications is considerably less than that for basic research. With the proportion of funded proposals falling to approximately 25 percent of submissions the odds of gaining grant funding are now low enough that young investigators are turning away from clinical research careers. The NIH has recognized these deficiencies and has made recommendations to reverse this trend. Implementation however requires more resources.

Implementation also requires cooperation from the community of health care providers. Many insurance companies and managed care plans discourage or prevent persons from participating in clinical studies. This limits access to potentially helpful therapies for patients, and inhibits the ability of researchers to find patients to work with and hence make new discoveries. Insurers who eventually benefit from new treatments which by alleviating illness lowers costs, must contribute to the process by encouraging rather than discouraging patient participation.

FUNDING

The level of support for biomedical research, particularly for the 75 general clinical research centers, has been relatively flat over the past 5 years, just barely keeping up with inflation.

The resulting increased competition by more investigators for a piece of an ever smaller pie results in a stagnation and atmosphere where innovation and clinical research is sublimated for short term laboratory based projects which produce publishable results quickly.

The legislation I and my colleague Senator KENNEDY are introducing today, the Clinical Research Enhancement Act, will rectify these problems by: First, establishing a President's Research Advisory Panel within the Office of Science and Technology Policy [OSTP]. This panel will regularly evaluate the status of clinical research in the United States so that we are continually aware of our progress. It will make recommendations for any necessary improvements in clinical research and monitor them to ensure that we reach our goals.

Second, we will increase the involvement of the NIH in clinical research. The Director of NIH will establish intramural clinical research fellowship programs to train clinical researchers. There will be increases in the number of FIRST Grants for young investigators, and by implementing the recommendations of the NIH's own Clinical Research Study Group improve the merit review process for evaluating applications.

Third, we will stabilize the funding of general clinical research centers. It is within these centers that much of the training of young investigators as well as actual clinical research is done.

Fourth, we will create new opportunities for career development in clinical research. This through the development of clinical research career enhancement awards, and expansion of the Loan Repayment Program for Clinical Researchers.

Fifth, we will establish innovative medial service awards to stimulate the development of new and creative clinical research proposals.

Rectifying the disparagement between support of basic and clinical research will serve to more effectively promote the types of discoveries that we have all come to expect. It is my hope that this proposal for clinical research enhancement is not seen as simply another cost of health care, but as a way, really the only way to eventually reduce costs both in terms of dollars and human life.

I urge my colleagues to join us in supporting legislation to enhance the pipeline for clinical researchers.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE CLINICAL RESEARCH ENHANCEMENT ACT OF 1996—SECTION-BY-SECTION SUMMARY

Section 1—Short Title: The Clinical Research Enhancement Act of 1996

Section 2—Findings and Purposes: Clinical research, patient-oriented research requiring the participation of a human subject, is in decline. Independent studies at the National Research Council, the National Institute of Medicare and the National Academy of Sciences have all addressed the current problems in clinical research. The decline in young clinical investigators is attributed to a heavy debt burden, lack of a federal support system, and lack of a formal training regime. It is the purpose of this Act to provide for a mechanism to address these problems and a stimulus for physicians to enter clinical research.

Section 3—President's Clinical Research Panel: The President shall establish within the Office of Science and Technology Policy, a panel, to evaluate the status of the national clinical research environment, and prepare periodic progress reports to the President. It will be composed of representatives from clinical research, insurance and pharmaceutical companies, health maintenance organizations, accreditation and certification organizations, academic research administrators and patients. Its members will be nominated by the President of the Institute of Medicine.

Section 4—NIH Director's Advisory Committee on Clinical Research: The Secretary of Health and Human Services shall designate the advisory committee established by the Director of NIH. This committee will report to the Director and the President's Panel. It will review the status of clinical research within NIH and implement changes as necessary.

Section 5—Study Section Review: The President's Clinical Research Panel shall direct the Office for Science and Technology to review study section activities of all federal agencies conducting or funding clinical research.

Section 6—Increase the Involvement of the National Institutes of Health in Clinical Research: The Director of NIH shall:

1. Increase the number of FIRST grants.
2. Design test pilot projects.
3. Establish an intramural clinical research fellowship program at NIH.
4. Support and expand resources available for the clinical research community.
5. Establish peer review mechanisms to evaluate applications: for Instramural Fellowships; Clinical Research Career Enhancement Awards; & Innovative Medical Science Awards.

Section 7—General Clinical Research Centers: The Director shall award grants for General Clinical Research Centers to provide the infrastructure for clinical research, training and enhancement. Expand the activities of the centers through increased use of telecommunications and telemedicine. Establish grant programs at the centers. The Director of the National Center for research Resources shall establish: Clinical Career Enhancement Awards; and Innovative Medical Science Awards.

Section 8—Clinical Research Assistance: Expand the current Loan Repayment Program Regarding Clinical Researchers from Disadvantaged Backgrounds to include students with heavy debt burdens. Increase the numbers of awards from 50 to 100. Establish a minority set-aside of 50%.

Section 9—Insurance coverage of investigational treatments: A health plan shall allow individuals when medically appropriate to participate in investigational therapy.

Section 10—Definition: Define "clinical research" as "patient oriented clinical research requiring the participation of a human subject, or research on the causes and consequences of disease in human populations."

SUPPORTERS OF HATFIELD CLINICAL RESEARCH BILL (79)

Academy of Radiology Research.
Alzheimer's Association.
American Academy of Child and Adolescent Psychiatry.
American Academy of Dermatology.
American Academy of Neurology.
American Academy of Ophthalmology.
American Academy of Otolaryngology—Head and Neck Surgery.
American Association of Anatomists.
American College of Clinical Pharmacology.
American College of Medical Genetics.
American Diabetes Association.
American Federation for Clinical Research.
American Geriatrics Society.
American Gastroenterological Association.
American Neurological Association.
American Nurses Association.
American Orthopaedic Association.
American Podiatric Medical Association.
American Society for bone and Mineral Research.
American Society for Clinical Pharmacology and Therapeutics.
American Society for Therapeutic Radiology and Oncology.
American Society for Addiction Medicine.
American Society of Hematology.
American Society of Human Genetics.
American Society of Nephrology.
American Veterinary Medical Association.
Arthritis Foundation.
Association for Behavioral Sciences and Medical Education.
Association of Anatomy, Cell Biology and Neurobiology Chairs.
Association of Behavioral Sciences and Medical Education Association.
Association of Academic Health Centers.
Association of American Cancer Institutes.
Association of Medical and Graduate Departments of Biochemistry.
Association of Pathology Chairs.
Association of Professors of Dermatology.
Association of Program Directors in Internal Medicine.
Association of Schools of Public Health.
Association of Subspecialty Professors.
Association of Teachers of Preventive Medicine.
Association of University Professors of Ophthalmology.
Association of University Radiologists.
Central Society for Clinical Research.
Citizens for Public Action on Blood Pressure and Cholesterol, Inc.
Coalition for American Trauma Care.
Cystic Fibrosis Foundation.
Department of Orthopaedics/Rehabilitation at the University of New Mexico.
Department of Pathology and Laboratory Medicine at the University of Southern California.
Department of Physiology at the University of Florida College of Medicine.
Dystrophic Epidermolysis Bullosa Research Association of America.
The Epilepsy Foundation of America.
Federation of Behavioral/Psychological and Cognitive Sciences.
Foundation for Ichthyosis and Related Skin Types.
General Clinical Research Center Program Directors' Association.
General Clinical Research Center at the University of Alabama at Birmingham.
Joint Council of Allergy, Asthma and Immunology.
Lupus Foundation of America, Inc.
National Alopecia Areata Foundation.
National Caucus of Basic Biomedical Science Chairs.
National Committee to Preserve Social Security and Medicare.
National Foundation for Ectodermal Dysplasias.
National Marfan Foundation.
National Osteoporosis Foundation.
National Organizations for Rare Disorders, Inc.
National Perinatal Association.
National Psoriasis Foundation.
National Tuberous Sclerosis Association.
The Orton Dyslexia Society.
Scleroderma Research Foundation.
Society for Academic Emergency Medicine.
Society for Investigative Dermatology.
Society for Neuroscience.
Society for the Advancement of Women's Health Research.
Society of Medical College Director of Continuing Medical Education.
Society of University Urologists.
St. Jude Children's Research Hospital.
The Endocrine Society.
Tourette Syndrome Association.
United Scleraderma Foundation.
University of Alabama at Birmingham.

AMERICAN FEDERATION FOR CLINICAL RESEARCH,
January 25, 1996.

Hon. MARK HATFIELD,
Chairman, Committee on Appropriations,
U.S. Senate, Washington, DC.

DEAR SENATOR HATFIELD: On behalf of the American Federation for Clinical Research, I write in strong support of the "Clinical Research Enhancement Act." The legislation you are introducing today addresses critical problems facing our country: the loss of a generation of young physician scientists because of medical school tuition debts and

limited funding opportunities, the loss of our international competitiveness in medicine as scientists in other nations move ahead to capitalize on basic science discoveries with new therapies and products, and the increasing difficulties confronting patients who wish to participate in clinical research but are limited by the unwillingness of insurance companies to cover any investigational therapies.

The Clinical Research Enhancement Act addresses these problems through the creation of new career development and research programs, the expansion of existing NIH loan repayment opportunities for physician scientist, and mandates on insurance companies to expand coverage of investigational treatments. Further, the creation of a Presidential commission on clinical research will bring to the attention of our nation's leaders critical obstacles to the advancement of medical science.

The 11,000 members of the American Federation for Clinical Research are in strong support of this legislation and call on the Congress to pass the Clinical Research Enhancement Act before adjourning in the fall. America has led the world in medical science. The bill you introduce today will help to assure that we maintain that leadership.

Sincerely,

VERONICA CATANESE, M.D.,
President.•

By Mr. ABRAHAM:

S. 1535. A bill to strengthen enforcement of the immigration laws of the United States, and for other purposes; to the Committee on the Judiciary.

THE ILLEGAL IMMIGRATION CONTROL AND ENFORCEMENT ACT OF 1996

• Mr. ABRAHAM. Mr. President, I introduce the Illegal Immigration Control and Enforcement Act of 1996. This bill would crack down on the problem of illegal immigration without retreating from our historic commitment to legal immigration.

There is a broad consensus that illegal immigration is a significant problem that demands immediate attention. But in addressing that problem, we must not blur the distinction between illegal and legal immigrants. The overwhelming majority of legal immigrants are law-abiding, hard-working people who make a positive contribution to our economy and our society.

An omnibus immigration bill recently reported out of the Judiciary Subcommittee for Immigration overlooks this distinction. Rather than focus on illegal immigration, the omnibus bill would reduce the quotas for certain categories of legal immigration, eliminate other categories altogether, and impose stifling new taxes and red tape on American businesses that employ talented immigrants. The omnibus bill would also burden every American worker and business with a new national-identification system that would vastly expand the power of the Federal Government in the workplace.

The bill I introduce today has a more targeted approach. First, the bill aims to take back control of our borders. It would nearly double the number of border patrol agents, adding 900 such agents for each of the next 5 fiscal years. It would provide new equipment and support personnel for these agents. And it would significantly increase the criminal penalties for the practice of smuggling aliens across our border.

Second, the bill would for the first time address the problem caused by persons who overstay their visas. According to the INS, roughly half of all illegal aliens enter the United States with legal, nonimmigrant visas and then remain here after their visas expire. Yet, incredibly, under current law there is no penalty for overstaying one's visa. Moreover, visa overstayers are virtually never caught by the INS, so overstaying is for many aliens a risk-free choice. But the Illegal Immigration Control and Enforcement Act would change all this. Persons who overstay a visa would be ineligible for additional visas for at least 3 to 5 years. Since many visa overstayers hope to reside here legally one day, this penalty would have a significant deterrent effect. To help catch those persons who nevertheless stay here after their visas expire, the bill would authorize the addition of 300 new INS investigators in each of the next 3 fiscal years, who would focus exclusively on visa overstayers. The upshot should be a significant reduction in the numbers of these illegal aliens.

Third, the bill would streamline the deportation of criminal aliens. Although, under current law, aliens convicted of felonies after entry are deportable, they are, in fact, rarely deported because of their ability to seek repeated judicial review of their deportation order. That would change under the provisions in my bill, which are stronger than those in the omnibus immigration bill. Under my bill, aliens who are convicted of serious crimes would simply be deported upon completion of their sentences without any further judicial review of their deportation order. These provisions would apply to nearly half a million alien felons currently residing in this country.

Fourth, my bill would also respond to the pleas of businesses, particularly small businesses, who wish to follow the law but whose efforts to do so are thwarted by the bewildering array of documents that, under current law, are acceptable for employment verification. To help these employers, the bill would reduce the number of acceptable employment verification to a relative handful of documents familiar to all employers.

Finally, Mr. President, the bill I introduce today also includes important welfare reforms similar to those in H.R. 4, the bill that was sent to the President and vetoed. Like H.R. 4, my bill would deny Federal means-tested benefits like welfare, food stamps, and SSI to illegal aliens and sharply restrict the eligibility of legal aliens to receive these benefits. Unlike the omnibus bill reported out of the Judiciary Subcommittee for Immigration, however, my bill would not continue to apply these provisions to immigrants who become citizens of the United States. In my view, we should not create classes of American citizens for this purpose.

In summary, Mr. President, we need to focus our efforts on those areas where the real problem lies. By doing so, my bill would address our legitimate concerns about illegal immigration and welfare abuse without abandoning our commitment to family reunification, imposing new taxes and fees on American employers, or handing the Federal Government sweeping new powers in the workplace.•

By Mr. THOMPSON:

S. 1536. A bill to amend title 18, United States Code, to permit Federal firearms licenses to conduct firearms business with other such licensees at out-of-State gun shows; to the Committee on the Judiciary.

THE FIREARMS DEALERS REGULATORY RELIEF ACT OF 1996

Mr. THOMPSON. Mr. President, today I am introducing legislation that will serve to correct and clarify section 923 of title 18 of the United States Code affecting licensed firearms dealers. The bill amends the United States Code to permit the 200,000 Federal firearms licensees to conduct firearms business with other licensees at out-of-State gun shows.

This legislation is needed to address the problem that federally licensed gun dealers have when they buy, sell, or trade high-end collector's arms at out-of-State gun shows. Most of these firearms are in the $2,000 to $10,000 range and are not the target of illegal arms traffickers. Under current law, when licensed dealers meet at an out-of-State gun show and conduct business, they must return home and ship the firearms via common carrier from their respective States of residence. In doing so, the dealers take great risk of loss, theft, or damage and great expense of shipping and insurance of what may be one-of-a-kind items.

The Bureau of Alcohol, Tobacco and Firearms, [BATF], has indicated that they would be willing to work with us "to enact legislation which will reduce the regulatory burden on the legitimate firearms industry while maintaining adequate controls to combat the criminal misuse of firearms." They said they would have changed the regulations to allow these types of commerce if not for the prohibitions that they interpret to be in the law. I welcome this spirit of cooperation.

This bill would make Congress' intent clear to the BATF that Federal firearms license holders are not the

source of illegal gun trafficking. Federal firearms license [FFL] holders are already closely regulated by the Bureau as legitimate businesses. If a person is responsible enough to obtain a Federal firearms license in Tennessee, then he is responsible enough to conduct business in Kentucky, North Carolina, or California. The BATF already recognizes this fact but, because of the way the current law is written, it must, nonetheless, enforce the byzantine route to conduct business.

All those concerned by the illegal use of firearms should support this bill, as direct transfer of firearms will improve the atmosphere ensuring that all guns will be recorded on dealers' books, thereby providing law enforcement agencies the records they need when firearms are used illegally.

This bill has the support of the Collector Arms Dealer's Association which represents 50,000 gun dealers and collectors.

By Mr. ROBB (for himself, Mr. DASCHLE, and Mr. SIMPSON):

S. 1537. A bill to require the Administrator of the Environmental Protection Agency to issue a regulation that consolidates all environmental laws and health and safety laws applicable to the construction, maintenance, and operation of aboveground storage tanks, and for other purposes; to the Committee on Environment and Public Works.

THE ABOVEGROUND STORAGE TANK CONSOLIDATION AND REGULATORY IMPROVEMENT ACT

• Mr. ROBB. Mr. President, I introduce legislation to address an important gap in Federal environmental law: The regulation of underground releases from aboveground storage tanks.

With this bill, we have an opportunity to work together with both industry and environmental groups to reform the Federal AST—aboveground storage tank—program, reduce the regulatory burden on industry, and improve the environment. Following efforts in the 103d Congress to improve the safety of AST's, I am introducing the Aboveground Storage Tank Consolidation and Regulatory Improvement Act.

For the past 6 years, those of us who live in northern Virginia have received an education on just how flawed the current Federal law is.

In September 1990, a petroleum sheen was discovered in a neighborhood creek in the Mantua-Stockbridge community in Fairfax County, VA.

It was the beginning of a continuing nightmare for a number of local residents, who have had to live with the knowledge that more than 200,000 gallons of petroleum product-diesel oil, jet fuel and gasoline has leaked from the nearby Pickett Road tank farm.

The exact size of the leak, and its precise causes, are still unknown. What we have seen however, is the fallout: negative health effects, environmental damage, and needless losses of millions of dollars. Some residents were temporarily relocated, others have simply moved, and still others continue to live with a cloud over their heads. All of these residents are still wondering when the Federal Government will move to address the issue of leaking aboveground storage tanks.

To date, Star Enterprise, a Texaco affiliate, has expended in excess of $100 million in remediation costs, real estate transactions, settlement of claims, and compliance with new State AST requirements.

Fairfax County has had to spend $500,000 to provide enforcement, oversight and community relations regarding the Pickett Road tank farm incident.

Unfortunately, problems with leaking AST's are not restricted to northern Virginia. Across the Nation, there are hundreds of similar leaks from aboveground petroleum storage tanks.

Major petroleum releases have occurred in Anchorage, AK; Torrance, CA; Port Everglades, FL; Hartford IL; Granger, IN; Cattlettsburg, KY; Charlotte, NC; Sparks, NV; Paulsboro, NJ; Syracuse, NY; Greensboro, NC; Ponca City, OK; Philadelphia, PA; Spartanburg, SC; Austin, TX; and Tacoma, WA.

At least five involve releases larger than the *Exxon Valdez* oil tanker catastrophe.

Whereas the *Exxon Valdez* spilled some 11 million gallons of oil, aboveground tanks in El Segundo, CA have released between 84 and 252 million gallons.

In Martinez, CA, 28 million gallons have been released.

A Tulsa, OK facility has released between 25 and 28 million gallons, and a Whiting, IN facility released 17 million gallons.

In Brooklyn, NY, residents are sitting on top of a 13 to million gallon release.

According to the Environmental Defense Fund [EDF], between 20 and 25 percent of AST's nationwide and their associated piping are likely to be leaking. A July 1994 American Petroleum Institute industry survey showed that over 85 percent of monitored refining and marketing facilities have confirmed ground water contamination; of the facilities with ground water contamination, a high percentage have offsite contamination—44 percent of refineries, at least 35 percent of marketing facilities, and 27 percent of transportation facilities.

A 1995 General Accounting Office [GAO] study on aboveground oil storage tanks that I requested, reported that EPA has found leaks typically originate from the bases of tanks where contact with soil causes corrosion; from underground piping; and from overflows associated with the transfer of stored product.

On the basis of age, the likelihood of developing corrosion leaks, and leak detection thresholds, EPA's preliminary estimates show that AST's with a storage capacity in excess of 42,000 gallons could be leaking between 43 million and 54 million gallons of oil annually.

Because petroleum contracts and expands as temperatures vary, it is often difficult to detect leaks. And because petroleum is relatively cheap, it is often less expensive to allow a known leak to continue than to interrupt operations and make a repair.

Because AST leaks are often slow and underground, they frequently do not receive the attention of the big oil tanker catastrophes, but are nonetheless dangerous.

Petroleum releases can present serious health, safety, and environmental risks. Petroleum, including gasoline, contains extremely toxic compounds, like benzene.

A plume of petroleum product can seep into basements and sewers, reaching toxic levels and causing explosions and the threat of fire.

In addition, leaking AST's can permanently contaminate groundwater, a source of drinking water for more than half the Nation. And in many cases, groundwater contamination will inevitably lead to surface water contamination.

While the extent of injuries is unknown, the 1995 GAO study reported that most injuries to human beings from exposure to oil have occurred as a result of inhaling its vapors. Effects on humans from exposure to petroleum include everything from lethargy, dizziness, and convulsions to coma, blood cancers (such as leukemia) and generalized suppression of the immune system from chronic exposure by inhalation.

And we know now that these threats present unique challenges for sensitive subpopulations such as infants, pregnant women, the elderly, and those with AIDS and other debilitating diseases.

What is astounding is that where underground storage tanks are highly regulated by a comprehensive Federal program, aboveground storage tanks, used to store some 100 billion gallons of oil nationwide, are only loosely regulated by a patchwork of confusing Federal regulations. In many cases, State fire codes regulate AST's.

State authorities are beginning to take notice of the leaking AST problem, but only 20 States have regulations on the books, and only 5 of these currently require genuine secondary containment, such as a double bottom or liner under a tank or piping.

Unfortunately, State programs vary widely and present problems for tank owners with multistate operations.

This is an enormous problem today; and it will likely continue to grow as

storage tank owners seek to exploit the gaps in current Federal law by acquiring AST's over the more highly regulated underground storage tanks.

According to a January 1993 survey conducted by the Steel Tank Institute, new tank purchases of aboveground tanks are running ahead of underground tanks by a 5:2 ratio. And according to many State regulators and industry experts, this trend is continuing into the future.

This is troublesome from an environmental standpoint, and also from a fire safety perspective since aboveground tanks pose a much greater risk of fire hazard than underground tanks.

In 1989, the GAO conducted a study of inland oil spills and found existing laws deficient. In its report GAO proposed seven recommendations to EPA that if implemented, would improve the safety of aboveground oil storage tanks.

In 1995, Senator DASCHLE, Representative MORAN, and I asked GAO to investigate the progress of EPA's implementation of the recommendations. This report found that overall EPA has failed to implement or take any action on the majority of the recommendations.

At the most elementary level, current law does not even require comprehensive data collection or reporting to know exactly how many aboveground storage tanks are leaking.

In the 103d Congress, I sponsored legislation that would have established a comprehensive regulatory program for AST's and I cosponsored legislation offered by the distinguished Senator from South Dakota, Senator DASCHLE, to regulate the estimated 800,000 to 900,000 petroleum aboveground tanks, nationwide.

Residents in Senator DASCHLE's home State were victims in 1987 of a disastrous 20,000-gallon leak in which an elementary school had to be evacuated and abandoned after vapors began filtering up into the building.

AST's are largely unregulated by Federal law; no single statute fully addresses prevention and cleanup of petroleum releases.

The legislation I am introducing today in the Senate, and will be introduced by Representatives JIM MORAN and TOM DAVIS in the House, takes a new approach to dealing with leaking AST's, but maintains the goal of improving the safety of aboveground storage tanks.

The problem of leaking AST's has been gaining national attention. In the last 5 years, EPA has conducted studies and consulted with industry experts to better define the causes of AST leaks of petroleum; more States have begun to contemplate AST programs; and the petroleum industry has recently issued standards for aboveground storage tanks.

In developing Federal legislation for the 104th Congress we moved away from the idea of a comprehensive regulatory program for aboveground storage tanks. Instead, the bill seeks to enhance, not duplicate efforts undertaken by States and the petroleum industry to improve AST safety.

There is a patchwork of AST regulations and no less than five Federal offices with AST responsibilities. This is confusing to tank owners, costly to taxpayers and harmful to the environment.

Tank owners and operators need to have clear, concise guidance on how to comply with Federal regulations.

This new legislative proposal replaces the need for comprehensive reform; instead, it improves the organization of the current program and allows EPA to do more with less, while permitting tank owners the opportunity to embrace the newly developed industry standards.

Reform in the Federal program will improve the effectiveness of current regulations, lead to greater prevention and containment of releases from AST's and improve the environment.

Prevention is the key to avoiding costly and damaging petroleum releases.

Specifically, the bill will:

Consolidate all of the Federal offices responsible for AST regulation into one office at EPA. This will increase efficiency and improve organization at EPA;

Require EPA to consolidate and streamline the current AST program. These steps will eliminate duplicative and conflicting regulations, create a user-friendly aboveground storage tank program and promote prevention measures such as secondary containment and corrosion protection;

After consolidation, the bill allows EPA to correct gaps in the regulation of large—42,000 gallons and above—aboveground petroleum tanks and encourage prevention with narrow regulations based on industry standards and cost-benefit analysis; and

Require reporting of releases and give limited emergency powers to the EPA Administrator to better assist tank owners and operators with speedier cleanups.

Should a petroleum release occur, the bill gives EPA the authority to close the troublesome part of the storage tank facility, prohibiting further operation until the Administrator determines that the closure is not necessary to protect human health, public safety, or the environment.

That is to say, after a release, the burden shifts to the tank owner to cease operations until it can prove there is no ongoing threat.

The citizens in Fairfax were outraged when told that EPA lacked such authority; this bill provides it. These provisions are essential to provide predictability and peace of mind to residents living near large aboveground storage tanks that store petroleum.

With reform of the Federal program it is estimated that $17.4 billion in savings will result from reduced leak cleanup costs, saved petroleum product, and decreased costs associated with compensating affected residents.

This bill has been developed with the guidance and support of a diverse coalition of industry and environmental groups because it is a common sense proposal to regulatory reform.

Although the bill could easily be incorporated into Clean Water Act reauthorization or Superfund reform legislation, I think the problem is of sufficient magnitude that the bill can and should move on its own. With the bill's broad support, I don't see a need to have it hung up in the complexity of reauthorization of the larger environmental statutes.

It is my hope that the introduction of this legislation today will help move this issue forward.

I would like to thank Senators DASCHLE and SIMPSON for their leadership on this issue. As original cosponsors, they have contributed greatly to my effort to reach consensus on this issue.

We have tried to offer a more targeted version of earlier legislation, which will impose less cost on business, and pose less political obstacles, but still get to the heart of the problem: The large marketing and refining facilities which hold the potential for environmental catastrophe.

In closing, Mr. President, I think the time has come to write the Aboveground Storage Tank Consolidation and Regulatory Improvement Act into law.

The County of Fairfax, VA, has recently voted to endorse this bill because it is convinced that this legislation is necessary to prevent or reduce the impact of similar releases of petroleum in the future. I have a letter of support for the bill from the Fairfax County Board of Supervisors and I request unanimous consent that it be included in the RECORD.

I look forward to working with my Senate colleagues and with the chairman of the relevant congressional committees to make this legislation a reality.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1537

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Aboveground Storage Tank Consolidation and Regulatory Improvement Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) improvement of Federal regulation of aboveground storage tanks will lead to

greater prevention and containment of releases from aboveground storage tanks and improvement of the environment;

(2) the Administrator of the Environmental Protection Agency has not fully implemented any of the 7 recommendations made in the 1989 report of the General Accounting Office on inland oil spills;

(3) consolidation of Federal aboveground storage tank provisions will lead to simplification of the regulatory program and will allow the Administrator to eliminate duplication and conflicting aboveground storage tank regulations; and

(4) in order to promote environmental protection, aboveground storage tank secondary containment structures should meet a minimum permeability standard.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to promote protection of the environment;

(2) to streamline the offices in the Environmental Protection Agency and other departments and agencies that administer laws governing aboveground storage tanks and underground storage tanks;

(3) to consolidate the laws governing aboveground storage tanks and eliminate duplicative regulations; and

(4) to encourage release prevention and fire protection measures in the operation of aboveground storage tanks.

SEC. 4. DEFINITIONS.

In this Act:

(1) ABOVEGROUND PETROLEUM STORAGE TANK.—The term "aboveground petroleum storage tank"—

(A) means an aboveground storage tank that—

(i) has a capacity of 42,000 gallons or more; and

(ii) is or was at any time used to contain any accumulation of a regulated petroleum substance; but

(B) does not include an aboveground storage tank that is used directly in the production of crude oil or natural gas.

(2) ABOVEGROUND STORAGE TANK.—The term "aboveground storage tank"—

(A) means a stationary tank, including underground pipes and dispensing systems connected to the stationary tank within the facility in which the stationary tank is located, that is or was at any time used to contain an accumulation of a regulated substance, the volume of which tank (including the volume of all piping within the facility) is greater than 90 percent above ground; and

(B) includes any tank that is capable of being visually inspected; but

(C) does not include—

(i) a surface impoundment, pit, pond, or lagoon;

(ii) a storm water or wastewater collection system;

(iii) a flow-through process tank (including a pressure vessel or process vessel and oil and water separators);

(iv) an intermediate bulk container or similar tank that may be moved within a facility;

(v) a tank that is regulated under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.);

(vi) a tank that is used for the storage of products regulated under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);

(vii) a tank (including piping and collection and treatment systems) that is used in the management of leachate, methane gas, or methane gas condensate, unless the tank is used for storage of a regulated substance;

(viii) a tank that is used to store propane gas;

(ix) any other tank excluded by the Administrator by regulation issued under this Act; or

(x) any pipe that is connected to a tank or other facility described in this subparagraph.

(3) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(4) DIRECTOR.—The term "Director" means the Director of the Office.

(5) ENVIRONMENTAL LAW.—The term "environmental law" means 1 of the following statutes (and includes a regulation issued under any such statute):

(A) The Clean Air Act (42 U.S.C. 7401 et seq.).

(B) The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(C) The Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

(D) The Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

(E) The Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(F) Any other statute administered by the Administrator.

(6) MODEL FIRE CODE.—The term "model fire code" means—

(A) fire code 30 or 30-a issued by the National Fire Protection Association;

(B) the fire code issued by the Uniform Fire Code Institute;

(C) the fire code issued by the Southern Building Code Congress International; or

(D) the fire code issued by the Building Offices and Code Administrators International.

(7) OFFICE.—The term "Office" means the Office of Storage Tanks established by section 5(a).

(8) PETROLEUM.—The term "petroleum" means—

(A) crude oil; and

(B) any fraction of crude oil that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute).

(9) REGULATED PETROLEUM SUBSTANCE.—The term "regulated petroleum substance" means—

(A) petroleum; and

(B) a petroleum-based substance comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading and finishing, such as a motor fuel, jet fuel, distillate fuel oil, residual fuel oil, lubricant, petroleum solvent, or used or waste oil.

(10) REGULATED SUBSTANCE.—The term "regulated substance" means—

(A) a substance (as defined in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601)), but not including a substance that is regulated as a hazardous waste under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.); and

(B) a regulated petroleum substance.

(11) UNDERGROUND STORAGE TANK.—The term "underground storage tank" has the meaning stated in section 9001 of the Solid Waste Disposal Act (42 U.S.C. 6991).

SEC. 5. CONSOLIDATION OF OFFICES.

(a) OFFICE OF STORAGE TANKS.—

(1) ESTABLISHMENT.—The Office of Underground Storage Tanks of the Environmental Protection Agency is redesignated and established as the Office of Storage Tanks.

(2) DIRECTOR.—The Office shall be headed by a Director appointed by the Administrator.

(3) FUNCTIONS.—The Director shall perform—

(A) the functions that were vested in the Director of the Office of Underground Storage Tanks on the day before the date of enactment of this Act; and

(B) the functions transferred to the Director (or to the Administrator, acting through the Director) by subsection (b).

(b) TRANSFERS OF AUTHORITY.—

(1) INTRA-AGENCY TRANSFERS.—There are transferred to the Director all of the authorities of the following officers of the Environmental Protection Agency, insofar as the authorities relate to the regulation of aboveground storage tanks and underground storage tanks under the environmental laws:

(A) The Assistant Administrator for Air.

(B) The Assistant Administrator for Water.

(C) The Director of the Office of Emergency and Remedial Response.

(D) Any other officer to whom the Administrator has delegated authority.

(2) TRANSFER FROM THE SECRETARY OF LABOR.—There are transferred to the Administrator, acting through the Director, all of the authorities of the Secretary of Labor, acting through the Assistant Secretary for Occupational Safety and Health, insofar as the authorities relate to the regulation of aboveground storage tanks and underground storage tanks under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and section 126 of the Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499; 29 U.S.C. 655 note).

(3) TRANSFER FROM THE SECRETARY OF TRANSPORTATION.—There are transferred to the Administrator, acting through the Director, all of the authorities of the Secretary of Transportation, acting through the Administrator for Research and Special Programs, acting through the Associate Administrator for Pipeline Safety and the Associate Administrator for Hazardous Materials Technology, insofar as the authorities relate to the regulation of aboveground storage tanks and underground storage tanks under chapter 601 of title 49, United States Code.

(c) TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL.—There are transferred to the Environmental Protection Agency, in accordance with section 1531 of title 31, United States Code—

(1) the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the functions transferred by subsection (b) (2) and (3); and

(2)(A) the personnel employed in connection with those functions; or

(B) the amount of unexpended balances of appropriations necessary to enable the Administrator to employ persons in the number of full time equivalent positions as the persons employed in connection with those functions on the day before the date of enactment of this Act,

as determined by the Director of the Office of Management and Budget, in consultation with the Administrator, the Secretary of Labor, and the Secretary of Transportation.

SEC. 6. CONSOLIDATION OF APPLICABLE LAWS.

(a) RESTATEMENT IN CONSOLIDATED FORM.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Director, in consultation with the States, shall evaluate all laws (including regulations) administered by the Director and, after notice and opportunity for public comment, issue a regulation that restates those laws in consolidated form and streamlines,

to the extent practicable, the application of those laws to owners and operators of aboveground storage tanks and underground storage tanks.

(2) INTENT OF CONGRESS.—In directing the Director in paragraph (1) to restate the laws in consolidated form, it is not the intent of Congress to direct or authorize the Director to modify the requirements of those laws in any way, except as necessary or appropriate to eliminate any duplication or inconsistencies or to reduce any unnecessary regulatory burdens and except as provided in subsections (b), (c), and (d).

(b) MODEL FIRE CODES.—The regulation under subsection (a) shall be consistent with and based on the model fire codes, as in effect on the date of enactment of this Act or as they may be amended.

(c) RELEASES.—

(1) REPORTING REQUIREMENTS APPLICABLE TO ALL ABOVEGROUND STORAGE TANKS.—The regulation under subsection (a) shall require that an owner or operator of an aboveground storage tank shall report a release of 42 gallons or more of a regulated substance that occurs during a period of time specified by the director, not to exceed 5 calendar days, including a description of the corrective action taken in response to the release, to the national response center established under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), unless the release is required to be reported, and is reported, under other Federal law.

(2) ORDERS APPLICABLE TO ABOVEGROUND STORAGE TANKS.—After a release from an aboveground storage tank containing a regulated substance that is determined to be an imminent threat to human health, public safety, or the environment, the Administrator may issue an order prohibiting the use or operation of all or any portion of a storage tank farm within a facility in which the aboveground petroleum storage tank is located, until the Administrator determines that—

(A) the prohibition is not necessary to protect human health, public safety, or the environment; or

(B) adequate corrective action has been taken, in accordance with the law regulating corrective action that is in effect on the date on which the determination is made.

(d) CORRECTION OF DEFICIENCIES IN THE LAW APPLICABLE TO ABOVEGROUND PETROLEUM STORAGE TANKS.—

(1) ADDITIONAL AUTHORITY.—In addition to the authority transferred to the Director by section 5(b), the Director shall have authority to issue, and shall include in the regulation under subsection (a), release detection, prevention, and correction regulations applicable to owners and operators of aboveground petroleum storage tanks, as necessary to protect human health and the environment.

(2) CORRECTION OF DEFICIENCIES.—In conducting the evaluation of laws and issuing the regulation under subsection (a), the Director shall—

(A) determine whether there are any deficiencies in the law applicable to aboveground petroleum storage tanks on the day before the date of enactment of this Act, specifically with reference to secondary containment, overfill prevention, testing, inspection, compatibility, installation, corrosion protection, and structural integrity of aboveground petroleum storage tanks; and

(B) if the Director determines that any such deficiencies exist—

(i) examine industry standards that address the deficiencies;

(ii) give substantial weight to industry standards in formulating the regulations required by paragraph (1); and

(iii) design the regulation in the most cost-effective manner to address the deficiencies.

(e) ENFORCEMENT.—

(1) IN GENERAL.—The regulation under subsection (a) shall make clear the statutory enforcement provisions and other statutory provisions that apply to each provision of the regulation.

(2) ADDITIONAL AUTHORITY.—Any provision of the regulation under subsection (c) or (d) that implements authority conferred by this Act in addition to authority under law in effect on the day before the date of enactment of this Act shall be enforced under and in accordance with the procedures stated in section 9006 of the Solid Waste Disposal Act (42 U.S.C. 6991e).

SEC. 7. REPORTS.

(a) INTERIM REPORT.—Not later than 2 years after the date of enactment of this Act, the Director shall submit to Congress a report describing the progress made and any tentative conclusions drawn in the evaluation process under section 6(a)(1).

(b) FINAL REPORT.—Simultaneously with the issuance of the regulation under section 6(a)(1), the Director shall submit to Congress a final report that—

(1) describes the evaluation made and the regulation issued under section 6(a)(1); and

(2)(A) states the extent to which the regulation implements the recommendations made in the 1989 report of the General Accounting Office on inland oil spills and the 1995 report of the General Accounting Office on the status of the Environmental Protection Agency's efforts to improve the safety of aboveground storage tanks; and

(B) to the extent that the consolidated regulation does not implement the recommendations, describes the Director's plans regarding the recommendations.

COMMONWEALTH OF VIRGINIA,
COUNTY OF FAIRFAX,
Fairfax, VA, January 25, 1996.

Hon. CHARLES S. ROBB,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR CHUCK ROBB: Fairfax County is aware that legislation entitled "The Aboveground Storage Tank Consolidation and Regulatory Improvement Act of 1995" is to be introduced in the United States Congress in the very near future. It is the County's impression that this bill is designed to consolidate authorities and regulatory functions associated with both aboveground and underground storage tanks for the purpose of strengthening oversight and enforcement, as well as to improve upon the development of regulations for those facilities. We believe that the legislation as proposed has the potential to positively impact the organization and focus of responsibilities and authorities pertinent to the regulation of storage tanks.

Fairfax County is home to more than 20,000 commercial and residential aboveground and underground storage tanks. During the last several years the County has had first-hand experience with the potential impacts these facilities pose on public health, safety, and the environment. It has become evident to the County that more focused, concise, and adequate oversight is required to both prevent and correct potential problems associated with storage tank facilities. This view is supported by the County's experiences with the hundreds of leaking underground storage tanks and the more notable problems of the Fairax Bulk Petroleum Terminal release in which over 189,000 gallons of petroleum was discharged into the groundwater traveling into the neighboring Mantua/Stockbridge residential community. The proposed legislation provides the potential for a more focused approach which might prevent or reduce the impact of similar events in the future.

On behalf of the citizens of Fairfax County, the Board of Supervisors urges the members of Congress to seriously consider the benefits of the proposed legislation. "The Aboveground Storage Tank Consolidation and Regulatory Improvement Act of 1995" and provide the appropriate support to ensure its enactment during the current legislative session. If the County or its staff can be of further assistance with this matter, please do not hesitate to contact me. Your consideration of the County's position is appreciated.

Sincerely,

KATHERINE K. HANLEY,
Chairman.•

By Mr. GLENN (for himself and Mr. GORTON):

S. 1538. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of excess benefit arrangements for certain tax-exempt group medical practices, and for other purposes; to the Committee on Finance.

GROUP MEDICAL PRACTICES LEGISLATION

• Mr. GLENN. Mr. President, our Nation's few nonprofit medical practices have a well-deserved, international reputation for medical excellence. Among those prestigious institutions is the Cleveland Clinic, considered one of the world's finest medical facilities. The Cleveland Clinic and other outstanding facilities such as the Virginia Mason Clinic in Seattle, WA, and the Mayo Clinic in Rochester, MN, provide significant charity care, offer outstanding medical education and training, lead in medical research, and are deeply involved in community service.

However, compensation rules for nonprofit employers—including teaching hospitals, community clinics, and integrated health systems, are governed by stringent limits on reasonable compensation which do not apply to physicians in private practice or in the for-profit sector.

Today I am introducing along with the distinguished Senator from Washington [Mr. GORTON], legislation to amend the Internal Revenue Code to provide a limited exemption from IRC section 457 to eligible group medical practices. It would increase the dollar limitations for members and employees of those practices from the limitations of section 457(c)(2).

I believe that this change in law would be good public policy. With flexibility to offer reasonable deferred compensation packages, these clinics can continue to recruit and retain the high quality individuals whose training, skills, and experience are crucial to the patient population they serve.

An important way to encourage physician groups and other medical professionals to continue to organize in a not-for-profit status. However, current

law provides for disincentives for this not-for-profit status. This legislation would remove these obstacles.

Mr. President, companion legislation has already been introduced in the House. I urge the Senate Finance Committee to carefully review the issues that we raise in this legislation and I urge my colleagues to join me in support of this measure.•

• Mr. GORTON. Mr. President, today Senator GLENN and I are introducing a limited, but important piece of legislation. This legislation will provide a solution to a vexing problem that afflicts many of the most distinguished not-for-profit group medical practices in this country, such as Virginia Mason Clinic in Seattle, the Mayo Clinic in Rochester, and the Cleveland Clinic in Cleveland.

Our Nation's not-for-profit medical practices, which include teaching hospitals, community clinics, and integrated health systems, perform essential public services. They provide significant charity care to our Nation's poor and elderly, offer some of the finest medical education and training in the world, and are acknowledged leaders in medical research. Furthermore, not-for-profits perform these public services while maintaining a well-deserved, international reputation for medical excellence.

Despite their excellent delivery of essential medical services, tax laws restrict not-for-profit group medical practices from offering their medical professionals a level of deferred compensation that is competitive with that available to physicians in the for-profit sector. These limits on deferred compensation exist even though medical professionals in nonprofit practices already sacrifice substantial personal benefits and competitive salaries in order to serve the most needy in their communities. This sacrifice on the part of nonprofit physicians has potentially damaging repercussions for society when physicians leave the nonprofit sector for the benefits of the private sector.

Today, we seek to remove some of the disincentive that exist for medical professions to enter into the nonprofit area of health care. The bill we are introducing amends the Internal Revenue Code to provide a limited exemption from IRC section 457 to eligible group medical practices. This amendment would increase the dollar limitations for members and employees of those practices, index the deferred amount for inflation, and exempt eligible medical group practices from limitations of section 457(c)(2).

By providing nonprofit, teaching, medical centers the ability to offer deferred compensation packages to their professions at levels that are competitive with the for-profit sector, our nonprofit medical centers will be able to recruit and retain the caliber of individuals whose training skills, and expertise are crucial to the often inner-city or rural patients they serve.•

By Mrs. HUTCHISON:

S. 1539. A bill to establish the Los Caminos del Rio National Heritage Area along the Lower Rio Grande Texas-Mexico border, and for other purposes; to the Committee on Energy and Natural Resources.

THE LOS CAMINOS DEL RIO NATIONAL HERITAGE AREA ACT OF 1996

• Mrs. HUTCHISON. Mr. President, along the Lower Rio Grande from Laredo, TX to the Gulf of Mexico, are found resources of immense economic, natural, scenic, historical, and cultural value. On both the United States and Mexican sides of the Rio Grande, important historical themes and resources of local, State, national, and international importance characterize the river communities and counties along the Lower Rio Grande. These include early 16th- and 17th-century Spanish and French explorations, 18th-century river settlements founded under the Spanish Crown, 18th-century ranches where the first American cowboys rode, Texas independence and establishment of the Republic of the Rio Grande in 1840, the first battle of the Mexican-American War in 1846, the last land battle of the American Civil War fought near the mouth of the Rio Grande in 1865, a thriving steamboat trade in the late 19th-century, and the development of the Rio Grande Valley as an agricultural empire. Today, the Lower Rio Grande is one of the most complex ecological systems in the United States, with a remarkable variety of species including 600 different vertebrates, such as the plain chachalaca, the only member of the curassow family found in the United States, and 11,000 different and unique plants, like the Texas strawberry cactus.

Given the remarkable diversity and international importance of this area, local and regional governments, Federal and State agencies, businesses, private citizens and organizations in the United States and Mexico have expressed a desire to work cooperatively to preserve the most significant components of the natural and cultural heritage throughout the region, while accommodating sustainable growth and development.

Mr. President, in conjunction with these efforts, I am pleased to introduce today the Los Caminos del Rio National Heritage Area Act of 1996. This act will designate the Lower Rio Grande as a congressionally authorized national heritage area, thereby recognizing the unique and binational importance of the Lower Rio Grande region.

The Los Caminos del Rio National Heritage Area Act of 1996 recognizes the special importance of the Lower Rio Grande region as a living historical legacy of the United States and Mexico. Los Caminos del Rio will create partnerships between public and private entities to finance projects and initiatives throughout the Lower Rio Grande while requiring local governments and private entities to share costs with the Federal Government. Furthermore, it will promote cooperation between Mexico and the United States while enhancing the economies of the many Rio Grande communities.

Mr. President, in a time of fiscal constraints, national heritage areas are fiscally sound, budget-conscious alternatives to the traditional national park designation. That is why Senator BEN NIGHTHORSE CAMPBELL has introduced legislation to encourage such partnerships as an alternative to the traditional national park designation and why I am now introducing the Los Caminos del Rio National Heritage Area Act of 1996.

Additionally, I should like to point out that my bill pays particular and close attention to the rights of private property owners. I have listened to and worked with various property advocacy groups in order to craft a bill that specifically addresses concerns through concrete protections preventing property rights infringement and diminishment of value. For example, my bill prohibits conditioning of Federal assistance on enactment or modification of any land-use restrictions, mandates quarterly public hearings within the heritage area, and specifically states that nothing in the bill shall modify, enlarge, or diminish any authority of Federal, State, or local government to regulate any zoning or use of land, including fish and wildlife management. I hope to continue working with these property groups as this legislation moves toward passage.

The Los Caminos del Rio heritage project, which began in 1990 with a grant awarded to the Texas Historical Commission, has become a crucial unifier of the Lower Rio Grande region, facilitating contacts between small communities and their State and Federal Governments and with private philanthropy. That same process has occurred in Mexico, where border communities that have traditionally felt abandoned and overlooked have been able to take advantage of Los Caminos del Rio. Because they are part of a regional project, they are now part of national and State tourism and conservation programs.

Mr. President, I look forward to working with Senator CAMPBELL and others in passing this legislation to designate Los Caminos del Rio as a National Heritage Area, to establish guidelines for the designation of other such areas, and to offer security for owners of private property within such areas.•

By Mr. HATCH:

S. 1540. A bill to amend chapter 14 of title 35, United States Code, to preserve the full term of patents; to the Committee on the Judiciary.

THE FULL PATENT TERM PRESERVATION ACT OF 1996

Mr. HATCH. Mr. President, I am pleased to rise today to introduce S. 1540, the Full Patent Term Preservation Act of 1996. Very simply stated, this legislation will allow the Patent and Trademark Office [PTO] to restore patent term in cases in which patent life has been shortened due to unusual and unavoidable administrative delay.

I wish to commend the majority leader, my good friend from Kansas, for first bringing this matter to my attention. I share Senator DOLE's concern that patent term not be eroded due to unusual delays in evaluating patent applications by the PTO. The recent adoption of the new 20-year from time of filing patent term has created a need for legislation to address the issues giving rise to the Dole/Rohrabacher measure.

As my colleagues are aware, the legislation implementing the General Agreement on Tariffs and Trade [GATT] passed by the Congress and signed by the President in December, 1994, contained a provision designed to achieve harmonization of patent standards in the international community. This was accomplished by changing our old system, which allowed for a patent term equal to 17 years from the date the patent was issued, to a new system in which patents are valid for 20 years from the date of application.

There has been some concern expressed that the transition under GATT from a "17-year from issuance" to a "20-year from filing" patent term will cause some inventors to lose valuable patent term. This can occur when patent applications are under review at PTO for unusually long periods of time. To remedy this potential loss of patent term, the bill I am introducing today will allow the PTO to restore patent term for up to 10 years if such term are lost because of unusual and unavoidable administrative delay. The bill also provides an opportunity for an independent review of the Commissioner's determination.

At present, the patent code does not allow for patent term restoration on the basis of "unusual administrative delay." Such a provision was not included in previous legislation because it was believed that there were too few cases to warrant its inclusion. Nevertheless, the changes made by the GATT implementing legislation and several cited cases in which patent applications have taken up to 10 years to be processed have heightened an awareness of the need to address the potential diminution of patent life. If enacted, the Full Patent Term Preservation Act of 1996 will allow inventors to regain patent term lost due to unusual administrative delay.

S. 1540 addresses the same general issue expressed by the distinguished majority leader, Senator DOLE, and by Congressman ROHRABACHER in their legislation this Congress. I am very sympathetic to the problem which led them to introduce their legislation and I want to work closely with them to resolve the matter. At the same time I must note my concern that previous legislative proposals pose at least two problems. First, a provision that allows each applicant to select the way in which the patent term will be measured could pose significant administrative problems. And second, I am still concerned that we have not done enough to address the problem of so-called submarine patents which was one of the motivating factors behind adopting the GATT change.

As with the Dole/Rohrabacher legislation, the Full Patent Term Preservation Act of 1996 attempts to preserve a full term of patent protection for American inventors, thereby promoting creativity and investment and maintaining U.S. competitiveness in the rapidly growing high-tech global marketplace. However, by retaining the basic principle of measuring the patent term from the earliest filing date, my proposed legislation preserves the necessary incentives for patent applicants to diligently and expeditiously pursue the issuance of their patent.

As chairman of the Judiciary Committee, it is my intention to hold hearings on these issues in the near future. I want to make clear to my colleagues that the measure I introduce today is an effort to start the process of finding a middle ground which will accommodate the interests of all parties. I intend for the Judiciary Committee to examine this issue very closely over the next few months and I look forward to working with Senator DOLE and all other interested parties to make any necessary modifications.

Before closing, I want to mention my interest in soliciting input on one particular provision of this legislation. Section 2 grants the PTO the authority to determine the circumstances under which a patent adjustment can be made. Some have questioned whether providing this authority to the very agency which caused the delay would be the most appropriate way to address the adjustment issue.

Mr. President, I believe that S. 1540, the Full Patent Term Preservation Act of 1996 is a balanced legislative response to the problem of potential loss of patent term. It will protect the legitimate patent rights of American inventors, uphold our international treaty obligations under GATT, and provide the necessary incentives to ensure the responsible and timely pursuance of patent applications. I urge my colleagues to support this legislation and look forward to its timely consideration.

Mr. President, I ask unanimous consent that the text and a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1540

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Full Patent Term Preservation Act of 1996".

SEC. 2. PATENT TERM DETERMINATION AUTHORITY.

(a) IN GENERAL.—Section 154(b) of title 35, United States Code, is amended to read as follows:

"(b) DETERMINATION OF PATENT TERM.—

"(1) BASIS FOR PATENT TERM ADJUSTMENT.—

"(A) IN GENERAL.—Subject to paragraph (2), the term of a patent shall be adjusted to include the period of time for which the issue of the original patent was delayed due to—

"(i) a proceeding under section 135(a) of this title;

"(ii) the imposition of an order pursuant to section 181 of this title;

"(iii) appellate review by the Board of Patent Appeals and Interferences or by a Federal court where the patent was issued pursuant to a decision in the review reversing an adverse determination of patentability; or

"(iv) an unusual administrative delay by the Office in issuing the patent.

"(B) REGULATIONS.—The Commissioner shall prescribe regulations to govern the determination of the period of delay, including the particular circumstances determined to be an unusual administrative delay under subparagraph (A).

"(2) LIMITATIONS.—

"(A) MAXIMUM PERIOD OF ADJUSTMENT.—The total duration of all adjustments of a patent term under this subsection shall not exceed 10 years. No patent term may be adjusted by a period greater than the actual period of time that the issue of a patent was delayed as determined by the Commissioner. To the extent that periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

"(B) DUE DILIGENCE.—The period of adjustment of the term of a patent under this subsection shall be reduced by a period equal to the time during the processing or examination of the application leading to the patent in which the applicant did not act with due diligence to conclude processing or examination of the application. The Commissioner shall prescribe regulations establishing the circumstances that constitute a failure of an applicant to act with due diligence to conclude processing or examination of an application.

"(C) TERMINAL DISCLAIMER.—No patent, the term of which has been disclaimed beyond a specified date, may be adjusted under this section beyond the expiration date specified in the disclaimer.

"(3) NOTICE TO COMMISSIONER.—In a case in which a patent term is adjusted under this subsection, the Commissioner shall determine the period of any patent term adjustment available under this section and shall include a copy of that determination with the final notice. The Commissioner shall prescribe regulations establishing procedures for the application for, and notification of,

patent term adjustments granted by the Commissioner under this subsection.

"(4) JUDICIAL REVIEW.—Any applicant dissatisfied with a determination by the Commissioner under paragraph (3) may have remedy by civil action in the United States Court of Federal Claims if commenced within 60 days after the mailing of the notice of allowance as the Commissioner appoints. The initiation of a civil action under this section shall not delay the issuance of a patent.".

(c) TECHNICAL CLARIFICATION.—Section 156(a) of title 35, United States Code, is amended—

(1) in the matter preceding paragraph (1) by inserting ", which shall include any patent term adjustment granted under section 154(b)," after "the original expiration date of the patent"; and

(2) in paragraph (2) by inserting before the semicolon ", except as provided under section 154(b)".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect on the date of the enactment of this Act and shall apply to any application filed on or after June 8, 1995.

FULL PATENT TERM PRESERVATION ACT
SECTION-BY-SECTION ANALYSIS

Section 1. Short Title.—This section titles the bill the "Full Patent Term Preservation Act of 1996."

Section 2. Patent Term Determination Authority.—This section makes certain that the term of a patent will be adjusted to include time attributable to certain delays in review of patent applications.

Specifically, section 2(b)(1) mandates that adjustments will be made for time elapsed due to: proceedings designed to determine the priority of invention ("interference" under section 135(a) Title 35 U.S.C.); orders pertaining to a determination that the patent would be detrimental to the national security (section 181 of Title 35); and cases in which the Board of Patent Appeals and Interferences or a Federal court reverses an adverse finding of patentability. In addition, the Commissioner shall make adjustments due to unusual administrative delay by the Patent and Trademark Office (PTO) in issuing the patent.

The PTO Commissioner is authorized to promulgate regulations to govern how the period of delay is to be determined, including the circumstances that constitute "unusual administrative delay."

Section 2(b) also establishes a 10 year limitation for adjustments in patent terms under this section and precludes adjustments in patent term beyond the actual number of days that a patent was delayed. No adjustment in patent term may be granted for time periods when the applicant did not act with "due diligence." The Commissioner is authorized to promulgate regulations to define the application of the "due diligence" provisions.

Section 2(b) also instructs the Commissioner to notify the applicant, on the day the patent issues, of any patent term restoration the applicant is entitled to under this section. Finally, section 2(b) provides the right to judicial review in the United States Court of Federal Claims for those patent applicants dissatisfied with the determination of the Commissioner with respect to patent term adjustments.

Section 2(c) makes certain technical conforming changes between sections 154 and 156 of the patent provisions of Title 35, U.S.C. Section 2(c) allows the patent term adjustments provided in section 156 to restore patent term lost due to Food and Drug Administration regulatory review to be additive to any patent term restoration granted under section 154 to compensate for patent term unavoidably lost in the patent prosection process.

Section 3. Effective Date.—This section makes the new provisions contained in section 2 effective for any patent application filed on or after June 8, 1995.

By Mr. LUGAR (for himself, Mr. DOLE, Mr. HELMS, Mr. COCHRAN, Mr. CRAIG, Mr. GRASSLEY, Mr. PRESSLER, and Mr. COVERDELL):

S. 1541. a bill to extend, reform, and improve agricultural commodity, trade, conservation, and other programs, and for other purposes; read the first time.

AGRICULTURAL MARKET TRANSITION ACT

Mr. LUGAR. Mr. President, I rise to support the Agricultural Market Transition Act of 1996. This legislation is identical to Title I of the Balanced Budget Act, with two changes which I shall mention shortly.

Congress passed the Balanced Budget Act and the President, most unfortunately for the country, vetoed it. We hope that some spending cuts can be added to legislation raising the Federal debt limit. However, the veto creates a problem for U.S. agriculture.

The problem is that commodity support programs for the next 7 years were part of the BBA. Existing authority for these programs has now expired. All that remain are outdated statutes from 1938 and 1949. The Clinton administration confirms that implementing these statues could add $10 to $12 billion to the cost of running farm programs for 1996 crops alone.

That is intolerable for taxpayers. Farmers do not support such an irresponsible policy. The solution is to enact a new farm bill.

Farmers need to know what farm policies will be—not just for the next 12 months but for the next several years. We owe it to U.S. agriculture to enact a long-term plan, not a stopgap measure.

This bill's agricultural provisions are a long-term plan endorsed by a broad spectrum of agricultural groups. From national groups like the American Farm Bureau Federation and the National Corn Growers Association, to state groups like the Kansas Association of Wheat Growers and the North Dakota Grain Growers, U.S. producer and agribusiness organizations support this plan.

It is simple, in contrast to the needless complexity of current programs.

It offers certainty. Farmers will know what their future payments will be. Taxpayers will know how much will be spent. U.S. agriculture will have security against future budget cuts.

Finally, it is market-oriented. Farmers' payments will be the same even if they plant alternate crops. Producers' planting decisions will be based on the market—as they should be. Under the BBA, there will be full planting freedom, not arbitrary government production controls.

Mr. President, I ask unanimous consent that a brief summary of this bill's provisions be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUBTITLE A—AGRICULTURAL MARKET TRANSITION PROGRAM

Production flexibility contracts—Eligible producers (those who had participated in the wheat, feed grains, cotton and rice programs in any one of the past five years) can enter into seven-year "production flexibility contracts" between 1996 and 2002. The deadline for entering into the contract would be April 15, 1996. Payments would be made on September 30 of each year beginning in 1996. Farmers would also have the option of receiving half of their annual payment by December 15 of the previous year (except in 1996 when the advance payment would be due within 60 days of the signing of the contract.)

Payment would be made on 85 percent of a farm's contract acreage. On this acreage participants would be free to plant any program crop, oilseed, industrial or experimental crop, mung beans, lentils and dry peas. Planting of fruits and vegetables would be prohibited on contract acres. These commodity program changes will result in $8.6 billion in budget savings over the next seven years.

Peanuts—The legislation saves $434 million from the federal peanut program, making it a no-cost program. The price support program for peanuts is extended through 2002, but the quota support rate is lowered from $678/tone to $610/ton. The price support escalator is eliminated. The legislation eliminates the national poundage quota floor (currently 1,350,000 tons) and undermarketing provisions of current law. Previously considered reforms for quota reduction, the sale, lease and transfer of quota across county lines, and offers from handlers were removed from the bill due to Byrd rule considerations. These reforms will likely be taken up later as part of separate legislation.

Sugar—In order to make the program more market-oriented, a recourse loan system is implemented until imports reach 1.5 million short tons for FY 1997 1997–2002. The bill terminates marketing allotments and implements a one cent penalty on forfeited sugar. Provisions of current law that require the Sugar Program to operate at no-net cost are retained in this bill. It also retains the loan rate of raw cane sugar and refined beet sugar at the 1995 levels, 18 cents and 22.9 cents respectively, and retains a nine-month loan. The legislation would raise the assessment on sugar processors to achieve $52 million in budget savings over seven years toward deficit reduction.

Nonrecourse marketing assistance loans—The conference agreement establishes maximum loan rates at the following (1995) levels: Rice: $6.50/cwt; Upland Cotton: $0.5192/lb; Wheat: $2.58/bu; Corn: $1.89/bu; Soybeans: $4.92/bu; ELS Cotton: $0.7965/lb.

The Secretary would retain authority to make downward adjustments to wheat and feed grains loan rates based on specified stocks-to-use criteria. The bill also establishes a minimum loan rate for rice at $6.50/cwt and cotton at $0.50/lb. The conference agreement also eliminates the 8-month cotton loan extension. The loan rate provisions

of the conference agreement will save $107 million.

Payment limitations—The conference agreement reduces the current payment limitation by 20 percent, from $50,000 to $40,000. The bill extends provisions of current law that limit marketing loan gains and loan deficiency payments to $75,000 per person per year. The payment limitation reduction achieves $150 million in budget savings.

Program authority elimination—This legislation repeals the Agriculture Act of 1949 as well as the permanent law provisions of the Agriculture Adjustment Act of 1938. Also eliminated are authorities for the Farmer Owned Reserve and the Emergency Livestock Feed Assistance Program.

SUBTITLE B—CONSERVATION

Conservation Reserve Program (CRP)—The CRP is capped at the current level of 36.4 million acres for a savings of $569 million over seven years. Also adopted was an "early out" provision to allow contract holders to terminate CRP contracts upon written notification of the Secretary.

Livestock Environmental Assistance Program (LEAP)—The program is established to help livestock producers improve environmental and water quality. The program makes available $100 million annually to provide technical and cost-share assistance in implementing structural and management practices to protect water, soil and related resources from degradation associated with livestock production.

SUBTITLE C—AGRICULTURAL PROMOTION AND EXPORT PROGRAMS

Market Promotion Program (MPP)—MPP expenditures are capped at $100 million through 2002 producing a savings of $60 million.

Export Enhancement Program (EEP)—EEP expenditures are capped at $350 million in 1996 and 1997; $500 million in 1998; $550 million in 1999; $579 million in 2000 and $478 million for 2001 and 2002. Total savings for EEP will be $1.27 billion.

SUBTITLE D—MISCELLANEOUS

Crop insurance—The bill eliminates the mandatory nature of catastrophic crop insurance, but requires producers to waive all federal disaster assistance if they opt not to purchase insurance. Dual delivery of crop insurance is eliminated in those states that have adequate private crop insurance delivery. The bill also corrects a provision of current law by amending the Federal Crop Insurance Act to include seed crops. The crop insurance provisions of the bill result in net savings of $130 million.

Agriculture quarantine and inspection—The bill amends the Food, Agriculture, Conservation and Trade Act of 1990 to allow the Secretary to collect and spend fees collected over $100 million to cover the cost of providing quarantine and inspection services for imports.

Commodity Credit Corporation (CCC) interest rates—Rates on CCC agriculture commodity loans are increased by 100 basis points for a savings of $260 million over seven years.

Mr. LUGAR. I would also like to mention two changes from the BBA as it passed the House and Senate.

Under the Livestock Environmental Assistance Program, limits are placed on the size of operations that may receive benefits. The BBA contained these limits but some felt that for dairy operations, the limits were too strict. Therefore, dairy operations of 700 or fewer cows will now be eligible.

The other change deals with which crops may be planted on acres enrolled in income support contracts. The bill introduced today will treat fruit and vegetable crops in the same manner as current law—that is, they may not be planted on contract acres.

Mr. President, the Agricultural Market Transition Act of 1996 represents a bold departure from the past. It is a new direction for American agriculture. It will reduce Federal spending, reform price support programs, and prepare U.S. farmers for what promises to be an exciting new century, full of opportunities for the most efficient food producers in the world.

Mr. GORTON. Mr. President, today I am pleased to join my colleagues Senators CRAIG, DOLE, LUGAR, COCHRAN, and GRASSLEY, supporting a farm bill that will let our farmers farm according to the marketplace and stop the Federal Government from telling our farmers what crop to plant, when to plant, and how much to plant. These decisions belong to the farmer—not the Federal Government.

On September 30 of last year the farm bill expired. Farmers in my State of Washington and across the country need to know what the farm program will be. They cannot wait any longer. Currently, farmers in my State are meeting with their bankers, making plans for this year's crop, determining their financial situation, and evaluating their equipment needs. As my good friend from Iowa, Senator GRASSLEY, said on Tuesday, "farmers of this country deserve to know what the farm program will be this year and they need to know as soon as possible." The senior Senator from Iowa is correct. We cannot in good conscience delay in passing a farm bill. We owe it to the American farmer to take action.

Farmers in my State tell me that they want less Government, less red tape, and less paperwork. Farmers in my State simply want more flexibility; they want the Federal Government out of their lives. A market transition style farm program gives them what they have asked for and provides a seven year transition to full market-oriented farming.

A market transition style farm program could not come at a better time. Many important developments have taken place since the completion of the Uruguay Round of the General Agreement of Tariffs and Trade [GATT]. I believe that GATT will continue to open new world markets for the United States, and with a farm program that allows our farmers to farm according to the marketplace we will provide them with the flexibility they need to respond quickly to the demands of emerging world markets.

A market transition style farm program also moves us towards a balanced budget, saving nearly $13 billion in budget outlays over 7 years. Since 1969, the last year in which there was a balanced budget in this country, we have piled debt on our shoulders and on the shoulders of our children and grandchildren of almost $5 trillion. That means, Mr. President, that a child born today inherits an obligation of some $187,000 during his or her life simply to pay interest on the national debt. This statistic alone starkly illustrates not just the fiscal and financial necessity, but the moral necessity of a sharp change in direction. This country can no longer continue goods and services for which it is unwilling to pay. If we do not change the way we do things here in Washington, DC, our children and grandchildren will suffer terribly.

If we do balance the Federal budget we will provide American families and American farmers with better jobs, higher wages, lower interest rates, and economic certainty. All of this means more money in the pockets of American farmers. One thing is for certain, Mr. President: we must balance the budget and we must balance it now.

For all of these reasons, Mr. President, I support my colleagues, Senators CRAIG, DOLE, LUGAR, COCHRAN, and GRASSLEY, as we work together to provide American farmers with the flexibility they need to do what they do best: provide healthy, safe, and abundant food for families around the world.

By Mr. SPECTER (for himself and Mr. HOLLINGS):

S.J. Res. 48. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

CAMPAIGN EXPENDITURES CONSTITUTIONAL AMENDMENT

Mr. SPECTER. Mr. President, I have sought recognition today for purposes, with the cosponsorship of the distinguished Senator from South Carolina, Senator HOLLINGS, to introduce a constitutional amendment which is broader than any yet pending, which would authorize the Congress and the State legislatures to set spending limits on what any individual can spend of his or her own money in the context of a candidacy.

I had wanted to introduce this amendment on January 30, which is next Tuesday, because January 30 is the 20th anniversary of the decision of the Supreme Court in Buckley versus Valeo, which said that an individual can promote his or her candidacy to the maximum extent he or she chooses with their own personal funds as a matter of first amendment protection of freedom of speech.

It has always been a little hard for me to understand how anything from the freedom of speech is implicated in a matter of campaign financing. For the past 6 years, Senator HOLLINGS and

I and others have tried to advance this constitutional amendment, which is difficult because it picks on the first amendment.

But in seeking to amend the first amendment, we do not seek to change the language of the first amendment, which I think is sacrosanct. What we seek to do is to overrule, in effect, a split decision by the Supreme Court of the United States in interpreting the first amendment.

Money is the scourge of politics, and to buy high public office is, obviously, against public policy. There are many who have, in effect, bought public office, including some seats of the U.S. Senate. But it is only recently that this matter has come into sharp focus when a candidate for the Presidency of the United States, who is reputed to have assets in excess of $400 million, set out to, in effect, buy the White House.

According to this morning's New York Times, some $15 million has already been expended on that effort. I think it is especially problemsome when a substantial part of that money is dedicated to negative advertising which, in effect, seeks to impugn the reputation of an opponent who spent more than 40 years in public life.

I believe what is going on in the Presidential primaries, the Republican primaries, today has caused a great deal of focus of attention, and it is high time that we took some action to stop someone from buying public office, especially the Presidency of the United States, especially the White House.

I will add, Mr. President, that I personally feel especially strong about this particular matter, because I filed for the U.S. Senate during the first election cycle following the enactment of the 1974 legislation which limited the amount of moneys which could be spent on Federal elections.

That 1974 statute said that for a State the size of Pennsylvania, with 12 million people, the most anyone could spend of his or her own money was $35,000. That year, I contested for that office with then-Congressman John Heinz, who later I served with in the Senate as a colleague and who became one of my very, very best friends, a Senator we sorely miss in this body.

But with the playing field somewhat leveled with the $35,000 maximum individual expenditure, I thought that race was one to be undertaken. Then, right in the middle of the campaign, on January 30—we had an August 22 primary in 1976; I declared my candidacy in November of 1975—right in the middle of the campaign, the Supreme Court of the United States said any candidate can spend as much of his or her money that he or she wanted.

Somewhat anomalous, my brother, who could have bankrolled my campaign—I do not know he would have, but he could have—was limited to $1,000 under the act, and that remained in place by the Supreme Court decision.

It is a little hard to see the first amendment freedom of speech rights of SPECTER being different than the freedom of speech rights of a candidate. We have lived with Buckley versus Valeo for 20 years, and it is bad legal construction. There is nothing in the first amendment, there is nothing in the logic of the law which suggests the first amendment gives an individual the right to spend as much of his or her own money as he or she chooses.

It certainly is bad public policy to have someone seek to buy an office, especially the Presidency of the United States.

So I urge my colleagues to join Senator HOLLINGS and myself. As we have talked in the quarters and in the cloakrooms and on the floor of the Senate in these past several days, I believe that there is a growing sentiment in the Congress to do something about Buckley versus Valeo, to see to it that we do not have high public office up for sale in this great country.

ADDITIONAL COSPONSORS

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of S. 295, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 298

At the request of Mr. DOMENICI, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 298, a bill to establish a comprehensive policy with respect to the provision of health care coverage and services to individuals with severe mental illnesses, and for other purposes.

S. 743

At the request of Mrs. HUTCHISON, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 743, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes.

S. 837

At the request of Mr. WARNER, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 837, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

S. 968

At the request of Mr. MCCONNELL, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 968, a bill to require the Secretary of the Interior to prohibit the import, export, sale, purchase, and possession of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 1028

At the request of Mrs. KASSEBAUM, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1028, a bill to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, to increase the purchasing power of individuals and small employers, and for other purposes.

S. 1039

At the request of Mr. ABRAHAM, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 1039, a bill to require Congress to specify the source of authority under the United States Constitution for the enactment of laws, and for other purposes.

S. 1370

At the request of Mr. CRAIG, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1370, a bill to amend title 10, United States Code, to prohibit the imposition of any requirement for a member of the Armed Forces of the United States to wear indicia or insignia of the United Nations as part of the military uniform of the member.

S. 1426

At the request of Mr. CRAIG, his name was withdrawn as a cosponsor of S. 1426, a bill to eliminate the requirement for unanimous verdicts in Federal court.

S. 1453

At the request of Mr. BURNS, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1453, a bill to prohibit the regulation by the Secretary of Health and Human Services and the Commissioner of Food and Drugs of any activities of sponsors or sponsorship programs connected with, or any advertising used or purchased by, the Professional Rodeo Cowboy Association, its agents or affiliates, or any other professional rodeo association, and for other purposes.

S. 1487

At the request of Mr. GRAMM, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 1487, a bill to establish a demonstration project to provide that the Department of Defense may receive Medicare reimbursement for health care services provided to certain Medicare-eligible covered military beneficiaries.

S. 1519

At the request of Mr. DOLE, the names of the Senator from Virginia [Mr. WARNER], the Senator from Maine [Ms. SNOWE], the Senator from Indiana [Mr. COATS], the Senator from Idaho [Mr. KEMPTHORNE], and the Senator

from Oklahoma [Mr. NICKLES] were added as cosponsors of S. 1519, a bill to prohibit United States voluntary and assessed contributions to the United Nations if the United Nations imposes any tax or fee on United States persons or continues to develop or promote proposals for such taxes or fees.

S. 1520

At the request of Mr. HELMS, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 1520, a bill to award a congressional gold medal to Ruth and Billy Graham.

SENATE RESOLUTION 152

At the request of Mr. ABRAHAM, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Resolution 152, a resolution to amend the Standing Rules of the Senate to require a clause in each bill and resolution to specify the constitutional authority of the Congress for enactment, and for other purposes.

SENATE RESOLUTION 213—COMMENDING SENATOR SAM NUNN FOR CASTING 10,000 VOTES

Mr. DASCHLE submitted the following resolution; which was considered and agreed to:

S. RES. 213

Whereas the Honorable Sam Nunn has served with distinction and commitment as a U.S. Senator from the State of Georgia since January 1973;

Whereas his dedicated service as a U.S. Senator has contributed to the effectiveness and betterment of this institution;

Whereas he has dutifully and faithfully served the Senate as Chairman of the Armed Services Committee, (1987–1994); and

Whereas his expertise and leadership in defense and military policies has been of tremendous benefit to our Nation and to our men and women in uniform: Now, therefore be it

Resolved, That the U.S. Senate congratulates the Honorable Sam Nunn, the senior Senator from Georgia, for becoming the 17th U.S. Senator in history to cast 10,000 votes.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Sam Nunn.

SENATE RESOLUTION 214—RELATIVE TO THE PAYMENT OF SOCIAL SECURITY OBLIGATIONS

Mr. BROWN submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 214

Resolved, That it is the sense of the Senate that as the Secretary of the Treasury plans for cash flow management in the absence of an extension to the debt limit of the United States, the Secretary shall give first priority to the payment of Social Security benefits over the payment of other Government obligations.

SENATE RESOLUTION 215—TO DESIGNATE JUNE 19, 1996, AS "NATIONAL BASEBALL DAY"

Mr. LAUTENBERG (for himself, Mr. BRADLEY, and Mr. MOYNIHAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 215

Whereas the seeds of modern baseball were planted on the Elysian Fields of Hoboken, New Jersey, on the warm spring afternoon of June 19, 1846;

Whereas on that historic date, one of baseball's earliest and most influential teams, the Knickerbockers, invited a group known as the New York Club to join them for a "game of ball" under a unique set of rules that the Knickerbockers had recently devised;

Whereas the game the Knickerbockers conceived so excited and captivated the imagination of sports enthusiasts that other "baseball clubs" soon began to assemble;

Whereas these early clubs organized and modeled themselves on the example set by the Knickerbockers and adopted the Knickerbockers written "Rules of Play";

Whereas these men and teams were amateurs in the noblest sense of the word, as they played for the sheer joy they found in this new and captivating game;

Whereas over the next decade, the Elysian Fields grew into the first great center of baseball activity in the United States, and began to attract players and spectators from across the Nation;

Whereas Alexander Joy Cartwright, Jr. was the guiding force behind the Knickerbockers, and is the American who, perhaps, best deserves the title of "Father of Modern Baseball";

Whereas the game of baseball spread north and south along the east coast of the United States;

Whereas today this game is known simply as "baseball", a game which, unlike any other, has had a profound influence on generation after generation of Americans;

Whereas for millions of Americans, baseball is part of their earliest childhood memories, including the crack of a bat, the smell of a glove, and the endless summers spent on sandlots and schoolyards in every community across this great Nation in a uniquely American rite of passage;

Whereas for many Americans, their first real heroes wore pinstriped baseball uniforms, and these heroes taught generations of young Americans important values and inspired their first dreams of glory;

Whereas in every American generation for 150 years, baseball has been an important bond between millions of parents and their children who have shared countless afternoons at the ballpark;

Whereas today, baseball binds one generation of Americans to the next through a shared experience that has become central to our cultural identity as a Nation;

Whereas it is often said that to understand America, one must first understand the game of baseball; and

Whereas the designation of a "National Baseball Day" will provide an opportunity to celebrate America's "national pastime" and to reflect upon a game that has become a metaphor for our Nation's values and a living symbol of our cultural heritage: Now, therefore, be it

Resolved, That the Senate, in recognition of the fundamental role that the game of baseball has played in shaping our American experience, and as a tribute to those who first pioneered the game, designate June 19, 1996, as "National Baseball Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

Mr. LAUTENBERG. Mr. President, I rise today on behalf of myself and Senators BRADLEY and MOYNIHAN to submit a resolution that will celebrate the 150th birthday of this country's national pastime. This resolution would declare June 19, 1996, as "National Baseball Day," commerating this date in 1846 when baseball's first game was played.

The seeds of modern baseball were planted on the Elysian Fields of Hoboken, NJ, on the warm spring afternoon of June 19, 1846. On this historic date, one of baseball's earliest and most influential teams, the Knickerbockers, invited a group known as the New York Club to join them for a game of ball under a unique set of rules that the Knickerbockers had recently devised. As time passed and word spread, other baseball clubs soon began to assemble and over the next decade the Elysian Fields grew into the first great center of baseball activity in the United States. Soon the game of baseball spread north and south along the east coast of the United States. Today it is played from coast-to-coast and all over the world. Mr. President, this game, unlike any other, has had a profound influence on generation after generation of Americans.

The men that played in these early games were amateurs in the noblest sense of the word, as they played for the sheer joy they found in the game. Millions of American boys and girls carry on this tradition every year by participating in amateur baseball and softball leagues. In T-Ball and Little Leagues across the country, youngsters are not only learning the fundamentals of the game but teamwork and good sportsmanship, lessons that can be carried off the diamond. In fact, for millions of Americans, baseball is part of their earliest childhood memories, including the crack of a bat, the smell of a glove, and the endless summers spent on sandlots and schoolyards in every community across this great Nation in a uniquely American rite of passage. In every American generation for 150 years, baseball has been an important bond between millions of parents and their children who have shared countless afternoons at the ballpark. Baseball binds one generation of Americans to the next through a shared experience that has become central to our identity as a nation.

It is often said that to understand America, one must first understand the game of baseball. For the past century and a half the game of baseball has been with us through good and bad. During difficult times, baseball has been an aid to Americans, providing

not only a distraction to the current hardships, but offering hope that if the pastime of this great country can endure so can the Nation as a whole. It helped keep the home fires burning during World War II and moved us into the civil rights movement with Jackie Robinson. This is much more than a game, it is a part of who we are.

We eagerly await the start of spring training, looking forward to opening day and baseball's first pitch. Then summer arrives, where temperatures and pennant races heat up moving us into crisp fall nights and the magic of the World Series. The greatness of baseball comes from its simplicity and diversity, a trait which makes the game like no other. The dimensions of the field differ from park to park, games have no set time limits and the phrase "perfect game" has a specific meaning with its own precise guidelines. It is a game filled with tradition that can not be matched by any other.

Mr. President, at its heart, baseball is a communal experience and its memories are those we inevitable share. It is a game that allows the fan to remember the past while at the same time looking towards the future, knowing that the game will be around for generations of sons and daughters to enjoy. Baseball is truly a game for the ages.

The designation of a "National Baseball Day" will provide an opportunity to celebrate America's national pastime and to reflect upon a game that has become a metaphor for our Nation's values and a living symbol of our heritage. I urge my colleagues to support this resolution.

SENATE RESOLUTION 216—RELATIVE TO MINTING AND CIRCULATING $1 COINS

Ms. SNOWE (for herself and Mr. COHEN) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 216

Whereas, in 1940, Margaret Chase Smith became a Member of the House of Representatives, commencing 32 years of public service to the State of Maine and to the United States;

Whereas Margaret Chase Smith was elected to the Senate in 1948, becoming the first woman to be elected to the Senate, as well as the first woman to be elected to both the House of Representatives and the Senate;

Whereas, on June 1, 1950, Margaret Chase Smith delivered an address entitled "Declaration of Conscience", which was a defense of the basic principles of Americanism, including the right to criticize, the right to hold unpopular beliefs, the right to protest, and the right to independent thought;

Whereas Margaret Chase Smith was the first woman to become the ranking member of a congressional committee;

Whereas Margaret Chase Smith was the first woman to serve on the Committee on Armed Services and the Committee on Appropriations of the Senate;

Whereas, in 1964, Margaret Chase Smith was the first woman to have her name placed in nomination for the presidency by either major political party;

Whereas Margaret Chase Smith was the first civilian woman to sail on a United States destroyer during wartime;

Whereas Margaret Chase Smith was the first woman to break the sound barrier in a United States Air Force F-100 Super Sabre;

Whereas, until 1981, Margaret Chase Smith held the all-time consecutive rollcall voting record of the Senate, totalling 2,941 votes over 13 years;

Whereas Margaret Chase Smith died at the age of 97, and, during her lifetime, was given 95 honorary degrees and was awarded the Presidential Medal of Freedom by President Bush in 1989;

Whereas Margaret Chase Smith was a teacher, a telephone operator, a newspaperwoman, an office manager, a secretary, a wife, a Congresswoman, and a Senator;

Whereas Margaret Chase Smith was a leader, a Nation's conscience, a visionary, and a woman of endless firsts;

Whereas the achievements of Margaret Chase Smith are an inspiration to millions of young girls and women, showing that through the use of one's talents, abilities, and energies that opportunities for women do exist and that the door to elected office can be open to all women; and

Whereas Margaret Chase Smith served with pride and humility, and her epitaph aptly reads, "She served people.": Now, therefore, be it

Resolved, That it is the sense of the Senate that if a $1 coin is minted to replace the $1 bill, the Secretary of the Treasury should be authorized to mint and circulate $1 coins bearing a likeness of Margaret Chase Smith.

AMENDMENTS SUBMITTED

THE BALANCED BUDGET DOWNPAYMENT ACT, I

KENNEDY (AND OTHERS) AMENDMENT NO. 3119

Mr. KENNEDY (for himself, Mr. JEFFORDS, Ms. SNOWE, Mr. SIMON, Mr. PELL, Mr. DODD, Mr. REID, Mrs. MURRAY, Mr. HARKIN, Ms. MOSELEY-BRAUN, Mr. ROCKEFELLER, Mr. BRYAN, Mr. BINGAMAN, Mr. WELLSTONE, Mr. DORGAN, Mr. LEAHY, and Mr. KERRY) proposed an amendment to the bill (H.R. 2880) making appropriations for fiscal year 1996 to make a downpayment toward a balanced budget, and for other purposes, as follows:

At the end of title I, insert the following new section:

SEC. ____. (a) Notwithstanding any other provision of this Act (except sections 106, 115, 119 and 120), the amount appropriated for each education program under this Act shall be not less than the amount made available for such education program under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1995.

(b) For the purpose of subsection (a), the term "education program" means each continuing project or activity of the Department of Education and each continuing project or activity under the Head Start Act and the School-to-Work Opportunities Act of 1994.

MOYNIHAN AMENDMENT 3120

Mr. MOYNIHAN proposed an amendment to the bill H.R. 2880, supra, as follows:

At the end of the bill, add the following:

TITLE V—PUBLIC DEBT LIMIT

SEC. 501. INCREASE IN PUBLIC DEBT LIMIT.

Subsection (b) of section 3101 of title 31, United States Code, is amended by striking the dollar amount contained in the first sentence and inserting "$5,400,000,000,000".

THE USEC PRIVATIZATION ACT

MURKOWSKI (AND OTHERS) AMENDMENT NO. 3121

(Ordered to lie on the table.)

Mr. MURKOWSKI (for himself, Mr. JOHNSTON, Mr. DOMENICI, and Mr. FORD) submitted an amendment intended to be proposed by them to the bill (S. 755) to amend the Atomic Energy Act of 1954 to provide for the privatization of the United States Enrichment Corporation, as follows:

Strike out all after the enacting clause and insert in lieu thereof:

SEC. 1. SHORT TITLE.

This Act may be cited as the "USEC Privatization Act".

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) The term "AVLIS" means atomic vapor laser isotope separation technology.

(2) The term "Corporation" means the United States Enrichment Corporation and, unless the context otherwise requires, includes the private corporation and any successor thereto following privatization.

(3) The term "gaseous diffusion plants" means the Paducah Gaseous Diffusion Plant at Paducah, Kentucky and the Portsmouth Gaseous Diffusion Plant at Piketon, Ohio.

(4) The term "highly enriched uranium" means uranium enriched to 20 percent or more of the uranium-235 isotope.

(5) The term "low-enriched uranium" means uranium enriched to less than 20 percent of the uranium-235 isotope, including that which is derived from highly enriched uranium.

(6) The term "low-level radioactive waste" has the meaning given such term in section 2(9) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b(9)).

(7) The term "private corporation" means the corporation established under section 5.

(8) The term "privatization" means the transfer of ownership of the Corporation to private investors.

(9) The term "privatization date" means the date on which 100 percent of the ownership of the Corporation has been transferred to private investors.

(10) The term "public offering" means an underwritten offering to the public of the common stock of the private corporation pursuant to section 4.

(11) The "Russian HEU Agreement" means the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, dated February 18, 1993.

(12) The term "Secretary" means the Secretary of Energy.

(13) The "Suspension Agreement" means the Agreement to Suspend the Antidumping Investigation on Uranium from the Russian Federation, as amended.

(14) The term "uranium enrichment" means the separation of uranium of a given isotope content into 2 components, 1 having a higher percentage of a fissile isotope and 1 having a lower percentage.

SEC. 3. SALE OF THE CORPORATION.

(a) AUTHORIZATION.—The Board of Directors of the Corporation, with the approval of the Secretary of the Treasury, shall transfer the interest of the United States in the United States Enrichment Corporation to the private sector in a manner that provides for the long-term viability of the Corporation, provides for the continuation by the Corporation of the operation of the Department of Energy's gaseous diffusion plants, provides for the protection of the public interest in maintaining a reliable and economical domestic source of uranium mining, enrichment and conversion services, and, to the extent not inconsistent with such purposes, secures the maximum proceeds to the United States.

(b) PROCEEDS.—Proceeds from the sale of the United States' interest in the Corporation shall be deposited in the general fund of the Treasury.

SEC. 4. METHOD OF SALE.

(a) AUTHORIZATION.—The Board of Directors of the Corporation, with the approval of the Secretary of the Treasury, shall transfer ownership of the assets and obligations of the Corporation to the private corporation established under section 5 (which may be consummated through a merger or consolidation effected in accordance with, and having the effects provided under, the law of the State of incorporation of the private corporation, as if the Corporation were incorporated thereunder).

(b) BOARD DETERMINATION.—The Board, with the approval of the Secretary of the Treasury, shall select the method of transfer and establish terms and conditions for the transfer that will provide the maximum proceeds to the Treasury of the United States and will provide for the long-term viability of the private corporation, the continued operation of the gaseous diffusion plants, and the public interest in maintaining reliable and economical domestic uranium mining and enrichment industries.

(c) ADEQUATE PROCEEDS.—The Secretary of the Treasury shall not allow the privatization of the Corporation unless before the sale date the Secretary of the Treasury determines that the method of transfer will provide the maximum proceeds to the Treasury consistent with the principles set forth in section 3(a).

(d) APPLICATION OF SECURITIES LAWS.—Any offering or sale of securities by the private corporation shall be subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), and the provisions of the Constitution and laws of any State, territory, or possession of the United States relating to transactions in securities.

(e) EXPENSES.—Expenses of privatization shall be paid from Corporation revenue accounts in the United States Treasury.

SEC. 5. ESTABLISHMENT OF PRIVATE CORPORATION.

(a) INCORPORATION.—(1) The directors of the Corporation shall establish a private for-profit corporation under the laws of the State for the purpose of receiving the assets and obligations of the Corporation at privatization and continuing the business operations of the Corporation following privatization.

(2) The directors of the Corporation may serve as incorporators of the private corporation and shall take all steps necessary to establish the private corporation, including the filing of articles of incorporation consistent with the provisions of this Act.

(3) Employees and officers of the Corporation (including members of the Board of Directors) acting in accordance with this section on behalf of the private corporation shall be deemed to be acting in their official capacities as employees or officers of the Corporation for purposes of section 205 of title 18, United States Code.

(b) STATUS OF THE PRIVATE CORPORATION.—(1) The private corporation shall not be an agency, instrumentality, or establishment of the United States, a Government corporation, or a Government-controlled corporation.

(2) Except as otherwise provided by this Act, financial obligations of the private corporation shall not be obligations of, or guaranteed as to principal or interest by, the Corporation or the United States, and the obligations shall so plainly state.

(3) No action under section 1491 of title 28, United States Code, shall be allowable against the United States based on actions of the private corporation.

(c) APPLICATION OF POST-GOVERNMENT EMPLOYMENT RESTRICTIONS.—Beginning on the privatization date, the restrictions stated in section 207 (a), (b), (c), and (d) of title 18, United States Code, shall not apply to the acts of an individual done in carrying out official duties as a director, officer, or employee of the private corporation, if the individual was an officer or employee of the Corporation (including a director) continuously during the 45 days prior to the privatization date.

(d) DISSOLUTION.—In the event that the privatization does not occur, the Corporation will provide for the dissolution of the private corporation within 1 year of the private corporation's incorporation unless the Secretary of the Treasury or his delegate, upon the Corporation's request, agrees to delay any such dissolution for an additional year.

SEC. 6. TRANSFERS TO THE PRIVATE CORPORATION.

Concurrent with privatization, the Corporation shall transfer to the private corporation—

(1) the lease of the gaseous diffusion plants in accordance with section 7,

(2) all personal property and inventories of the Corporation,

(3) all contracts, agreements, and leases under section 8(a),

(4) the Corporation's right to purchase power from the Secretary under section 8(b),

(5) such funds in accounts of the Corporation held by the Treasury or on deposit with any bank or other financial institution as approved by the Secretary of the Treasury, and

(6) all of the Corporation's records, including all of the papers and other documentary materials, regardless of physical form or characteristics, made or received by the Corporation.

SEC. 7. LEASING OF GASEOUS DIFFUSION FACILITIES.

(a) TRANSFER OF LEASE.—Concurrent with privatization, the Corporation shall transfer to the private corporation the lease of the gaseous diffusion plants and related property for the remainder of the term of such lease in accordance with the terms of such lease.

(b) RENEWAL.—The private corporation shall have the exclusive option to lease the gaseous diffusion plants and related property for additional periods following the expiration of the initial term of the lease.

(c) EXCLUSION OF FACILITIES FOR PRODUCTION OF HIGHLY ENRICHED URANIUM.—The Secretary shall not lease to the private corporation any facilities necessary for the production of highly enriched uranium but may, subject to the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), grant the Corporation access to such facilities for purposes other than the production of highly enriched uranium.

(d) DOE RESPONSIBILITY FOR PREEXISTING CONDITIONS.—The payment of any costs of decontamination and decommissioning, response actions, or corrective actions with respect to conditions existing before July 1, 1993, at the gaseous diffusion plants shall remain the sole responsibility of the Secretary.

(e) ENVIRONMENTAL AUDIT.—For purposes of subsection (d), the conditions existing before July 1, 1993, at the gaseous diffusion plants shall be determined from the environmental audit conducted pursuant to section 1403(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2297c-2(e)).

(f) TREATMENT UNDER PRICE-ANDERSON PROVISIONS.—Any lease executed between the Secretary and the Corporation or the private corporation, and any extension or renewal thereof, under the section shall be deemed to be a contract for purposes of section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)).

(g) WAIVER OF EIS REQUIREMENT.—The execution or transfer of the lease between the Secretary and the Corporation or the private corporation, and any extension or renewal thereof, shall not be considered to be a major Federal action significantly affecting the quality of the human environment for purposes of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

SEC. 8. TRANSFER OF CONTRACTS.

(a) TRANSFER OF CONTRACTS.—Concurrent with privatization, the Corporation shall transfer to the private corporation all contracts, agreements, and leases, including all uranium enrichment contracts, that were—

(1) transferred by the Secretary to the Corporation pursuant to section 1401(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2297c(b)), or

(2) entered into by the Corporation before the privatization date.

(b) NONTRANSFERABLE POWER CONTRACTS.—The Corporation shall transfer to the private corporation the right to purchase power from the Secretary under the power purchase contracts for the gaseous diffusion plants executed by the Secretary before July 1, 1993. The Secretary shall continue to receive power for the gaseous diffusion plants under such contracts and shall continue to resell such power to the private corporation at cost during the term of such contracts.

(c) EFFECT OF TRANSFER.—(1) Notwithstanding subsection (a), the United States shall remain obligated to the parties to the contracts, agreements, and leases transferred under subsection (a) for the performance of its obligations under such contracts, agreements, or leases during their terms. Performance of such obligations by the private corporation shall be considered performance by the United States.

(2) If a contract, agreement, or lease transferred under subsection (a) is terminated, extended, or materially amended after the privatization date—

(A) the private corporation shall be responsible for any obligation arising under such contract, agreement, or lease after any extension or material amendment, and

(B) the United States shall be responsible for any obligation arising under the contract, agreement, or lease before the termination, extension, or material amendment.

(3) The private corporation shall reimburse the United States for any amount paid by the United States under a settlement agreement entered into with the consent of the private corporation or under a judgment, if the settlement or judgment—

(A) arises out of an obligation under a contract, agreement, or lease transferred under subsection (a), and

(B) arises out of actions of the private corporation between the privitation date and the date of a termination, extension, or material amendment of such contract, agreement, or lease.

(d) PRICING.—The Corporation may establish prices for its products, materials, and services provided to customers on a basis that will allow it to attain the normal business objectives of a profit making corporation.

SEC. 9. LIABILITIES.

(a) LIABILITY OF THE UNITED STATES.—(1) Except as otherwise provided in this Act, all liabilities arising out of the operation of the uranium enrichment enterprise before July 1, 1993, shall remain the direct liabilities of the Secretary.

(2) Except as provided in subsection (a)(3) or otherwise provided in a memorandum of agreement entered into by the Corporation and the Office of Management and Budget prior to the privatization date, all liabilities arising out of the operation of the Corporation between July 1, 1993, and the privatization date shall remain the direct liabilities of the United States.

(3) All liabilities arising out of the disposal of depleted uranium generated by the Corporation between July 1, 1993, and the privatization date shall become the direct liabilities of the Secretary.

(4) Any stated or implied consent for the United States, or any agent or officer of the United States, to be sued by any person for any legal, equitable, or other relief with respect to any claim arising from any action taken by any agent or officer of the United States in connection with the privatization of the Corporation is hereby withdrawn.

(5) To the extent that any claim against the United States under this section is of the type otherwise required by Federal statute or regulation to be presented to a Federal agency or official for adjudication or review, such claim shall be presented to the Department of Energy in accordance with procedures to be established by the Secretary. Nothing in this paragraph shall be construed to impose on the Department of Energy liability to pay any claim presented pursuant to this paragraph.

(6) The Attorney General shall represent the United States in any action seeking to impose liability under this subsection.

(b) LIABILITY OF THE CORPORATION.—Notwithstanding any provision of any agreement to which the Corporation is a party, the Corporation shall not be considered in breach, default, or violation of any agreement because of the transfer of such agreement to the private corporation under section 8 or any other action the Corporation is required to take under this Act.

(c) LIABILITY OF THE PRIVATE CORPORATION.—Except as provided in this Act, the private corporation shall be liable for any liabilities arising out of its operations after the privatization date.

(d) LIABILITY OF OFFICERS AND DIRECTORS.—(1) No officer, director, employee, or agent of the Corporation shall be liable in any civil proceeding to any party in connection with any action taken in connection with the privatization if, with respect to the subject matter of the action, suit, or proceeding, such person was acting within the scope of his employment.

(2) This subsection shall not apply to claims arising under the Securities Act of 1933 (15 U.S.C. 77a. et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a. et seq.), or under the Constitution or laws of any State, territory, or possession of the United States relating to transactions in securities.

SEC. 10. EMPLOYEE PROTECTIONS.

(a) CONTRACTOR EMPLOYEES.—(1) Privatization shall not diminish the accrued, vested pension benefits of employees of the Corporation's operating contractor at the gaseous plants.

(2) In the event that the private corporation terminates or changes the contractor at either or both of the gaseous diffusion plants, the plan sponsors or other appropriate fiduciary of the pension plan covering employees of the prior operating contractor shall arrange for the transfer of all plan assets and liabilities relating to accrued pension benefits of such plan's participants and beneficiaries from such plant to a pension plan sponsored by the new contractor or the private corporation or a joint labor-management plan, as the case may be.

(3) In addition to any obligations arising under the National Labor Relations Act (29 U.S.C. 151 et seq.), any employer (including the private corporation if it operates a gaseous diffusion plan without a contractor or any contractor of the private corporation) at a gaseous diffusion plant shall—

(A) abide by the terms of any unexpired collective bargaining agreement covering employees in bargaining units at the plant and in effect on the privatization date until the stated expiration or termination date of the agreement; or

(B) in the event a collective bargaining agreement is not in effect upon the privatization date, have the same bargaining obligations under section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) as it had immediately before the privatization date.

(4) If the private corporation replaces its operating contractor at a gaseous diffusion plant, the new employer (including the new contractor or the private corporation if it operates a gaseous diffusion plant without a contractor) shall—

(A) offer employment to non-management employees of the predecessor contractor to the extent that their jobs still exist or they are qualified for new jobs, and

(B) abide by the terms of the predecessor contractor's collective bargaining agreement until the agreement expires or a new agreement is signed.

(5) In the event of a plant closing or mass layoff (as such terms are defined in section 2101(a) (2) and (3) of title 29, United States Code) at either of the gaseous diffusion plants, the Secretary of Energy shall treat any adversely affected employee of an operating contractor at either plant who was an employee at such plant on July 1, 1993, as a Department of Energy employee for purposes of sections 3161 and 3162 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h-7274i).

(6)(A) The Secretary and the private corporation shall cause the post-retirement health benefits plan provider (or its successor) to continue to provide benefits for eligible persons, as described under subparagraph (B), employed by an operating contractor at either of the gaseous diffusion plants in an economically efficient manner and at substantially the same level of coverage as eligible retirees are entitled to receive on the privatization date.

(B) Persons eligible for coverage under subparagraph (A) shall be limited to:

(i) persons who retired from active employment at one of the gaseous diffusion plants on or before the privatization date as vested participants in a pension plan maintained either by the Corporation's operating contractor or by a contractor employed prior to July 1, 1993, by the Department of Energy to operate a gaseous diffusion plant; and

(ii) persons who are employed by the Corporation's operating contractor on or before the privatization date and are vested participants in a pension plan maintained either by the Corporation's operating contractor or by a contractor employed prior to July 1, 1993, by the Department of Energy to operate a gaseous diffusion plant.

(C) The Secretary shall fund the entire cost of post-retirement health benefits for persons who retired from employment with an operating contractor prior to July 1, 1993.

(D) The Secretary and the Corporation shall fund the cost of post-retirement health benefits for persons who retire from employment with an operating contractor on or after July 1, 1993, in proportion to the retired person's years and months of service at a gaseous diffusion plant under their respective management.

(7)(A) Any suit under this subsection alleging a violation of an agreement between an employer and a labor organization shall be brought in accordance with section 301 of the Labor Management Relations Act (29 U.S.C. 185).

(B) Any charge under this subsection alleging an unfair labor practice violative of section 8 of the National Labor Relations Act (29 U.S.C. 158) shall be pursued in accordance with section 10 of the National Labor Relations Act (29 U.S.C. 160).

(C) Any suit alleging a violation of any provision of this subsection, to the extent it does not allege a violation of the National Labor Relations Act, may be brought in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy or the citizenship of the parties.

(b) FORMER FEDERAL EMPLOYEES.—(1)(A) An employee of the Corporation that was subject to either the Civil Service Retirement System (referred to in this section as "CSRS") or the Federal Employees' Retirement System (referred to in this section as "FERS") on the day immediately preceding the privatization date shall elect—

(i) to retain the employee's coverage under either CSRS or FERS, as applicable, in lieu of coverage by the Corporation's retirement system, or

(ii) to receive a deferred annuity or lump-sum benefit payable to a terminated employee under CSRS or FERS, as applicable.

(B) An employee that makes the election under subparagraph (A)(ii) shall have the option to transfer the balance in the employee's Thrift Savings Plan account to a defined contribution plan under the Corporation's retirement system, consistent with applicable law and the terms of the Corporation's defined contribution plan.

(2) The Corporation shall pay to the Civil Service Retirement and Disability Fund—

(A) such employee deductions and agency contributions as are required by sections 8334, 8422, and 8423 of title 5, United States Code, for those employees who elect to retain their coverage under either CSRS or FERS pursuant to paragraph (1);

(B) such additional agency contributions as are determined necessary by the Office of Personnel Management to pay, in combination with the sums under subparagraph (A), the "normal cost" (determined using dynamic assumptions) of retirement benefits for those employees who elect to retain their coverage under CSRS pursuant to paragraph (1), with the concept of "normal cost" being used consistent with generally accepted actuarial standards and principles; and

(C) such additional amounts, not to exceed two percent of the amounts under subparagraphs (A) and (B), as are determined necessary by the Office of Personnel Management to pay the cost of administering retirement benefits for employees who retire from the Corporation after the privatization date under either CSRS or FERS, for their survivors, and for survivors of employees of the Corporation who die after the privatization date (which amounts shall be available to the Office of Personnel Management as provided in section 8348(a)(1)(B) of title 5, United States Code).

(3) The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required by section 8432 of title 5, United States Code, for those employees who elect to retain their coverage under FERS pursuant to paragraph (1).

(4) Any employee of the Corporation who was subject to the Federal Employee Health Benefits Program (referred to in this section as "FEHBP") on the day immediately preceding the privatization date and who elects to retain coverage under either CSRS or FERS pursuant to paragraph (1) shall have the option to receive health benefits from a health benefit plan established by the Corporation or to continue without interruption coverage under the FEHBP, in lieu of coverage by the Corporation's health benefit system.

(5) The Corporation shall pay to the Employees Health Benefits Fund—

(A) such employee deductions and agency contributions as are required by section 8906(a)-(f) of title 5, United States Code, for those employees who elect to retain their coverage under FEHBP pursuant to paragraph (4); and

(B) such amounts as are determined necessary by the Office of Personnel Management under paragraph (6) to reimburse the Office of Personnel Management for contributions under section 8906(g)(1) of title 5, United States Code, for those employees who elect to retain their coverage under FEHBP pursuant to paragraph (4).

(6) The amounts required under paragraph (5)(B) shall pay the Government contributions for retired employees who retire from the Corporation after the privatization date under either CSRS or FERS, for survivors of such retired employees, and for survivors of employees of the Corporation who die after the privatization date, with said amounts prorated to reflect only that portion of the total service of such employees and retired persons that was performed for the Corporation after the privatization date.

SEC. 11. OWNERSHIP LIMITATIONS.

(a) SECURITIES LIMITATIONS.—No director, officer, or employee of the Corporation may acquire any securities, or any rights to acquire any securities of the private corporation on terms more favorable than those offered to the general public—

(1) in a public offering designed to transfer ownership of the Corporation to private investors,

(2) pursuant to any agreement, arrangement, or understanding entered into before the privatization date, or

(3) before the election of the directors of the private corporation.

(b) OWNERSHIP LIMITATION.—Immediately following the consummation of the transaction or series of transactions pursuant to which 100 percent of the ownership of the Corporation is transferred to private investors, and for a period of three years thereafter, no person may acquire, directly or indirectly, beneficial ownership of securities representing more than 10 percent of the total votes of all outstanding voting securities of the Corporation. The foregoing limitation shall not apply to—

(1) any employee stock ownership plan of the Corporation,

(2) members of the underwriting syndicate purchasing shares in stabilization transactions in connection with the privatization, or

(3) in the case of shares beneficially held in the ordinary course of business for others, any commercial bank, broker-dealer, or clearing agency.

SEC. 12. URANIUM TRANSFERS AND SALES.

(a) TRANSFERS AND SALES BY THE SECRETARY.—The Secretary shall not provide enrichment services or transfer or sell any uranium (including natural uranium concentrates, natural uranium hexafluoride, or enriched uranium in any form) to any person except as consistent with this section.

(b) RUSSIAN HEU.—(1) On or before December 31, 1996, the United States Executive Agent under the Russian HEU Agreement shall transfer to the Secretary without charge title to an amount of uranium hexafluoride equivalent to the natural uranium component of low-enriched uranium derived from at least 18 metric tons of highly enriched uranium purchased from the Russian Executive Agent under the Russian HEU Agreement. The quantity of such uranium hexafluoride delivered to the Secretary shall be based on a tails assay of 0.30 U^{235}. Uranium hexafluoride transferred to the Secretary pursuant to this paragraph shall be deemed under United States law for all purposes to be of Russian origin.

(2) Within 7 years of the date of enactment of this Act, the Secretary shall sell, and receive payment for, the uranium hexafluoride transferred to the Secretary pursuant to paragraph (1). Such uranium hexafluoride shall be sold—

(A) at any time for use in the United States for the purpose of overfeeding;

(B) at any time for end use outside the United States;

(C) in 1995 and 1996 to the Russian Executive Agent at the purchase price for use in matched sales pursuant to the Suspension Agreement; or,

(D) in calendar year 2001 for consumption by end users in the United States not prior to January 1, 2002, in volumes not to exceed 3,000,000 pounds U_3O_8 equivalent per year.

(3) With respect to all enriched uranium delivered to the United States Executive Agent under the Russian HEU Agreement on or after January 1, 1997, the United States Executive Agent shall, upon request of the Russian Executive Agent, enter into an agreement to deliver concurrently to the Russian Executive Agent an amount of uranium hexafluoride equivalent to the natural uranium component of such uranium. An agreement executed pursuant to a request of the Russian Executive Agent, as contemplated in this paragraph, may pertain to any deliveries due during any period remaining under the Russian HEU Agreement. The quantity of such uranium hexafluoride delivered to the Russian Executive Agent shall be based on a tails assay of 0.03 U^{235}. Title to uranium hexafluoride delivered to the Russian Executive Agent pursuant to this paragraph shall transfer to the Russian Executive Agent upon delivery of such material to the Russian Executive Agent, with such delivery to take place at a North American facility designated by the Russian Executive Agent. Uranium hexafluoride delivered to the Russian Executive Agent pursuant to this paragraph shall be deemed under U.S. law for all purposes to be of Russian origin. Such uranium hexafluoride may be sold to any person or entity for delivery and use in the United States only as permitted in subsections (b)(5), (b)(6) and (b)(7) of this section.

(4) In the event that the Russian Executive Agent does not exercise its right to enter into an agreement to take delivery of the natural uranium component of any low-enriched uranium, as contemplated in paragraph (3), within 90 days of the date such low-enriched uranium is delivered to the United States Executive Agent, or upon request of the Russian Executive Agent, then the United States Executive Agent shall engage an independent entity through a competitive selection process to auction an amount of uranium hexafluoride U_3O_8 (in the event that the conversion component of such hexafluoride has previously been sold) equivalent to the natural uranium component of such low-enriched uranium. An agreement executed pursuant to a request of the Russian Executive Agent, as contemplated in this paragraph, may pertain to any deliveries due during any period remaining under the Russian HEU Agreement. Such independent entity shall sell such uranium hexafluoride in one or more lots to any person or entity to maximize the proceeds from such sales, for disposition consistent with the limitations set forth in this subsection. The independent entity shall pay to the Russian Executive Agent the proceeds of any such auction less all reasonable transaction and other administrative costs. The quantity of such uranium hexafluoride auctioned shall be based on a tails assay of 0.30 U^{235}. Title to uranium hexafluoride auctioned pursuant to this paragraph shall transfer to the buyer of such material upon delivery of such material to the buyer. Uranium hexafluoride auctioned pursuant to this paragraph shall be deemed under United States law for all purposes to be of Russian origin.

(5) Except as provided in paragraphs (6) and (7), uranium hexafluoride delivered to the Russian Executive Agent under paragraph (3) or auctioned pursuant to paragraph (4), may not be delivered for consumption by end users in the United States either directly or indirectly prior to January 1, 1998, and thereafter only in accordance with the following schedule:

Annual Maximum Deliveries to End Users

Year:	*(millions lbs. U_3O_8 equivalent)*
1998	2
1999	4
2000	6
2001	8
2002	10
2003	12
2004	14

2005 16
2006 17

* * * * *

* * * than December 31 of each year on the effect the low-enriched uranium delivered under the Russian HEU Agreement is having on the domestic uranium mining, conversion, and enrichment industries, and the operation of the gaseous diffusion plants. Such report shall include a description of actions taken or proposed to be taken by the President to prevent or mitigate any material adverse impact on such industries or any loss of employment at the gaseous diffusion plants as a result of the Russian HEU Agreement.

(c) TRANSFERS TO THE CORPORATION.—(1) The Secretary shall transfer to the Corporation without charge up to 50 metric tons of enriched uranium and up to 7,000 metric tons of natural uranium from the Department of Energy's stockpile, subject to the restrictions in subsection (c)(2).

(2) The Corporation shall not deliver for commercial end use in the United States—

(A) any of the uranium transferred under this subsection before January 1, 1998;

(B) more than 10 percent of the uranium (by uranium hexafluoride equivalent content) transferred under this subsection or more than 4,000,000 pounds, whichever is less, in any calendar year after 1997; or

(C) more than 800,000 separative work units contained in low-enriched uranium transferred under this subsection in any calendar year.

(d) INVENTORY SALES.—(1) In addition to the transfer authorized under subsections (c) and (e), the Secretary may, from time to time, sell natural and low-enriched uranium (including low-enriched uranium derived from highly enriched uranium) from the Department of Energy's stockpile.

(2) Except as provided in subsections (b), (c), and (e), no sale or transfer of natural or low-enriched uranium shall be made unless—

(A) the President determines that the material is not necessary for national security needs,

(B) the Secretary determines that the sale of the material will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry, taking into account the sales of uranium under the Russian HEU Agreement and the Suspension Agreement, and

(C) the price paid to the Secretary will not be less than the fair market value of the material.

(e) GOVERNMENT TRANSFERS.—Notwithstanding subsection (d)(2), the Secretary may transfer or sell enriched uranium—

(1) to a Federal agency if the material is transferred for the use of the receiving agency without any resale or transfer to another entity and the material does not meet commercial specifications;

(2) to any person for national security purposes, as determines by the Secretary; or

(3) to any State or local agency or nonprofit, charitable, or educational institution for use other than the generation of electricity for commercial use.

(f) SAVINGS PROVISION.—Nothing in this Act shall be read to modify the terms of the Russian HEU Agreement.

SEC. 13. LOW-LEVEL WASTE.

(a) RESPONSIBILITY OF DOE.—(1) The Secretary, at the request of the generator, shall accept for disposal low-level radioactive waste, including depleted uranium if it were ultimately determined to be low-level radioactive waste, generated by—

(A) the Corporation as a result of the operations of the gaseous diffusion plants or as a result of the treatment of such wastes at a location other than the gaseous diffusion plants, or

(B) any person licensed by the Nuclear Regulatory Commission to operate a uranium enrichment facility under sections 53, 63, and 193 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2093, and 2243).

(2) Except as provided in paragraph (3), the generator shall reimburse the Secretary for the disposal of low-level radioactive waste pursuant to paragraph (1) in an amount equal to the Secretary's costs, including a pro rata share of any capital costs, but in no event more than an amount equal to that which would be charged by commercial, State, regional, or interstate compact entities for disposal of such waste.

(3) In the event depleted uranium were ultimately determined to be low-level radioactive waste, the generator shall reimburse the Secretary for the disposal of depleted uranium pursuant to paragraph (1) in an amount equal to the Secretary's costs, including a pro rata share of any capital costs.

(b) AGREEMENTS WITH OTHER PERSONS.—The generator may also enter into agreements for the disposal of low-level radioactive waste subject to subsection (a) with any person other than the Secretary that is authorized by applicable laws and regulations to dispose of such wastes.

(c) STATE OR INTERSTATE COMPACTS.—Notwithstanding any other provision of law, no State or interstate compact shall be liable for the treatment, storage, or disposal of any low-level radioactive waste (including mixed waste) attributable to the operation, decontamination, and decommissioning of any uranium enrichment facility.

SEC. 14. AVLIS.

(a) EXCLUSIVE RIGHT TO COMMERCIALIZE.—The Corporation shall have the exclusive commercial right to deploy and use any AVLIS patents, processes, and technical information owned or controlled by the Government, upon completion of a royalty agreement with the Secretary.

(b) TRANSFER OF RELATED PROPERTY TO CORPORATION.—

(1) IN GENERAL.—To the extent requested by the Corporation and subject to the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.), the President shall transfer without charge to the Corporation all of the right, title, or interest in and to property owned by the United States under control or custody of the Secretary that is directly related to and materially useful in the performance of the Corporation's purposes regarding AVLIS and alternative technologies for uranium enrichment, including—

(A) facilities, equipment, and materials for research, development, and demonstration activities; and

(B) all other facilities, equipment, materials, processes, patents, technical information of any kind, contracts, agreements, and leases.

(2) EXCEPTION.—Facilities, real estate, improvements, and equipment related to the gaseous diffusion, and gas centrifuge, uranium enrichment programs of the Secretary shall not transfer under paragraph (1)(B).

(3) EXPIRATION OF TRANSFER AUTHORITY.—The President's authority to transfer property under this subsection shall expire upon the privatization date.

(c) LIABILITY FOR PATENT AND RELATED CLAIMS.—With respect to any right, title, or interest provided to the Corporation under subsection (a) or (b), the Corporation shall have sole liability for any payments made or awards under section 157b. (3) of the Atomic Energy Act of 1954 (42 U.S.C. 2187(b)(3)), or any settlements or judgments involving claims for alleged patent infringement. Any royalty agreement under subsection (a) of this section shall provide for a reduction of royalty payments to the Secretary to offset any payments, awards, settlements, or judgments under this subsection.

SEC. 15. APPLICATION OF CERTAIN LAWS.

(a) OSHA.—(1) As of the privatization date, the private corporation shall be subject to and comply with the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(2) The Nuclear Regulatory Commission and the Occupational Safety and Health Administration shall, within 90 days after the date of enactment of this Act, enter into a memorandum of agreement to govern the exercise of their authority over occupational safety and health hazards at the gaseous diffusion plants, including inspection, investigation, enforcement, and rulemaking relating to such hazards.

(b) ANTITRUST LAWS.—For purposes of the antitrust laws, the performance by the private corporation of a "matched import" contract under the Suspension Agreement shall be considered to have occurred prior to the privatization date, if at the time of privatization, such contract had been agreed to by the parties in all material terms and confirmed by the Secretary of Commerce under the Suspension Agreement.

(c) ENERGY REORGANIZATION ACT REQUIREMENTS.—(1) The private corporation and its contractors and subcontractors shall be subject to the provisions of section 211 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851) to the same extent as an employer subject to such section.

(2) With respect to the operation of the facilities leased by the private corporation, section 206 of the Energy Reorganization Act of 1974 (42 U.S.C. 5846) shall apply to the directors and officers of the private corporation.

SEC. 16. AMENDMENTS TO THE ATOMIC ENERGY ACT.

(a) REPEAL.—(1) Chapters 22 through 26 of the Atomic Energy Act of 1954 (42 U.S.C. 2297–2297e–7) are repealed as of the privatization date.

(2) The table of contents of such Act is amended as of the privatization date by striking the items referring to sections repealed by paragraph (1).

(b) NRC LICENSING.—(1) Section 11v. of the Atomic Energy Act of 1954 (42 U.S.C. 2014v.) is amended by striking "or the construction and operation of a uranium enrichment facility using Atomic Vapor Laser Isotope Separation technology".

(2) Section 193 of the Atomic Energy Act of 1954 (42 U.S.C. 2243) is amended by adding at the end the following:

"(f) LIMITATION.—No license or certificate of compliance may be issued to the United States Enrichment Corporation or its successor under this section or sections 53, 63, or 1701, if the Commission determines that—

"(1) the Corporation is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government; or

"(2) the issuance of such a license or certificate of compliance would be inimical to—

"(A) the common defense and security of the United States; or

"(B) the maintenance of a reliable and economical domestic source of enrichment services.".

(3) Section 1701(c)(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f(c)(2)) is amended to read as follows:

"(2) PERIODIC APPLICATION FOR CERTIFICATE OF COMPLIANCE.—The Corporation shall apply to the Nuclear Regulatory Commission for a certificate of compliance under paragraph (1) periodically, as determined by the Commission, but not less than every 5 years. The Commission shall review any such application and any determination made under subsection (b)(2) shall be based on the results of any such review."

(4) Section 1702(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f-1(a)) is amended—

(1) by striking "other than" and inserting "including", and

(2) by striking "sections 53 and 63" and inserting "sections 53, 63, and 193".

(c) JUDICIAL REVIEW OF NCR ACTIONS.—Section 189b. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(b)) is amended to read as follows:

"b. The following Commission actions shall be subject to judicial review in the manner prescribed in chapter 158 of title 28, United States Code, and chapter 7 of title 5, United States Code:

"(1) Any final order entered in any proceeding of the kind specified in subsection (a).

"(2) Any final order allowing or prohibiting a facility to begin operating under a combined construction and operating license.

"(3) Any final order establishing by regulation standards to govern the Department of Energy's gaseous diffusion uranium enrichment plants, including any such facilities leased to a corporation established under the USEC Privatization Act.

"(4) Any final determination under section 1701(c) relating to whether the gaseous diffusion plants, including any such facilities leased to a corporation established under the USEC Privatization Act, are in compliance with the Commission's standards governing the gaseous diffusion plants and all applicable laws.".

(d) CIVIL PENALITIES.—Section 234a. of the Atomic Energy Act of 1954 (42 U.S.C. 2282(a) is amended by—

(1) striking "any licensing provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109" and inserting: "any licensing or certification provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, 109, or 1701"; and

(2) by striking "any license issued thereunder" and inserting: "any license or certification issued thereunder".

(e) REFERENCES TO THE CORPORATION.—Following the privatization date, all references in the Atomic Energy Act of 1954 to the United States Enrichment Corporation shall be deemed to be references to the private corporation.

SEC. 17. AMENDMENTS TO OTHER LAWS.

(a) DEFINITION OF GOVERNMENT CORPORATION.—As of the privatization date, section 9101(3) of title 31, United States Code, is amended by striking subparagraph (N) as added by section 902(b) of Public Law 102-486.

(b) DEFINITION OF THE CORPORATION.—Section 1018(1) of the Energy Policy Act of 1992 (42 U.S.C. 2296b-7(1) is amended by inserting "or its successor" before the period.

Mr. MURKOWSKI. Mr. President, on behalf of myself and Mr. JOHNSTON, Mr. DOMENICI and Mr. FORD, I submit a substitute amendment to S. 755, Calendar number 244, the USEC Privatization Act.

Mr. President, this substitute is virtually identical to USEC privatization language contained in the Budget Reconciliation measure passed earlier by the Senate. The differences in this amendment and the reconciliation language are as follows:

We included language in section 4(e) stipulating that the expenses of privatization shall be paid from Corporation revenue accounts in the U.S. Treasury. This language is contained in the bill as reported by the committee, but it was left out of the reconciliation language. The administration has requested that this language be restored, and we have agreed to do that in this amendment.

The language in this amendment also departs from the language in the reconciliation bill in section 13, dealing with low level waste. We have reverted to the language in the bill as reported by the committee, and have thus solved another concern related to uranium tails that had been raised by the administration.

Mr. President, with all of the discussions about partisanship and the difficulty of working out complex legislation in this Congress, let me highlight the fact that the year-long effort to develop this legislation has been bipartisan and bicameral. House and Senate staffers have sat down with administration officials and jointly developed the bulk of the language in this substitute amendment.

I would hasten to add, however, that this amendment does not contain language sought by the administration related to a waiver of trade laws. That matter is the subject of ongoing discussions between administration officials, the Senate Finance Committee, and the House Ways and Means Committee. Those discussions will continue, and those committees will continue their deliberations on the question of waiver language. The absence of waiver language in this amendment should not be construed by anyone as a signal that efforts to arrive at a compromise in that area have been abandoned.

It is my hope that we can move this measure as a stand-alone bill, or as part of any other legislative vehicle that is available to us in the coming weeks. For that reason, I wanted my colleagues and the public to have an ample opportunity to review this language.

THE BALANCED BUDGET DOWNPAYMENT ACT, I

HARKIN AMENDMENT NO. 3122

Mr. HARKIN proposed an amendment to the bill H.R. 2880, supra, as follows:

At the appropriate place in the bill insert the following: Notwithstanding any provision of this Act, all projects and activities funded under the account heading "Office of the Inspector General" under the Office of the Secretary in the Department of Health and Human Services at a rate for operations not to exceed an annual rate for new obligational authority of $58,493,000 for general funds together with not to exceed an annual rate for new obligational authority of $20,670,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

NOTICE OF HEARINGS

THE OVERSIGHT AND INVESTIGATIONS SUBCOMMITTEE

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Oversight and Investigations Subcommittee of the Energy and Natural Resources Committee to review trends in Federal land ownership.

The hearing will take place on Tuesday, February 6 at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Kelly Johnson or Jo Meuse at (202) 224-6730.

ADDITIONAL STATEMENTS

CONGRATULATING RECIPIENTS OF THE FORUM MAGAZINE'S AFRICAN-AMERICAN PIONEER AWARDS

• Mr. ABRAHAM. Mr. President, it is fitting that during February, Black History Month, The Forum magazine awards its honors to African-American pioneers. These outstanding men and women of African-American descent have succeeded in the face of discrimination and other hardships. Chosen for their contributions to the Flint community and other parts of Michigan, they have shown their commitment to excellence in public service.

I extend my heartfelt congratulations to each of the following 1996 African-American pioneer honorees:

Judge Ramona Roberts, the second African-American female judge elected in Genesee County, and the only such judge currently serving.

Dr. Nanette Lee Reynolds, the first African-American female director of the Michigan Department of Civil Rights.

Mrs. Valaria Conerly Moon, the first and only African-American female director of the Valley Area Agency on Aging.

Louis Hawkins, the first African-American city clerk for the city of Flint.

John Selmon, the first African-American dean of the Detroit College of Business-Flint campus.

Joseph Abraham, president of the AFL-CIO, the longest serving—at 20 years—union president in Flint and one of the longest serving in the United States.

Clydell Duncan, Sr., the recently retired police chief for the city of Flint—the second African-American police chief and the first African-American captain in the Flint Police Department.

And last but certainly not least, Mayor Woodrow Stanley, who has done such a fine job as the first African-American mayor elected to serve two terms in the city of Flint.•

THE STATE OF RACE RELATIONS IN AMERICA

• Mr. ROCKEFELLER. Mr. President, I would like to place in the RECORD a copy of a speech about the wrenching subject of racism, written by a good friend and colleague. Mr. Jim H. Paige III is the West Virginia Secretary of Tax and Revenue, and he recently gave this speech before the 115th Annual West Virginia Council of Churches Governing Assembly. Its words struck me as most sincere, insightful, and educational. I hope it will be just as beneficial to everyone else.

Despite America's proud history as the melting pot Nation, we still struggle with the signs and attitudes of racism in virtually every corner of our society. It is a problem that most Americans would say is abhorrent and unjustifiable, but also one that will not disappear without even more effort.

But I believe it is not only possible to combat discrimination, it is also essential. Diversity in background, skin color, family ancestry, religion, and geography should be celebrated and viewed as the way to build a stronger nation.

The more thought and study each of us give to the issues of racism and discrimination, and the more discussions we hold with others on how to spread tolerance and equality, the more we can enlighten and educate ourselves to move toward making equality for all people a reality.

It is my honor to submit this compelling text by a very fine West Virginian into the CONGRESSIONAL RECORD.

The text follows:

SPEECH TO THE WEST VIRGINIA COUNCIL OF CHURCHES GOVERNING ASSEMBLY, OCTOBER 19, 1995

(By Jim H. Paige III)

It is indeed an honor to be asked to participate in your Annual Governing Assembly.

I have been intrigued with the forum which has been organized here and impressed that you set aside a special time to discuss the hopes and concerns of West Virginia's spiritual community.

I was asked to speak here tonight about racism.

It is a topic that deserves our most intellectual thoughts and energies.

Historically, as you know, in the 1860's the most divisive issue in the United States was slavery.

The issue of slavery divided the nation.

The industrial North had very little use for slave labor.

However, the agricultural South had a great need for a large slave labor pool.

At that time, slavery was based strictly on race.

The Civil War was fought and the slave issue was settled, but the issue of racism was not resolved.

Even after the Civil War and during the reconstruction period, our nation still struggled with the issue of racism.

Because even after slavery, we had a legacy of Jim Crow laws—of segregation—and this issue of racism was based purely on color.

So, although the Civil War was over, our nation was still confused about Lincoln's notion that "Four score and seven years ago, our fathers brought forth on this continent a new nation conceived in liberty and dedicated to the proposition that all men were created equal."

And over 100 years later, in the 1950's and 60's, the nation was still divided by race.

As a result, there was a whole movement led by the Civil Rights leader Dr. Martin Luther King, Jr. who was basically trying to get America to live up to the Constitution.

As Lincoln had noted earlier, our preamble states "We hold these truths to be self-evident—that all men are created equal."

From a historical perspective I think it interesting that during the 1860's there was a strong polarization based on slavery.

And in the 1960's that polarization still existed—not on slavery, however, but on segregation, in an attempt to separate our races.

So the Civil Rights movement resulted in legislation that was to end this segregation.

Therefore, we experienced a desegregation of schools, of public facilities.

We now have laws on the books that make segregation illegal.

We come to an interesting stage in this brief historical perspective, because what the laws could not do were to change racial attitudes—the way people think and the way people feel about each other.

Although tremendous strides have been made, even 30 years after the great Civil Rights movement, the issue of racism is still prevalent in our society today.

The recent O.J. Simpson trial and verdict brought back to the surface again this cancer of racism.

But the questions that still linger "What is racism and how do we solve it?"

How do we define racism?

In order to deal with a problem, we should try to define it first.

I define it as an attitude people have in which they feel they are superior to another group of people, and that superiority gives them certain privileges of authority over those people.

Now the result of racism is that the people who have been victimized by racism respond with bitterness and resentment toward those who exercise that authority.

And, the alienation becomes even greater.

So, if you think about it in a logical fashion, racism is based purely on ignorance.

Because racism takes one criterion, a superficial criterion—race—and it passes judgment on an entire group of people.

Utilizing folklore, tradition, and stereotypes—not facts, not any type of intellectual analysis—racism concludes that all the people in a certain classification are a certain way.

I think we all could conclude that this type of deductive reasoning is unwise and unproductive.

Whether it's black against white, whether it's white against black—it doesn't matter.

This type of attitude is unproductive, unhealthy and undeserved in our society today.

Now that we have defined the issue, how do we find solutions to address this evil?

I don't believe racism is an issue that our government can solve.

Because government cannot legislate morality.

Government cannot tell people to think a certain way or feel a certain way.

When our government attempts to legislate feelings and attitudes, it creates greater problems.

In America, our great land of freedom and independence in which we live, we hold it as a high value and virtue that people can think thoughts they want to think and feel the way they want to feel—they have certain liberties and certain freedoms.

And rightly so.

The only danger of this is that when people have racial thoughts and racial feelings, it creates a tremendous hardship for society.

So, if government cannot solve this problem, how can we address this major issue of racism in our society today?

I think this is an issue that can only be resolved with a continuing dialogue, interaction and commitment.

Racism is an activity that requires daily moral awakening that leads to real change.

The only way we can overcome the stereotypes, the tradition, the false information we have been given about each other is through contact with the people we have learned to disdain and look down upon.

There is nothing government can do about that.

There is no way we can legislate that black people and white people must sit down together, and learn about each other, understand each other, and appreciate each other's differences.

Integration certainly went a long way in bringing our races together.

But further steps are needed to change attitudes. Because racism is not genetic—it's a learned value system, it is an attitude that is passed down from one generation to the next.

It's a cancer which continues to rob our nation of its productivity.

If we didn't have to deal with the barrier of racism, imagine the energy, talent and resources which could be directed toward solving problems in our society which are universal and common to all of us.

Now let's examine some solutions to breaking this barrier of racism.

First and foremost, I think one has to address this issue openly and honestly on an individual basis using self-analysis.

Let me state I don't think there is anything wrong with cherishing your own race—your own culture and values—but the issue is whether you respect others who do the same.

In order to have racial harmony in our culture today, we must respect our differences.

Actually, to have harmony, we must have differences.

For example, in the world of music.

You could have an orchestra—which has stringed instruments, percussion instruments—each instrument has its own distinct sound but because they are playing from the same score, and they are contributing what they were designed to contribute, that creates a very harmonious sound which is very pleasing to the ear.

Again, they are not competing with each other, they are complimenting each other.

In like manner, we can have racial harmony by respecting the fact that we come from different cultural orientations and different historical experiences.

But what we bring to the whole, creates something we could not have apart from each other.

What we collectively bring together could be much stronger and could be much better than what the individual groups would have independently.

Frederick Douglass once said, "We are one, our cause is one, and we must help each other; if we are to succeed."

And that's the real beauty of America—that we are stronger together as a nation than we are apart.

The next step in addressing solutions toward the issue of racism in our society is one of education.

And I feel that this educational component is the most important component because it starts in the home with parents teaching their children about respecting not only their own race but respecting other races as well, teaching them to love their neighbors as they would love themselves, teaching them to respect people who are different than themselves, teaching them to recognize that every individual has some intrinsic value and worth.

For me, growing up as an African-American in a predominately white City and State, I learned at a very early age to appreciate different cultures because of my parents and my friends.

Although I was raised in a culture which was not as economically affluent as others in which I was exposed, I still maintained a high degree of respect for both cultures.

Because my goal as I got older was to pull from the strength of both cultures to be the best person I could possibly be.

And it's important to note, that one of the severe consequences of racism is that it robs people from being the best they can possibly be, because racism does not allow people to pull from the strengths of others.

Therefore, education at home and education in school is the key to opening our minds, to breaking down stereotypes, myths and folklore about other cultures.

Because education is the key, I extend to you an opportunity to work with me.

I have established several Learning Centers around the state with the primary focus of educating our young people about the difference education can make in their lives.

I invite you to come and share your experiences with these children who come from different cultures and races.

Together we can learn from each other and attack the problems which we are finding in our communities—illiteracy, juvenile delinquency, ignorance.

I'm sure most of you would agree, that these young people are worth saving.

And as influential leaders, as spiritual leaders, I believe that "giving back" to your individual communities will do more to eradicate racism than all of the marches and trials put together.

Your example as a role model in your community is very influential when children are small, but it certainly does not stop there.

It is very critical for a young person to have someone to turn to for guidance when they reach an age that they are making the big chioces that will influence their future, whether to stay in school or drop out, whether to stick with their gang or try to move on as an individual, whether to try to hold a job or make money some easier, more dangerous way.

Someone of this age can really benefit from association with a mentor—an adult with valuable life experience who can guide a young person through some of the tough decisions that he will have to make.

Some schools or churches have formal programs where individuals are paired based on common interests or goals.

An adult who is a physical therapist, for example, may be paired with a young person who is interested in pursuing a career in the health field.

The adult knows what it will take in practical terms for a person to achieve this goal and is, therefore, a tremendous resource for a young person to have for encouragement.

If there is such a program in your area, I urge you to consider becoming involved.

If there is not, keep your eyes open for ways that you can support the dreams of young people around you.

Dr. William Julius Wilson, the sociologist, grew up poor.

His father died when he was twelve.

He was the oldest of six children.

When asked how he was able to achieve under such circumstances, he said:

"I was able to get out of that situation because first of all, I always had a role model out there, my aunt Janice, who was the first person in our family to get a college education. She used to take me to museums and give me books to read, and so on. And then I served as a role model for my other brothers and sisters."

This speaks powerfully to the tremendous influence that a role model can have on a person's life.

There are countless opportunities for you to put the skills you've learned in life to use helping others make their way.

And I am really convinced that this is where all real change, all real building for the future takes place—on a very personal level right around you.

In the past, some communities have sunk deeper and deeper into decay, waiting for someone to come to the rescue.

I say, "We are our own rescuers. We are the ones who will save ourselves."

We can hope for money or assistance to come from somewhere.

Sometimes it does and sometimes it doesn't.

But we cannot afford to sit and wait.

We must do what we can, what is within our power, to make our communities sounder, our children's lives more promising.

We need to take advantage of every program that is currently in operation to make our streets safer and our futures brighter.

We are the ones who live in our neighborhoods.

If we do not care enough to do our very best to make that place a good area in which to live, then why should we expect others to?

We have the most to gain by working to improve our communities and the most to lose by sitting back and waiting.

If we want better lives, then the very first step is doing what each one of us can do to make positive things happen.

Start with you, with your family, your street, this church.

We must first be responsible for ourselves and our activities.

Then sometimes you find that changes that occur in small places often lead to dramatic changes in wider areas.

You never know where your example and influence will lead.

But I do know that for any of it to be successful, for any change to occur, we must.

Maybe you are not the mayor or a famous athlete or a wealthy contributor to charity.

But you are a person who influences the quality of every life he touches in small ways and in large ways.

Use that power constructively.

Use the tools that God gave you to change your world for the better.

And this is how I answer the question, "How do we teach our children how to deal with racism?"

A change for our futures and our children's futures must come from me and you. Society's rules should change, and eventually I think they probably will. But think of the time wasted while we sat waiting for that miraculous day to happen.

I feel we are all called to be citizens of action. Today is the day, now is the best time, to start building that new life.

In closing, I commend your organization's effort here this evening, because we all know that Jesus's ministry is one of reconciliation.

We will soon enter into our third century as a nation.

Whether we build in that third century a civilization we can be proud of depends on whether we can arrive at a common conception of what that civilization might stand for or what it might do superbly well.

It really depends on us and our children. The mantle of leadership has fallen on our shoulders. So let's make this event more than just a dinner and keynote speech, let's allow it to be the first building block in overcoming this barrier of racism.

Thank you.•

HONORING RICH STEELE OF RICHLAND, WA

• Mrs. MURRAY. Mr. President, on November 17, 1995, Richard Steele of Richland, WA, was presented with an Environmental Hero Award by the Washington Environmental Council for spearheading the effort to save the Hanford Reach, the last free-flowing stretch of the Columbia River. I prepared the following statement for the event and ask that it be printed in the RECORD.

Rich Steele is a man with a mission.

In fact, Rich Steele is something of a missionary in the crusade to protect the Hanford Reach—the last free-flowing stretch of the Columbia River and a sanctuary for one of the strongest salmon runs left in the Northwest.

Rich has labored for 30 years to protect the Reach. But he is not your average environmentalist. Rich was brought up the hard way in the Tri-Cities; worked construction and other jobs until joining the workforce at the Hanford Nuclear Reservation, where he became one of the site's top technicians. As an avid hunter and fisher, Rich came to love the River and became its chief advocate.

His call to this mission came in the mid-sixties, when the Reach was threatened by the Ben Franklin Dam proposal. Rich organized the Columbia River Conservation League in 1967, coordinating successful local opposition to the dam and its powerful backers. He revived the CRCL in the 1980s to block a dredging proposal for the Reach. All the while, Rich has preached the virtues of the Reach—its clear waters and fabulously productive spawning areas, its rich human history, its abundant wildlife, its majestic White Bluffs and soul-restoring solitude.

On his own time and at considerable personal expense, Rich has led hundreds of pilgrimages down the Reach, making converts among local citizens, the national media, and elected officials. After touring the Reach with Rich last summer, I am among those who believe it deserves the highest level of permanent protection we can give it.

Working closely with other long-time advocates like Jack de Yonge, a dedicated group of local conservationists, and the Nature Conservancy, Rich has helped to popularize the Reach to the point that Wild and

Scenic River designation enjoys strong support in the Tri-Cities. Despite opposition from some local politicians, we are developing legislation to protect the Reach that I believe will have a good chance of enactment—perhaps even in this Congress.

None of this would be possible without Rich Steele's inspired leadership, passionate activism, and three decades of hard work. Rich has devoted his life to saving the Reach, and it is fitting that he be honored as an environmental hero. •

CONGRATULATIONS TO STEPHEN ORLOFSKY ON HIS CONFIRMATION TO BE A JUDGE ON THE FEDERAL DISTRICT COURT OF NEW JERSEY

• Mr. LAUTENBERG. Mr. President, on February 5, 1996, Steve Orlofsky will take the oath of office as a Federal District Court Judge for the District of New Jersey.

I had the high honor and privilege of recommending Mr. Orlofsky to President Clinton last year, and I want to take just a few moments of the Senate's time to explain why I am so proud of him, and why I know he will make such an outstanding judge.

Mr. President, let me begin by noting that when Steve is sworn in, he will replace Judge John R. Gerry on the bench. Judge Gerry was revered in New Jersey, and was widely known as a distinguished legal scholar, skilled administrator, and a compassionate, thoughtful judge. He was dedicated to dispensing justice, and he had a reputation for always acting with great fairness.

I mention this because Judge Gerry was Steve Orlofsky's mentor and role model when Steve served as a U.S. magistrate in his court. They maintained a close relationship over the years, even after Steve went into private practice.

Mr. President, I spoke with Judge Gerry shortly before his death, and he had one request: that I recommend Steve to replace him on the New Jersey District bench.

Judge Gerry's shoes will be hard to fill, but I am confident that Steve Orlofsky will be a worthy successor.

Mr. President, Steve Orlofsky is a man of integrity, with a commitment to justice and the law, a judicious temperament, a strong intellect and proven legal skills.

He meets the highest standards of excellence and will enhance the quality of justice in New Jersey.

In reviewing his candidacy, the American Bar Association unanimously conferred Steve with a "well qualified" rating—the highest rating possible. This consensus speaks to his superb qualifications.

Steve has been a widely respected attorney in private practice, and he has extensive experience in Federal litigation. He previously served as a magistrate judge in the New Jersey Federal District Court from 1976 to 1980. He also has served in leadership roles in his county and State bar associations, and has served his community by providing pro bono legal services.

In addition, he has published in legal journals and served as a lecturer in ongoing legal education courses.

Mr. President, Steve Orlofsky has the capacity to be an outstanding Federal judge not only because of his thorough knowledge of the law, but also because of his commitment to justice. He will offer more than extensive legal experience. He has good judgment, solid values, and sensitivity to moral and ethical issues.

Steve Orlofsky has all of the personal attributes and professional qualifications one could wish for in a judge, and then some.

So, Mr. President, I want to again congratulate Steve on his appointment, and wish him all the best in his new position. I am very proud to have recommended him to President Clinton. I hope he will serve on our district court for many years. I know he will serve with distinction, dispensing justice to each person who appears before him with compassion, fairness, and wisdom.•

SENIOR CITIZENS HOUSING SAFETY ACT

• Mr. GREGG. Mr. President, on January 23, 1996, the Senate passed S. 1494, a bill extending several housing programs through October 1, 1996. I am pleased the Senate included in this bill language I developed in my legislation, S. 247, the Senior Citizens Safety Act of 1995. I am hopeful that the President will match the tough anti-crime rhetoric conveyed in his State of the Union Address, and sign this legislation when it arrives on his desk.

This legislation will end the terror that, unfortunately, runs rampant throughout many elderly housing projects. It offers both local public housing facilities [PHA] and local property owners with the power to screen out and evict from public and assisted housing persons who illegally use drugs and whose abuse of alcohol is a risk to other tenants.

In my home State of New Hampshire, most people are still afforded the luxury of not having to lock their front doors before turning in for the evening. However, many elderly residents of public housing facilities in my State and across America have been forced to not only lock their front doors, but are literally being held prisoner in their own homes. I believe this is outrageous. I have received numerous complaints from residents of elderly housing facilities throughout New Hampshire who are worried about their personal safety in housing specifically reserved for them.

While community policing has gone a long way toward making many of America's neighborhoods safe for its elderly residents. No longer will people residing in public housing facilities be allowed to harass, shake down, or intimidate their elderly neighbors. Our elderly population remains vulnerable, and I am pleased the Senate has taken this action which will help protect them.

Our housing laws must protect elderly residents. Currently, non-elderly persons, considered disabled because of past drug and alcohol abuse problems, are eligible to live in housing designated for the elderly. This mixing of populations may have filled up the housing projects across the country, but it has opened a Pandora's box of trouble. Simply put, Young, recovering alcoholics and drug addicts are not comparable with elderly persons. Many of these young people hold all night, loud parties, shake down many of the elderly residents for money, sell drugs within the housing facility, and generally disturb the right to the peaceful enjoyment of the premises by other tenants.

This legislation, by no means, circumvents the current housing eviction procedure. It simply mandates that these individuals with patterns of drug and alcohol abuse be evicted after one incident if it is determined by the local PHA that their behavior threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants.

This legislation will help to restore order in housing projects throughout the country. It requires tenants to embrace personal responsibility by mandating tenants to sign a statement which says no person who will be occupying the unit set aside for the elderly will illegally use a controlled substance or abuse alcohol in any way. Additionally, the bill will allow the local PHA to evict those persons who continuously raise havoc within these housing projects.

I want to commend the Senate for its action in passing this important legislation. It will make our public housing facilities safe for our most vulnerable citizens, the elderly.•

HON. BENJAMIN H. LOGAN II

• Mr. LEVIN. Mr. President, I rise today to pay tribute to the Honorable Benjamin H. Logan II, judge of the 61st District Court of the city of Grand Rapids, MI. In so doing, I join with the members of his community who are honoring Judge Logan on Saturday, February 3, 1996, with the 13th annual Giant Among Giants Award.

This award will be presented to Judge Logan at the 14th annual Giants Banquet and Awards celebration that will be held on the Grand Rapids Community College campus in the Gerald R. Ford Field House. This celebration

is sponsored by the college and a consortium of African-American organizations with the purpose of raising the awareness of the Greater Grand Rapids citizenry of the contributions African-American individuals, organizations, and businesses have made to the history, continuous growth, and progress of metropolitan Grand Rapids.

The ceremony honors 14 individuals for their outstanding commitment and contributions to the community. Each of the 12 Giant awards presented at the event is named after local African-American individuals who have given long-term service in their professional areas and dedication to the Grand Rapids community as a whole.

The 13th award is the Giant Among Giants Award. The recipients of this unique award are honored not only for their work in the Grand Rapids metropolitan area, but also for reaching out to other cities and States in their professional areas. This year, the Giant Among Giants Award will be presented to the Honorable Benjamin H. Logan II.

Ben has been a community-oriented person throughout his life. He has generously contributed both his time and talents to many organizations including the Urban League, Boy Scouts of America, NAACP, Lions Club, YMCA, U.S. Supreme Court Historical Society, and countless others.

In 1988 Judge Logan, in a historic write-in election, became the first African-American judge of the 61st District Court in Grand Rapids. He has been victorious in every subsequent election. He is a member of the Michigan Black Judges Association and national chair of the Judicial Council of the National Bar.

Serving his country, church, and community throughout his life, Benjamin H. Logan II has been an example to others and an embodiment of the values that the Giant Among Giants Award represents. Mr. President I am sure that my colleagues in the Senate join me in extending our congratulations to Judge Logan upon receiving this prestigious award.

GREAT PLAINS SYNFUELS PLANT

• Mr. CONRAD. Mr. President, I rise today to discuss an issue of extreme important to my State of North Dakota and to this Nation's energy security.

The issue is one currently before the Federal Energy Regulatory Commission [FERC], and involves the fate of a unique energy project in North Dakota—the Great Plains Coal Gasification Plant located near Beulah, ND. The gasification plant converts abundant lignite coal into clean-burning synthetic natural gas. It is the only commercial-scale plant of its kind that produces synthetic natural gas from coal in the world.

FERC must decide whether to approve certain negotiated settlement agreements between Dakota Gasification Company [DGC], owner of the synfuels plant, and three interstate pipeline companies which purchase the synthetic natural gas produced by the plant. Additionally, DGC reached an agreement with the Department of Energy [DOE] which is contingent on FERC approval of the agreements between DGC and the pipelines.

Late last month, an administrative law judge at FERC issued a decision which could have the impact of closing the project. The judge invalidated three of the four settlements between DGC and the pipelines. Ironically, the fourth was approved by FERC in January 1995—1 year ago.

Mr. President, I hope the FERC commissioners weigh very carefully the impact this judge's decision will have on the State of North Dakota, the DOE, and our national energy goals. Closing the synfuels plant would not serve our national energy interests, and would create a serious setback in this country's search for energy independence.

The $2 billion Great Plains Gasification Plant was constructed in the early 1980's after DOE guaranteed a $1.5 billion loan for construction of the plant. The DOE loan was made pursuant to the Federal Nonnuclear Energy Research and Development Act of 1974. Great Plains is the only project operating today developed pursuant to the act. Additionally, Great Plains is the only project built as a result of the Government's attempts in the late 1970's and early 1980's to demonstrate our ability to achieve energy independence.

The synfuels plant was only made possible as a result of the issuance by FERC of its opinion 119 which approved the gas purchase agreements between Great Plains and the four pipeline purchasers. As approved by opinion 119, these gas purchase agreements provide for the sale of synthetic natural gas at prices established by a formula set out in the agreements. In issuing the $1.5 billion loan guarantee, DOE relied on FERC's opinion 119 and the reasonable assumption FERC would stand behind its commitment.

Unfortunately, the original project sponsors abandoned the project after it was completed in 1985 in response to sudden changes in global energy prices. DOE assumed operation of the plant, and eventually secured ownership through foreclosure. In 1988, DOE sold the facility to DGC, a subsidiary of Basin Electric Power Cooperative in my State. DOE selected Basin over other bidders because of its commitment to the long-term operation of the project.

When Congress authorized DOE to sell the synfuels plant, Congress indicated to the Department that a commitment to the long-term operation of the plant was an important criteria in evaluating bids for the project. In fact, the conference report accompanying Public Law 100–202 states:

> The managers agree that the Department of Energy should place higher priority on the continued long-term operation of the Great Plains Coal Gasification Plant as part of its divestiture activity. Continued long-term operation is needed to avoid disruptions to the local economy, capture the benefits associates with extended Plant operations and collect emission reduction technology data.

That sale also continued the Department's interest in the long-term operation of the plant by including a profit-sharing arrangement between DGC and DOE for the profits from the sale of synthetic natural gas. DGC and DOE reasonably assumed FERC would continue to stand behind opinion 119 when they negotiated the sale of the plant.

Following DGC's acquisition of the project, disputes arose regarding the pricing, output, and transportation provisions of the gas purchase agreements. As a result, DGC and DOE filed suit against the pipelines in 1990. Before the dispute went to trial, DOE, DGC, and the pipelines reached settlement agreements in 1994 that are expressly subject to FERC approval. Again, it is worth mentioning that FERC has already approved one of the four settlement agreements.

The administrative law judge's decision disapproved the remaining settlements negotiated between DGC and three of the four pipelines, and ruled that the pricing formula in the gas purchase agreements—as approved by opinion 119—should no longer be honored. Additionally, the judge's decision put on hold the agreement reached between DGC and DOE, which is contingent on FERC approval of the agreements between DGC and the pipelines. Finally, the decision retroactively imposed a new pricing scheme and ordered refunds that would total approximately $280 million.

If unchanged, this decision would close the Great Plains Gasification Plant. Mr. President, I believe that result would not serve our national energy interests.

I urge the FERC commissioners to give this matter their most careful consideration, and give great attention to Congress' public policy objective of continued long-term operation of the synfuels project.•

HONORING WALTER WIELOH AND HIS 40 YEARS OF TEACHING AT WEIRTON MADONNA HIGH SCHOOL

• Mr. ROCKEFELLER. Mr. President, I rise today to pay tribute to a truly devoted teacher, mentor, and friend to the youth in my State of West Virginia, Mr. Walter Wieloh.

It is heartening and inspiring, I believe, to learn about the career of Mr.

Wieloh, a man who dedicated 40 years of his life to teaching. He has been a member of the faculty at Madonna Catholic High School in Weirton, WV, since 1955, teaching several generations of families in the area.

In December, he was honored at a special event at the high school, and I wanted to add my public congratulations to Mr. Wieloh. His career of service to students and his commitment to education for four decades can be an example to all of us.

Walter Wieloh started his teaching career when Madonna High School opened in 1955, and he has been both educator and friend to generations of high school students. To students, he has always been a presence of wisdom and of guidance, inside the classroom and out. The current principal of Madonna, Mr. Robert J. Gill, recalls fondly his days as a student, and later as a colleague, of Mr. Wieloh. He recognizes him as a force of inspiration to students and an example of professionalism to fellow teachers.

Mr. President, Walter Wieloh should be an inspiration to us as well. In his 40 years of educating the youth of Weirton, WV, he represents many hardworking teachers across the country who have helped improve the lives and future of the students in their classrooms every year. Encouraging young people to learn, excel, and make the transition to adulthood is a challenge that every high school teacher faces, and Walter Wieloh has been a leader for Weirton Madonna High School. On behalf of every West Virginian, I commend Walter Wieloh. He definitely brings pride to his profession, and our State.•

IN SUPPORT OF CONCILIO CUBANO AND INDEPENDENT CUBAN JOURNALISTS

• Mr. MACK. Mr. President, late last year, a broad spectrum of Cuban opposition groups came together in an effort to form Concilio Cubano. Concilio Cubano, or Cuban Council, is a group that seeks to unite an unprecedented number of human rights, professional, political, and other organizations behind a common platform that includes amnesty for political prisoners, free and multiparty elections, and human rights.

The Castro regime's response has been sickeningly familiar. Members of Concilio Cubano have been subjected to lengthy interrogations, violent harassment, and a disinformation campaign.

The Miami Herald in a recent editorial likened Concilio Cubano to Charter 77, the Czech group that bravely opposed the Czech Communist dictatorship. Referring to former dissident, now President, Vaclav Havel, one of the leaders of the group told the Herald, "We have more Havels than they had."

Concilio Cubano plans to meet in late February. In Cuba, that's no simple matter. In the weeks leading up to this meeting, supporters of freedom, democracy, and human rights in Cuba must watch closely and speak out against any continued attempts to intimidate these democratic activists.

Also recently, the Cuban regime has stepped up persecution of journalists affiliated with independent news organizations. The campaign of harassment has included detentions and interrogations.

To my knowledge, the Clinton administration has been silent on the recent harassment of Concilio Cubano's members and independent journalists. The U.S. press has been fairly silent as well. I urge the administration to denounce these violations of the right of free expression and free association and strongly align itself with the supporters of democracy and freedom in Cuba. And I call upon the American press to report on the persecution of their fellow journalists and on Cuba's newest, broadest coalition of democratic activists.

Cuba's people have been subjected to virtually every form of subjugation. Their mildest form of opposition is met with repression. The United States and the American people are their closest friends. I call upon my colleagues in the Congress, and my fellow citizens to support the Cuban peoples efforts to exercise their inherent rights of free speech and association. The Cuban people have been resisting the Castro dictatorship for over 30 years. For as long as it takes, we must stand alongside them and let them know we support their struggle.•

TRIBUTE TO CYPRESS GARDENS DIAMOND JUBILEE DAY

• Mr. GRAHAM. As we arrived at the Capitol today, we noticed the remaining ice and snow from the blizzard earlier this month.

My thoughts traveled to sunny Florida, America's top tourist destination. Our State is blessed with clean waters, exquisite beaches, subtropical climate, and some of the most beautiful freshwater lakes in the world.

Mr. President, some six decades ago, a visionary named Dick Pope, Sr. looked out upon the blessed beauty of central Florida and created what became Cypress Gardens.

This world renown attraction, Cypress Gardens, celebrates its diamond jubilee on February 1, 1996. The millions who have visited Cypress Gardens or seen its glory on film join in a national salute to this 60-year milestone.

In the six decades since the founding of Cypress Gardens, the attractions industry in Florida has flourished. Through decades of growth and change, Cypress Gardens retains a special place in Florida's tourism legacy.

These gardens reflect the natural wonderment of Florida, the ingenuity of Dick Pope and the never-ending appeal of quality family entertainment.•

CHRISTMAS IN APRIL

• Mr. McCAIN. Mr. President, as a member of the National Advisory Board of a special outreach program called Christmas in April, I am extremely proud to speak to you today about a tremendously generous group of people who deliver Christmas spirit to low-income families during the spring.

With the support of honorary cochairs, NFL Commissioner Paul Tagliabue, his wife Chan, along with Arizona first lady Ann Symington, Christmas in April, the Nation's largest volunteer home rehabilitation initiative, kicks off its 1996 campaign by rebuilding the homes of two families in Phoenix's Hermosa neighborhood during Super Bowl weekend.

The focus of this charity is rebuilding and repairing the homes of low-income, elderly, and disabled Americans to help provide warmth, safety, and independence to families in need.

Many needy homeowners will receive this assistance in April 1996, when an army of about 140,000 caring volunteers will arrive on the doorsteps of about 4,200 homeowners in 430 cities and towns across the country.

Thanks to the hard work of these volunteers, Christmas in April has expanded to 160 local affiliates in 44 States which contribute $25 million toward home repairs for disadvantaged Americans across the country.

So at this time, Mr. President, I wish to pay tribute to the compassion and commitment of Christmas In April volunteers all across this Nation. Each time a grab bar is installed for a disabled child, every time sturdy stairs are built for an aged widow, and a fresh coat of paint is applied for a needy family—hope and dignity are restored.

Mr. President, this kind of unfailing generosity and kindness are the lifeblood of our country, and once again I commend this group and its volunteers.•

RECOGNIZING SRI LANKA'S 48TH ANNIVERSARY OF INDEPENDENCE

• Mr. INOUYE. Mr. President, I rise today to recognize the country of Sri Lanka which will celebrate its 48th anniversary of independence on February 4, 1996. I would like to congratulate a country which during the last four decades has made tremendous strides in socio-economic development in a democratic system.

Democracy in Sri Lanka has deep roots. Its people have maintained a functioning democracy since independence against great odds. There have been regular national elections in Sri

Lanka where voter turnout has been remarkably high. At a free and fair Parliamentary election held in August 1994 and observed by an international team including United States nationals, the people of Sri Lanka elected a new Government defeating a political party that was in power for 17 years. This was followed by a Presidential election in November 1994 at which Ms. Chandrika B. Kumaratunga was elected President with a 62-percent mandate. The voter turnout at both these elections was above 70 percent. I would like to congratulate the people of Sri Lanka for their commitment to democracy and improving human rights.

Over the years the United States and Sri Lanka have developed close bilateral relations. Sri Lanka has long hosted a Voice of America station on its territory and a project is well underway to upgrade the station. The United States is Sri Lanka's largest trading partner. The bilateral trade exceeds $1.4 billion. We have signed a bilateral investment protection treaty and an agreement to protect intellectual property rights.

Sri Lanka has been a pioneer in the South Asian region by liberalizing its economy and following market oriented economic policies. Free Trade Zones have been set up and incentives have been provided for foreign investment. I am pleased to note that there are many United States companies and banks currently operating in Sri Lanka and that the American Chamber of Commerce in Sri Lanka organized a successful United States Trade Fair in 1995.

Sri Lanka's drive for economic development which showed much promise in the early eighties has been restricted by the ongoing ethnic conflict which escalated in 1983. However, growth rates have averaged 5 percent per year. I am encouraged by the newly elected President's stated priority in finding a lasting political solution to the conflict. I can only share the aspirations of all Sri Lankans that peace will return soon to this beautiful country.•

UNITED NATIONS INSIGNIA

• Mr. CRAIG. Mr. President, we have all been watching the reports as U.S. Army Specialist Michael New has become a casualty of the debate over American troops participating in U.N. operations.

In violating a lawful order issued through the U.S. chain of command, he will be held accountable under the standards set by the U.S. Code of Military Justice for refusing to wear a U.N. cap and shoulder patch.

Specialist New was to have been deployed to participate in Operation "Able Sentry" in Macedonia, the stated purpose of which is to observe the border and discourage, by its presence, the spread of hostilities into Macedonia.

Mr. President, on October 10, Army Specialist Michael New reported for duty without wearing the U.N. shoulder patch and beret he and his unit were issued to wear as part of their uniform while deployed in Macedonia. On October 17, Specialist New was charged for failure to obey a lawful order in violation of Article 92: Uniform Code of Military Justice.

On January 23, 1996, the trial on the facts in the special court-martial of Specialist Michael G. New began. On January 24, the court, composed of officers and enlisted personnel, found Specialist New guilty of the charged offense of failure to obey a lawful order to "wear the prescribed uniform for the deployment to Macedonia." He was found in violation of Article 92: Uniform Code of Military Justice.

Specialist New was sentenced by the court-martial members to be discharged from the U.S. Army with a bad-conduct discharge.

Mr. President, the situation that has resulted from Specialist New's actions has caused me great concern. As one who feels very strongly about this Nation's sovereignty and responsibilities placed on our Armed Forces to protect and defend this Nation, I find myself very frustrated with what has happened.

Mr. President, my sympathy with his decision to refuse to wear the U.N. patch and hat does not change the fact that we must abide by the standards set by the military code of conduct if we are to assure order and fairness in the military. Our military must rely on strict chain of command and order. That is without a doubt.

However, the men and women who have chosen to serve this Nation and the American people should not be put in a position which forces them to bear allegiance to any nation or organization other than the United States of America. Michael New made the decision to serve in the Armed Forces in order to defend the United States, not the United Nations.

In order to address this situation, I introduced legislation that prevents any member of the U.S. Armed Forces from being required to wear, as part of their military uniform, any insignia of the United Nations.

Mr. President, I hope that we can deal with this issue by proceeding in the legislative process with hearings on S. 1370, which now has 25 cosponsors. In addition, there is still another, broader issue that must be addressed, and that is the use of U.S. Forces under U.N. command.

Mr. President, I would just urge my colleagues to review S. 1370. We must not lose sight of the fact that the men and women who volunteered to serve in our Armed Forces, volunteered to defend the United States of America, not the United Nations.

Mr. President, I ask unanimous consent that the Senator from Virginia, Mr. WARNER, be added as a cosponsor of S. 1370.•

CARL S. WHILLOCK

• Mr. BUMPERS. Mr. President, on February 29, Carl S. Whillock, one of Arkansas' all-time great citizens, will retire as president and chief executive officer of Arkansas Electric Cooperative Corp. and Arkansas Electric Cooperatives, Inc., a post he has held since 1980.

A native of Scotland, AR (Van Buren County), Carl has spent most of his life in public service. Prior to his career with AECI, he was president of Arkansas State University.

He began a career of public service in our State legislature, serving two terms in the early 1950's. From June of 1955 until January of 1963, Carl served as executive assistant to U.S. Representative J.W. Trimble. He next served as prosecuting attorney of Arkansas' 14th Judicial District from January of 1965 until 1966, when he became assistant to the president of the University of Arkansas. He left that post in July of 1971 to become director of university relations, where he served until April of 1974.

Carl managed the successful gubernatorial campaign of David Pryor in 1974 and served as his executive assistant in 1975. He returned to the University of Arkansas at Fayetteville late that year to become vice president of governmental relations and public affairs. In July of 1978, he became president of Arkansas State University.

Carl attended the University of Central Arkansas at Conway and Emory University in Atlanta, GA, before earning a degree in social welfare from the University of Arkansas at Fayetteville. He was awarded the master of arts degree in history and political science from the University of Arkansas at Fayetteville and the juris doctor degree from George Washington University in Washington, DC.

A well-respected executive in the national electric cooperative community, Carl also has worked tirelessly in numerous civic and community affairs positions in our State and our region.

Mr. President, wherever Carl Whillock has lived and worked throughout our State, his support for community goals and initiatives has been sought. He is the personification of what citizenship is about.

I want to join thousands of others in wishing Carl and Margaret a happy and healthy, peaceful and prosperous retirement. They have certainly earned it.•

INDIGENOUS CONSERVATIONIST OF THE YEAR AWARD AWARDED TO GOV. A.P. LUTALI, GOVERNOR OF AMERICAN SAMOA

• Mr. INOUYE. Mr. President, all Americans, including those of us in the

Congress, are concerned about the destruction of rainforests that is occurring all over the world. The rainforests constitute unique and irreplaceable ecosystems sometimes called the lungs of the Earth. In addition to their function in replenishing the Earth's atmosphere, the rainforests provide essential protection against global warming, contain hundreds of plants found nowhere else on Earth, house many animals unique to the rainforests alone, and provide protection against destruction of coral reefs and marine life. I would like to call my colleagues' attention to a unique effort to save these vital systems and to an individual who is being honored for his own efforts to save the rainforests.

Gov. A.P. Lutali of American Samoa has been selected to receive this year's Seacology Foundation Award as the Indigenous Conservationist of the Year in recognition of his superb efforts to preserve the rainforest and indigenous Samoan culture. Governor Luitali's successes include leading the effort to create the National Park of American Samoa. He is also responsible for passage of an act to protect the American Samoa Flying Fox. Neither of these achievements would have occurred without Governor Lutali.

Seacology Foundation is a nonprofit foundation founded to help protect island ecosystems and island cultures. Seacology scientist include experts in endangered species, island flora and fauna, and island ecosystems. One-hundred percent of the money donated to Seacology goes directly to building schools, hospitals, installing safe water supplies, and meeting other needs of the rainforest villagers so that they will not have to sell off the rainforest to survive. Seacology scientists donate their time as well.

I congratulate Governor Lutali and the Seacology Foundation for all of their efforts. I ask that the letter from Paul Alan Cox, Ph.D., chairman of the board of Seacology Foundation to Governor Lutali be printed in the RECORD.

The letter follows:

THE SEACOLOGY FOUNDATION,
Springville, UT. October 24, 1995.

Gov. A.P. LUTALI,
Office of the Governor, American Samoa Government, Pago Pago, American Samoa.

DEAR GOVERNOR LUTALI: On behalf of the Board of Directors and the Scientific Advisory Board of the Seacology Foundation, it gives me great pleasure to inform you that you have been selected as the 1995 Indigenous Conservationist of the Year. This award, believed to be the only one of its kind in the world, annually recognizes an indigenous person who has demonstrated heroic efforts in protecting the environment. The Seacology Foundation invites you, at our expense, to attend an award dinner in your honor and a presentation ceremony in Provo, Utah to receive your award, which will consist of an engraved plaque and a cash award of $1,000. Lorraine Clark, Executive Associate Director of the Seacology Foundation, will be in touch with Rob Shaffer from your staff to arrange a convenient date for this event.

In making this award, the Seacology Foundation wishes to recognize your personal courage and foresight in protecting the rainforests and wildlife of American Samoa. You have demonstrated your commitment to conservation in many different ways. Examples of your environmental leadership include passage of an act to protect flying foxes, including the rare Samoan Flying Fox, Periopus samoensis, or pe'avao by the Territorial Legislature of American Samoa. Your leadership was crucial in passing this legislation, which is believed to be the first legislation enacted by any Pacific island government to protect flying foxes. Because of your example, many other island governments have now enacted similar legislation.

Even more impressive was your visionary foresight in establishing the 50th National Park of the United States of America, the National Park of American Samoa. It was your leadership and your vision that brought together a coalition of Samoan school children, villagers, matai and other traditional community leaders, territorial officials, scientists, conservationists, and U.S. Congressmen to create a new future for the people of American Samoa. You personally held meetings with key scientists and village leaders, you personally hosted a distinguished congressional delegation in Samoa, you personally traveled to Washington, D.C. to testify on behalf of the park and you personally provided leadership at every phase to assure passage of the enabling legislation. You exercised this leadership without any concern for its potential impact on your political future. Because of your selflessness and bi-partisan approach, the American Samoa National Park Bill became one of the first national park bills to pass both houses of the United States Congress without a single dissenting vote. You played a key role in guaranteeing that the aspirations and well being of Samoan villages were paramount in the enabling legislation. Unique land acquisition techniques, revolving around long term leases, were used under your direction. Village chiefs were guaranteed important roles in formulating park policy. The Samoan language and culture are to be highlighted in all park activities. As a result of your foresight, American Samoa will have a national park that will preserve both Samoan wildlife and Samoan culture.

Many other examples of your conservation leadership could be cited. The Territorial Division of Wildlife and Marine Resources under your leadership has made important progress in evaluating and protecting the wildlife of American Samoa. Coastal Zone Management has flourished under your leadership. But perhaps most important has been your quiet personal example. You quietly led an effort to re-introduce the rare Samoa toloa or duck to your home island of Annu'u. The crack of dawn has frequently found you on your hands and knees weeding the garden plot in front of the territorial offices. Many have seen you picking up rubbish and doing your own part as private citizen to beautify the exquisite islands of American Samoa.

Because of your stellar service, both public and private to conservation, and because of the tremendous example of dedication and courage that you have set for your own people—the Polynesian Islanders—and for indigenous peoples throughout the world, the Seacology Foundation is pleased to bestow upon you the most distinguished award for indigenous conservation in the world by naming you Indigenous Conservationist of the Year 1995. We offer you our sincere appreciation for your tremendous devotion to protecting this planet.

Warmest personal regards,
NAFANUA PAUL ALAN COX, Ph.D.,
Chairman of the Board.•

OFFICER RONALD MICHAEL RYAN, JR., AND OFFICER TIMOTHY JAMES JONES

• Mr. WELLSTONE. Mr. President, I rise to pay tribute to two gallant police officers from Saint Paul, MN. On August 26, 1994, Officer Ronald Michael Ryan, Jr. and Officer Timothy James Jones gave their lives in the line of duty.

It is important that the memory of their brave lives be a part of the official history of our country. I therefore ask that the following eulogies by Chief William Finney be printed in the CONGRESSIONAL RECORD on behalf of these two slain police officers: The eulogy by Chief William Finney in memory of Officer Ronald Michael Ryan, Jr. and the eulogy by Chief William Finney in memory of Officer Timothy James Jones.

The eulogies follows:

RONALD MICHAEL RYAN, JR.—EULOGY BY CHIEF WILLIAM FINNEY

Ron Ryan junior brought youthful enthusiasm, warmth, friendship and loyalty to our department. He touched our lives in a very special way, and gave his all to his brothers and sisters in blue. The greatest thing this extraordinary young man gave to us was his commitment, to make our city a better place to live, to make our department a more pleasant place to work, and to add whatever he could to the lives of those around him. He represented the very best that a Police Officer can be, and in a very real way represented the spirit of the St. Paul Police department.

Many people think it's easy for the son of a Police Officer to follow in dad's footsteps, especially when they work for the same department. And especially when the son shares the father's gift of gab, easy humor, and superior people skills. But Ron Ryan junior learned just the opposite. He learned that the trials and tribulations of being a rookie cop who is the son of a cop were extra hard, that there would be a little more razzing from the troops. Ron Junior had a routine of polishing the brass buttons on his uniform before coming to work. One time a supervisor asked to look at those buttons, and Ronnie obliged him. But when he got them back he noticed they were quite tarnished, and that the supervisor had switched them, for his own dirty ones. The gag went on and on, and eventually, Ron got to the point of bringing in an extra set of polished buttons to work. On a larger scale, Ron Ryan junior polished up the image and morale of this department with his tireless well of positive energy.

Ron was a hard worker, never afraid to help out a fellow officer or be first on a call. And he was a quick thinker, quick to figure out what had to be done in tough situations. Just a year ago, he and two other officers formed a human pyramid to remove three children from the second story of a burning house. For that he received the Medal of Merit—our second highest award—an amazing accomplishment for a rookie cop. And he

didn't let up. Just this year, he was given another commendation. Think about that. Two commendations in less than a year. Ron Ryan junior was one of the best young Police Officers our department has seen.

He joined us in July of 1990, as a parking enforcement officer. Never losing sight of his real goal, he took our oath as a Police Officer on January 23rd, 1993. And in just 19 short months he made his mark, served his beloved east side, and made his department proud.

Today, it is with the heaviest of hearts that I say goodbye to Ron Ryan Junior. We will all remember you for your courage, your heroism, your willingness to serve and that sparkle you gave to those around you. And let no one ever forget that Ron Ryan Junior was truly one of St. Paul's finest.

TIMOTHY JAMES JONES—EULOGY BY CHIEF WILLIAM FINNEY

It is my distinct honor to share some thoughts today on the life of Officer Timothy James Jones—a man who was not only a St. Paul Police officer for the past 16 years, but also a talented leader, a loving husband and father, and a special friend to all of us. It is very difficult to convey in words the scope of his contribution to our police department. Along with his energy, humor, and commitment to police work, he also brought what can be a rare commodity: results. (Productivity) When Tim Jones answered a call, you could be sure that the situation would be resolved. For 16 years, he built a strong record of service. He was a mature police officer, who had recently shifted his focus toward helping younger officers improve their law enforcement skills. The advice and direction that he gave the younger officers will be a legacy which will live on in the future of the St. Paul Police Department.

Tim had an infectious grin and he could be a bit of a jokester. One of his closest friends told me he's probably looking down from heaven right now, laughing and calling us names. His closest friends lovingly called him "Nip," or "the Nipper." I personally preferred to just call him Jonesy. Another of our Asian American officers, Pat Lyttle, teamed up with Tim to form a racketball duo known as the "Far East Connection." Tim was always ready to laugh, and more than willing to laugh at himself.

But when he put on the uniform and hit the street, he was all business. (Pride) He pursued his mission as a police officer at 100 percent, at all times. He was known as the officer who would be the first on the scene, and the last to leave. (Professionalism) His assignment to the canine unit was a natural progression in which he extended his helpfulness across the city. And whenever Officer Jones showed up with his canine partner Ninja or more recently Laser, you knew the bad guy would be found. The other officers would be attracted to him like a magnet, because they knew he would get results. They would watch and wonder and learn. That made him the purest kind of leader—one who leads by example. (Participation) On three occasions, he was given commendations by our police department for his outstanding service to the community.

His pursuit of excellence vaulted him into national prominence. In 1988, he and NINJA ranked 4th in the United States in individual canine competition. In 1989, they took third place. In 1990, another third place finish. And in 1991, a 5th place finish. They were part of our St. Paul Police canine team which took top honors nationally in 1989, 1990 and 1991. Tim didn't really strive for those kind of honors—he just did the best job he could, and he got results. And he made all of us proud.

Lately he had been sharing his wisdom. He and Laser would arrive first at the scene, as usual, locate the bad guy, and then keep him confined as he allowed one of the younger canine officers to go in and make the arrest. He wanted those younger officers to get the experience they needed to mature as he had. They responded by telling him he was no longer the Nipper. No, they told him he had evolved into "Buddha," the wise one.

Whether he was being the "wise one" or a "wise guy" Tim Jones was a very special cop. Last Friday, when he heard what had happened to his friend Ron Ryan, he came in on his day off to help. That didn't surprise anyone—that was Tim Jones. It didn't surprise anyone that he would be the first one to locate the suspect, either. It was the outcome that has shocked us, and left us with an empty place in our hearts. To the end, he and his canine partner were heroes. With Officer Jones down, his partner Laser continued to pursue the suspect with his last breaths, after being mortally wounded. His canine partners: Ninja, the national award winner, Laser, the apprehender, and finally, K-C, the narcotics detector, who carries on the Jonesy canine tradition.

Tim Jones became a St. Paul police officer on October 31st, 1978. It was his 21st birthday. For 16 years, he learned and excelled and led, and passed-on a unique legacy to those around him. Officer Tim Jones epitomized the spirit and essence of the police "four P's: pride, professionalism, participation and productivity."

He leaves behind his wife Roxanne, and children Matthew and Chelsie. Recently Tim had been skipping golf games to take his son to hockey practice several times a week. He gave everything he had to his family, both at home and at the police department. And we will all miss him deeply.

To Roxanne, Matthew and Chelsie: It is not enough to say that he is in heaven. The fact is, heaven was made for people like Tim. He died as he had lived—trying to help others without thinking of himself. But we will all be thinking about you, Tim. For no one has ever given us greater gifts, or a greater sacrifice. My, my, my—wasn't he a piece of work.

Mr. WELLSTONE. Mr. President, I ask further that the following remarks from The Saint Paul Police Department 1994 Annual Report be printed in the RECORD. Dedicated to the memory of Officer Ron Ryan, Jr. and Officer Timothy Jones, it is entitled, "August 26, 1994—Our Day of Tragedy."

The material follows:

AUGUST 26, 1994—OUR DAY OF TRAGEDY

The morning of August 26, 1994 broke with a beauty and clarity that is rare even during Minnesota's fleeting summer. The air was calm, warm and clear as the sun rose above the spire of Sacred Heart Catholic Church at 6th Street and Hope. Officer Ron Ryan Jr., 26 years old, walked up to check on the welfare of a man who was slumped down in the driver's seat of a red subcompact car, parked in the church parking lot. The officer's concern was met by a flurry of gunfire from the drifter. The evil ambush claimed Officer Ryan's life, shattered the calm of that morning, and set a sickening tone. During the search for the suspect that day, there would be a second ambush and the loss of Officer Timothy Jones and his canine partner, Laser. Offsetting the horror and disbelief of those events, was the professionalism of the Saint Paul Police force, who put aside grief, until the search for the suspect had been successfully completed. Only then did the grieving process begin; a grief shared by hundreds of thousands of metro area residents, by police officers across the country, and by many others who reflected on our day of tragedy.

It had been 24 years since a Saint Paul Police Officer had fallen to gunfire, more than two decades in which Saint Paul officers had been spared the tragic realities of most other American cities. Some would say it was Saint Paul's reputation for treating suspects with respect. In the course of arresting literally hundreds of thousands of suspects, no Saint Paul Officer had been attacked with deadly force. But it all changed that morning in August. Guy Baker, 26, a man wanted on weapons charges in his native Iowa, had told friends in Mason City that he was thinking about shooting a police officer. For reasons which are still not clear, he decided to borrow a friend's car and drive to Saint Paul. As Officer Ryan walked up to the car that morning, Baker held a gun under the coat he was using as a blanket. He knew the officer would check his identity and then probably arrest him for the warrant. Baker ambushed Office Ryan and then took his service weapon after he had fallen. A resident who witnessed the attack fired a shot at the suspect vehicle from the window of his home, shattering the car's back window. But the suspect got away before the first squads arrived at the scene.

Baker drove only a mile before he ditched the car and changed clothing. In a wooded area close to I-94, he waited for the officers he knew would be searching for him. Once again he assumed a position that would allow him to ambush an officer. Unlike the typical suspect who would be acting out of fear, Baker's actions were those of a demented, yet highly trained combat veteran. He took up a position inside an ice fishing shack in the back yard of a home on Conway Street. With a row of windows in the small structure, Baker had an unrestricted view on the world outside. But it would be nearly impossible to see him from the outside. He sat in his killer's perch and waited.

Officer Timothy Jones, 36, a veteran canine officer who had won national awards, was enjoying a day off with his children when he heard the news about his friend Ron Ryan. Without hesitation he came into work to aid in the search for the killer. In retrospect, no one was surprised that he would be the first officer to locate the suspect. He was known as one of the best officers in a canine unit that had won the top national award four out of the last six years. As hundreds of officers fanned out searching for the suspect it was Tim Jones and Laser who picked up his scent and began moving toward the fish house. As the officer approached the structure, shots blasted from the inside, through the flimsy window and wall of the structure, hitting Officer Jones. He died less than four hours after his friend and co-worker Ron Ryan. As Baker exited the fish house, Laser attacked, latching onto the suspect with his powerful jaws. Baker shot the animal, but it attacked a second time. After being shot several times, the dying canine was still crawling towards the suspect with his last ounce of energy.

Baker had made another getaway, but it was to be short lived. Within two hours he was arrested and taken to the hospital to be treated for the dog bites he had suffered. Eventually he would plead guilty to the two murders.

Twin Cities television and radio stations were providing instant, live coverage of the events as they unfolded that Friday. The unprecedented coverage made it a very public tragedy, and that followed through to the funerals. Literally thousands of people lined the streets along the funeral procession routes.

Officer Ryan was buried on August 30. In his eulogy, Chief Finney said Ron Ryan Junior "brought youthful enthusiasm, warmth, friendship and loyalty to our department." More than 2,000 police officers from as far away as Canada attended the funeral.

Officer Jones was buried on August 31. Chief Finney called him "a talented leader, a loving husband and father, and a special friend." An estimated 400 canine officers from across Minnesota and many other states were on hand, along with hundreds of other officers. A four mile long procession of police cars stretched from the Cathedral to Elmhurst Cemetery.

The memories of these two fine officers will live on in the history of our department. Ron Ryan Jr. gave much to us, in just a short time. Tim Jones shared his knowledge and maturity with his fellow officers. Without hesitation, they gave the ultimate sacrifice while serving their department and city. They will not be forgotten.•

DAN KELLEY OF AGRIBANK, FCB

• Ms. MOSELEY-BRAUN. Mr. President, I rise today in tribute to Mr. Dan Kelley, a prominent agriculturist and farm leader in my home State of Illinois, who currently serves on the Board of AgriBank Farm Credit Bank. Unfortunately, he will soon be leaving the board. I want to take the opportunity to commend Dan Kelley for his exemplary public service and the strong leadership he provided during a time of real challenges at the Farm Credit System.

Dan Kelley was the last chairman of the former St. Louis Farm Credit Bank—federally chartered in 1917 to provide credit and related services to farmers in Illinois, Arkansas, and Missouri. As chairman, he led an initiative to bring about the historic merger of the St. Louis Farm Credit Bank with a sister institution in St. Paul, MN to form AgriBank, FCB. This was the first voluntary merger of a Farm Credit bank in the history of the Farm Credit System. Mr. Kelley served as the first board chairman of AgriBank and, again, played a key leadership role in making the merger work. More generally, the Farm Credit System began to regain its position as a leader in agricultural credit markets in Illinois and other States in the Midwest during Mr. Kelley's tenure as Chairman.

To appreciate what Dan Kelley accomplished in his 7 years of service, one must recall that the Farm Credit System had reached the lowest point in its history when he first joined the St. Louis Farm Credit Board in 1989. The great farm depression of the mid-1980's humbled the St. Louis Farm Credit Bank, the Farm Credit System as a whole, as well as a number of other agricultural lenders. Losses were mounting in St. Louis and throughout the Farm Credit System, while volume was shrinking.

Farmers were leaving the Farm Credit System because they were unhappy—unhappy with the rates of interest they were paying, and with the service they were receiving. Some borrowers were concerned that they would not be able to keep their loans current. Others left Farm Credit due to fears that the stock they had invested in their credit cooperative was at risk. The Farm Credit System, once commonly celebrated as a success story, had become a lightening rod for everyone dissatisfied with the state of the farm economy. The Farm Credit System, it was said, had overhead costs that were too high, credit standards that were too lax, and a lack of sensitivity to acute problems being experienced by the distressed borrowers. Not surprisingly, the system was also losing money. The St. Louis Bank and the other predecessors of AgriBank lost more than $1.7 billion in 1985.

In short, Dan Kelley and his colleagues on the Board of the St. Louis Farm Credit Bank in January 1989 faced obstacles that appeared virtually insurmountable to some. Some observers were drafting an obituary for the St. Louis Bank and the entire Farm Credit System. These draft obituaries were premature. The Farm Credit System has survived and now flourishes. Over the past several years, the System has made an extraordinary recovery from the financial disaster of the mid-1980's. Dan Kelley's bank, in particular, restructured and collected billions of dollars of troubled loans. The net result is that nonaccruing loans dropped from 7.1 percent of the bank's total in 1989 to 2.7 percent in December of 1995. Operating costs were dramatically reduced. More than $2 billion in earnings and capital has been generated, and members' equity in their credit cooperative increased by more than $1 billion.

Of course, a number of other factors were responsible for the remarkable turnaround in the fortunes of AgriBank and the Farm Credit System. For example, the recovery would not have been possible without a more general turnaround in the farm economy. Beyond that, however, Dan Kelley and his colleagues deserve an enormous amount of credit for making the right decisions on some critical and very difficult issues.

Indeed, Dan Kelley's successes and those of the Farm Credit System as a whole have confounded the cynics who said that farmer cooperatives cannot survive, much less prosper, in today's more competitive and fast-moving markets.

Cynics said that farmer-elected boards of directors would not voluntarily vote themselves out of jobs. Dan Kelley and his colleagues proved those cynics wrong when AgriBank was created in 1991 and when it was expanded to include the former Louisville Farm Credit Bank in 1993.

Cynics alleged that the Agriculture Credit Act of 1987 could not work and that the Federal financial assistance provided to the Farm Credit System would never be repaid. In October 1992, however, Dan Kelley again proved the cynics wrong by announcing that AgriBank was repaying the $133 million of assistance 11 years ahead of schedule.

In short, the cynics underestimated Dan Kelley and other farm leaders who were determined to build a stronger, lower-cost and more effective credit cooperative for farmers. AgriBank is now a reality and has exceeded the expectations of many of those responsible for its creation. Its very existence and remarkable success owe a great deal to the hard work, dedication, and good judgment of Dan Kelley.

Dan Kelley's departure from AgriBank does not mean he will no longer be a farm leader. His commitment to American agriculture and institutions serving the American farmer is too strong for that. He will continue to be an active farmer, a member of the Illinois Farm Bureau, the Illinois Corn Growers Association, and to serve on the board of Gromark.

On behalf of Illinois farmers, and those who care about American agriculture, I thank Dan Kelley for his achievements, and wish him the very best in his continued endeavors.•

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations: Executive Calendar nominations Nos. 346, 347, 397, and all nominations reported out of the Armed Services Committee today with the exception of Admiral Prueher; I further ask unanimous consent that the nominations be considered en bloc, the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, that the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the nominations were considered and confirmed, en bloc, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

Alicia Haydock Munnell, of Massachusetts, to be a Member of the Council of Economic Advisers.

SECURITIES AND EXCHANGE COMMISSION

Isaac C. Hunt, Jr., of Ohio, to be a Member of the Securities and Exchange Commission for the term expiring June 5, 2000.

DEPARTMENT OF DEFENSE

Arthur L. Money, of California, to be an Assistant Secretary of the Air Force.

H. Martin Lancaster, of North Carolina, to be an Assistant Secretary of the Army.

The above nominations were approved to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

The following-named officer for appointment as Vice Chairman of the Joint Chiefs of Staff and reappointment to the grade of general under the provisions of Title 10, United States Code, Section 154:

VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

To be general

GEN. JESEPH W. RALSTON [redacted] U.S. AIR FORCE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MARCUS A. ANDERSON [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 8373, 8374, 12201 AND 12212:

To be major general

BRIG. GEN. WILLIAM A. HENDERSON [redacted] AIR NATIONAL GUARD.
BRIG. GEN. TIMOTHY J. LOWENBERG [redacted] AIR NATIONAL GUARD.
BRIG. GEN. MELVYN S. MONTANO [redacted] AIR NATIONAL GUARD.
BRIG. GEN. GUY S. TALLENT [redacted] AIR NATIONAL GUARD.
BRIG. GEN. LARRY R. WARREN [redacted] AIR NATIONAL GUARD.

To be brigadier general

COL. JAMES H. BAKER [redacted] AIR NATIONAL GUARD.
COL. JAMES H. BASSHAM [redacted] AIR NATIONAL GUARD.
COL. PAUL D. KNOX [redacted] AIR NATIONAL GUARD.
COL. CARL A. LORENZEN [redacted] AIR NATIONAL GUARD.
COL. TERRY A. MAYNARD [redacted] AIR NATIONAL GUARD.
COL. FRED L. MORTON [redacted] AIR NATIONAL GUARD.
COL. LORAN C. SCHNAIDT [redacted] AIR NATIONAL GUARD.
COL. BRUCE F. TUXILL [redacted] AIR NATIONAL GUARD.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE U.S. NAVY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, UNITED STATES CODE:

To be vice admiral

VICE ADM. RICHARD C. ALLEN [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JOHN J. MAZACH [redacted]

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE U.S. NAVY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, UNITED STATES CODE.

To be admiral

ADM. WILLIAM A. OWENS [redacted]

IN THE AIR FORCE

Air Force nominations beginning Todd D. Bergman, and ending Scott J. Woollard, which nominations were received by the Senate and appeared in the Congressional Record on November 28, 1995.

Air Force nominations beginning Ruth T. Lim, and ending Barrett F. Schwartz, which nominations were received by the Senate and appeared in the Congressional Record on November 28, 1995.

Air Force nominations beginning James P. Aaron, and ending Karen C. Yamaguchi, which nominations were received by the Senate and appeared in the Congressional Record on November 28, 1995.

Air Force nominations beginning Carlos L. Acevedo, and ending Brian D. Zullo, which nominations were received by the Senate and appeared in the Congressional Record on November 28, 1995.

Air Force nominations beginning William C. Alford, and ending Linda S. Mitchell, which nominations were received by the Senate and appeared in the Congressional Record on December 4, 1995.

Air Force nominations beginning Rogelio F. Golle, and ending Michael L. Delorenzo, which nominations were received by the Senate and appeared in the Congressional Record on December 4, 1995.

Air Force nominations beginning Dwayne A. Alons, and ending Francis K. Manuel, which nominations were received by the Senate and appeared in the Congressional Record on December 18, 1995.

IN THE ARMY

Army nominations beginning David L. Abbott, and ending X2444, which nominations were received by the Senate and appeared in the Congressional Record on September 19, 1995.

Army nomination beginning Nelson L. Michael, which nomination was received by the Senate and appeared in the Congressional Record on November 28, 1995.

Army nominations beginning Robert L. Ackley, and ending Daniel V. Wright, which nominations were received by the Senate and appeared in the Congressional Record on November 28, 1995.

Army nomination beginning Paul A. Ostergaard, which nomination was received by the Senate and appeared in the Congressional Record on November 28, 1995.

Army nominations beginning Charles W. Baccus, and ending Donna M. Wright, which nominations were received by the Senate and appeared in the Congressional Record on November 28, 1995.

Army nominations beginning Mark E. Benz, and ending Steven R. Young, which nominations were received by the Senate and appeared in the Congressional Record on November 28, 1995.

Army nominations beginning Vincent B. Bogan, and ending Krista E. Murphy, which nominations were received by the Senate and appeared in the Congressional Record on November 28, 1995.

Army nominations beginning Alvin D. Aaron, and ending Craig L. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on November 28, 1995.

Army nominations beginning James M. Baker, and ending William Hayes-Regan, which nominations were received by the Senate and appeared in the Congressional Record on December 18, 1995.

Army nominations beginning Michael C. Appe, and ending Janet M. Harrington, which nominations were received by the Senate and appeared in the Congressional Record on December 18, 1995.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume legislative session.

IMPACT AID PAYMENTS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1543, a bill relating to impact aid payments introduced earlier today by Senator KERREY, that the bill be read three times, passed, the motion to reconsider be laid upon the table; further, that any statements on this measure appear at the appropriate place in the RECORD as though read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1543) was deemed read for a third time, and passed, as follows:

S. 1543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TREATMENT OF IMPACT AID PAYMENTS.

(a) IN GENERAL.—The Secretary of Education shall treat any State as having met the requirements of section 5(d)(2)(A) of Public Law 81–874 for fiscal year 1991, and as not having met those requirements for each of the fiscal years 1992, 1993, and 1994, if—

(1) its program of State aid was not certified by the Secretary under section 5(d)(2)(C)(i) of Public Law 81–874 for any fiscal year before fiscal year 1991;

(2) the State submitted timely notice under that section of its intention to seek that certification;

(3) the Secretary determined that the State did not meet the requirements of section 5(d)(2)(A) of Public Law 81–874 for fiscal year 1991; and

(4) it has made a payment of each local educational agency in the State, other than any local educational agency that received a payment for fiscal year 1991 under section 3(d)(2)(B) of Public Law 81–874, whose State aid it reduced for the fiscal year, in the full amount of that reduction.

(b) REPAYMENT NOT REQUIRED.—Notwithstanding any other provision of law, any local educational agency in such a State that received funds under section 3(d)(2)(B) of Public Law 81–874 for fiscal year 1991 shall not, by virtue of subsection (a), be required to repay those funds to the Secretary.

LAWS RELATING TO NATIVE AMERICANS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2726, just received from the House.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2726) to make certain technical corrections in laws relating to Native Americans, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. McCAIN. Mr. President, I rise today to express my support for H.R. 2726, a bill to make technical amendments to various laws affecting native Americans and to urge its immediate adoption. This bill includes a number of provisions which have been considered and approved by this body in the first session of the 104th Congress. This

legislation addresses a wide range of Indian issues. I am joined by a number of Senators who have sponsored provisions which were included in H.R. 2726. I will briefly describe the provisions of H.R. 2726. Section 1 of the bill makes technical corrections to section 9 of the Pokagon Potawatomi Restoration Act. These corrections would change the reference in section 9 from plural to singular. Section 2 of S. 325 makes technical corrections to the Odawa and Ottawa Restoration Act. This section corrects all of the references in section 9 by using the plural.

Section 3 of the bill corrects a citation in section 4 of the Indian Dams Safety Act of 1994. Section 4 of H.R. 2726 amends the Pascua Yaqui Indians Act to capitalize the words "Pascua Yaqui Tribe." Section 5 amends section 3(7) of the Indian Lands Open Dump Cleanup Act of 1994 to correct the citation to the Solid Waste Disposal Act. Section 6 of the bill amends the American Indian Trust Fund Management Reform Act of 1994 to correct a reference in section 303(c) of the act and to correct a typographical error in section 306 of the act. Section 7 of the bill corrects a reference in section 102 of the Indian Self-Determination Contract Reform Act of 1994. Section 8 of the bill corrects certain references in sections 203 and 206 of the Auburn Indian Restoration Act. Section 9 of the bill amends the Crow Boundary Settlement Act of 1994 corrects several references in sections 5, 9, and 10 of the act. Section 10 of H.R. 2726 corrects a typographical error in section 205 of the Tlingit and Haida Status Clarification Act. Section 11 of the bill amends section 103 of the Native American Languages Act to correct several citations in the section. Section 12 of the bill amends section 5 of the Ponca Restoration Act to modify the service area of the Ponca Indian Tribe to include Indians living in Sarpy, Burt, Platte, Stanton, Hall, Holt, and Wayne Counties in Nebraska and Indians living in Woodbury and Pottawattomie Counties in Iowa. It has been estimated that there are 110 Ponca tribal members living in these counties who are not currently eligible to receive services from the tribe. This amendment to the Ponca Restoration Act would make these members eligible for tribal services from the Ponca Tribe. I would like to recognize the leadership of the delegation from Nebraska, Senators EXON and Kerrey who brought this provision to my attention and urged its inclusion in the legislation.

Section 13 of the bill provides for the revocation of the charter of incorporation of the Minnesota Chippewa Tribe under the Indian Reorganization Act. The Minnesota Chippewa Tribe has requested the Congress to accept their surrender of the Corporate Charter of the Minnesota Chippewa. By its own terms, this charter can only be revoked by act of Congress. This provision would revoke the charter. Section 14 of the bill amends section 5(6) of the Advisory Council on California Indian Policy Act of 1992 to extend the term of the Advisory Council on California Indian Policy from 18 to 36 months in order to allow them to complete their study of issues affecting California Indian tribes.

Section 15 of the bill amends section 401 of the Public law 100–581, to provide the authority to the Army Corps of Engineers to provide funding for the operation and maintenance of in lieu fishing access sites on the Columbia River Public Law 100–581 was enacted in 1988 to authorize the U.S. Army Corps of Engineers to develop 32 Indian fishing access sites along the Columbia River for the Warm Springs, Yakima, Umatilla, and Nez Perce tribes. These fishing sites were intended to compensate these Indian tribes for fishing sites which were lost due to the construction of several dams by the Army Corps of Engineers. In a June 25, 1995 memorandum of understanding between the Army Corps of Engineers and the Department of the Interior agreed to a lump sum payment of funds to provide for the operation and maintenance of such sites. I would like to express my appreciation to the Senator from Oregon [Mr. HATFIELD] for his leadership in advancing this provision. I have worked closely with him in ensuring that this provision is clarified and provides the necessary authority to ensure that these sites are adequately maintained. Section 16 of the bill provides authority to the Ponca Indian Tribe of Nebraska to utilize funds provided in prior fiscal years to acquire, develop, and maintain a transitional living facility for Indian adolescents. Sections 1 through 16 of this bill have been considered and passed by the full Senate in the last session of the Congress.

H.R. 2726 includes three additional technical amendments which have not been considered by this body but which are not controversial and represent purely technical changes and corrections to provisions of affecting native Americans. I have reviewed these provisions and I support them. First such provision is in section 17 of the bill, which provides that authority to the Mescalero Apache Tribe to authorize the Secretary of the Interior to reprogram judgment funds awarded to the tribe pursuant to Docket Nos. 22–G, 30, 48, 30–A, and 48–A of the Indian Claims Commission. This provision will provide the authority necessary for the Mescalero Apache Tribe to modify their judgment fund distribution plan to utilize these funds pursuant to their current tribal priorities. Section 18 of the bill authorizes the Lac View Desert Bank of Lake Superior Chippewa Indians to amend their tribal membership roll to enroll individuals who meet the tribal eligibility criteria for inclusion in the tribal rolls. This provision does not alter the criteria for tribal membership including the tribe's blood quantum requirements but merely opens the tribal rolls to individuals who were not previously enrolled. Section 19 of the bill amends section 403 of the Indian Self-Determination and Education Assistance Act by adding a new subsection that authorizes Indian tribes to include any or all the provisions of title I of the act in an agreement entered into under title III or IV of the act. This provision authorizes Indian tribes to include any provision under title I of the act relating to self-determination contracts in a self-governance compact entered into with the Department of the Interior or with the Indian Health Service.

Finally, I would like to express my appreciation for the work of the many Senators who worked on the development of many of these amendments and I urge my colleagues to support passage of H.R. 2726.

Mr. DOLE. Mr. President, I ask unanimous consent the bill be deemed read for the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2726) was deemed read the third time and passed.

FRANCIS J. HAGEL FEDERAL BUILDING

Mr. DOLE. Mr. President, I ask unanimous consent that the Environment and Public Works Committee be discharged from further consideration of H.R. 2111, designating the Francis Hagel Federal Building in Richmond, CA, and that the Senate then proceed to its immediate consideration; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with the above occurring without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2111) was deemed read for a third time and passed.

FARM CREDIT SYSTEM REGULATORY RELIEF ACT OF 1995

Mr. DOLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 2029, a bill to amend the Farm Credit Act of 1971 to provide regulatory relief.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 2029) entitled "An Act to amend the Farm Credit Act of 1971 to provide regulatory relief, and for other purposes", with the following amendment:

In lieu of the matter inserted by the Senate amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Farm Credit System Reform Act of 1996".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—AGRICULTURAL MORTGAGE SECONDARY MARKET

Sec. 101. Definition of real estate.
Sec. 102. Definition of certified facility.
Sec. 103. Duties of Federal Agricultural Mortgage Corporation.
Sec. 104. Powers of the Corporation.
Sec. 105. Federal reserve banks as depositaries and fiscal agents.
Sec. 106. Certification of agricultural mortgage marketing facilities.
Sec. 107. Guarantee of qualified loans.
Sec. 108. Mandatory reserves and subordinated participation interests eliminated.
Sec. 109. Standards requiring diversified pools.
Sec. 110. Small farms.
Sec. 111. Definition of an affiliate.
Sec. 112. State usury laws superseded.
Sec. 113. Extension of capital transition period.
Sec. 114. Minimum capital level.
Sec. 115. Critical capital level.
Sec. 116. Enforcement levels.
Sec. 117. Recapitalization of the Corporation.
Sec. 118. Liquidation of the Federal Agricultural Mortgage Corporation.

TITLE II—REGULATORY RELIEF

Sec. 201. Compensation of association personnel.
Sec. 202. Use of private mortgage insurance.
Sec. 203. Removal of certain borrower reporting requirement.
Sec. 204. Reform of regulatory limitations on dividend, member business, and voting practices of eligible farmer-owned cooperatives.
Sec. 205. Removal of Federal Government certification requirement for certain private sector financings.
Sec. 206. Borrower stock.
Sec. 207. Disclosure relating to adjustable rate loans.
Sec. 208. Borrowers' rights.
Sec. 209. Formation of administrative service entities.
Sec. 210. Joint management agreements.
Sec. 211. Dissemination of quarterly reports.
Sec. 212. Regulatory review.
Sec. 213. Examination of farm credit system institutions.
Sec. 214. Conservatorships and receiverships.
Sec. 215. Farm Credit Insurance Fund operations.
Sec. 216. Examinations by the Farm Credit System Insurance Corporation.
Sec. 217. Powers with respect to troubled insured System banks.
Sec. 218. Oversight and regulatory actions by the Farm Credit System Insurance Corporation.
Sec. 219. Farm Credit System Insurance Corporation board of directors.
Sec. 220. Interest rate reduction program.
Sec. 221. Liability for making criminal referrals.

TITLE III—IMPLEMENTATION AND EFFECTIVE DATE

Sec. 301. Implementation.
Sec. 302. Effective date.

TITLE I—AGRICULTURAL MORTGAGE SECONDARY MARKET

SEC. 101. DEFINITION OF REAL ESTATE.

Section 8.0(1)(B)(ii) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(1)(B)(ii)) is amended by striking "with a purchase price" and inserting ", excluding the land to which the dwelling is affixed, with a value".

SEC. 102. DEFINITION OF CERTIFIED FACILITY.

Section 8.0(3) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(3)) is amended—

(1) in subparagraph (A), by striking "a secondary marketing agricultural loan" and inserting "an agricultural mortgage marketing"; and

(2) in subparagraph (B), by striking ", but only" and all that follows through "(9)(B)".

SEC. 103. DUTIES OF FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

Section 8.1(b) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-1(b)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) purchase qualified loans and issue securities representing interests in, or obligations backed by, the qualified loans, guaranteed for the timely repayment of principal and interest.".

SEC. 104. POWERS OF THE CORPORATION.

Section 8.3(c) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-3(c)) is amended—

(1) by redesignating paragraphs (13) and (14) as paragraphs (14) and (15), respectively; and

(2) by inserting after paragraph (12) the following:

"(13) To purchase, hold, sell, or assign a qualified loan, to issue a guaranteed security, representing an interest in, or an obligation backed by, the qualified loan, and to perform all the functions and responsibilities of an agricultural mortgage marketing facility operating as a certified facility under this title.".

SEC. 105. FEDERAL RESERVE BANKS AS DEPOSITARIES AND FISCAL AGENTS.

Section 8.3 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-3) is amended—

(1) in subsection (d), by striking "may act as depositories for, or" and inserting "shall act as depositories for, and"; and

(2) in subsection (e), by striking "Secretary of the Treasury may authorize the Corporation to use" and inserting "Corporation shall have access to".

SEC. 106. CERTIFICATION OF AGRICULTURAL MORTGAGE MARKETING FACILITIES.

Section 8.5 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-5) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting "(other than the Corporation)" after "agricultural mortgage marketing facilities"; and

(B) in paragraph (2), by inserting "(other than the Corporation)" after "agricultural mortgage marketing facility"; and

(2) in subsection (e)(1), by striking "(other than the Corporation)".

SEC. 107. GUARANTEE OF QUALIFIED LOANS.

Section 8.6 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-6) is amended—

(1) in subsection (a)(1)—

(A) by striking "Corporation shall guarantee" and inserting the following: "Corporation—

"(A) shall guarantee";

(B) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(B) may issue a security, guaranteed as to the timely payment of principal and interest, that represents an interest solely in, or an obligation fully backed by, a pool consisting of qualified loans that—

"(i) meet the standards established under section 8.8; and

"(ii) have been purchased and held by the Corporation.";

(2) in subsection (d)—

(A) by striking paragraph (4); and

(B) by redesignating paragraphs (5), (6), and (7) as paragraphs (4), (5), and (6), respectively; and

(3) in subsection (g)(2), by striking "section 8.0(9)(B))" and inserting "section 8.0(9))".

SEC. 108. MANDATORY RESERVES AND SUBORDINATED PARTICIPATION INTERESTS ELIMINATED.

(a) GUARANTEE OF QUALIFIED LOANS.—Section 8.6 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-6) is amended by striking subsection (b).

(b) RESERVES AND SUBORDINATED PARTICIPATION INTERESTS.—Section 8.7 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-7) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) Section 8.0(9)(B)(i) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(9)(B)(i)) is amended by striking "8.7, 8.8," and inserting "8.8".

(2) Section 8.6(a)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-6(a)(2)) is amended by striking "subject to the provisions of subsection (b)".

SEC. 109. STANDARDS REQUIRING DIVERSIFIED POOLS.

(a) IN GENERAL.—Section 8.6 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-6) (as amended by section 108) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) through (g) as subsections (b) through (e), respectively.

(b) CONFORMING AMENDMENTS.—

(1) Section 8.0(9)(B)(i) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa(9)(B)(i)) is amended by striking "(f)" and inserting "(d)".

(2) Section 8.13(a) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-13(a)) is amended by striking "sections 8.6(b) and" in each place it appears and inserting "section".

(3) Section 8.32(b)(1)(C) of the Farm Credit Act of 1971 (12 U.S.C. 2279bb-1(b)(1)(C)) is amended—

(A) by striking "shall" and inserting "may"; and

(B) by inserting "(as in effect before the date of the enactment of the Farm Credit System Reform Act of 1996)" before the semicolon.

(4) Section 8.6(b) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-6(b)) (as redesignated by subsection (a)(2)) is amended—

(A) by striking paragraph (4) (as redesignated by section 107(2)(B)); and

(B) by redesignating paragraphs (5) and (6) (as redesignated by section 107(2)(B)) as paragraphs (4) and (5), respectively.

SEC. 110. SMALL FARMS.

Section 8.8(e) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-8(e)) is amended by adding at the end the following: "The Board shall promote and encourage the inclusion of qualified loans for small farms and family farmers in the agricultural mortgage secondary market.".

SEC. 111. DEFINITION OF AN AFFILIATE.

Section 8.11(e) of the Farm Credit Act of 1971 (21 U.S.C. 2279aa-11(e)) is amended—

(1) by striking "a certified facility or"; and

(2) by striking "paragraphs (3) and (7), respectively, of section 8.0" and inserting "section 8.0(7)".

SEC. 112. STATE USURY LAWS SUPERSEDED.

Section 8.12 of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-12) is amended by striking subsection (d) and inserting the following:

"(d) STATE USURY LAWS SUPERSEDED.—A provision of the Constitution or law of any

State shall not apply to an agricultural loan made by an originator or a certified facility in accordance with this title for sale to the Corporation or to a certified facility for inclusion in a pool for which the Corporation has provided, or has committed to provide, a guarantee, if the loan, not later than 180 days after the date the loan was made, is sold to the Corporation or included in a pool for which the Corporation has provided a guarantee, if the provision—

"(1) limits the rate or amount of interest, discount points, finance charges, or other charges that may be charged, taken, received, or reserved by an agricultural lender or a certified facility; or

"(2) limits or prohibits a prepayment penalty (either fixed or declining), yield maintenance, or make-whole payment that may be charged, taken, or received by an agricultural lender or a certified facility in connection with the full or partial payment of the principal amount due on a loan by a borrower in advance of the scheduled date for the payment under the terms of the loan, otherwise known as a prepayment of the loan principal.".

SEC. 113. EXTENSION OF CAPITAL TRANSITION PERIOD.

Section 8.32 of the Farm Credit Act of 1971 (12 U.S.C. 2279bb-1) is amended—

(1) in the first sentence of subsection (a), by striking "Not later than the expiration of the 2-year period beginning on December 13, 1991," and inserting "Not sooner than the expiration of the 3-year period beginning on the date of enactment of the Farm Credit System Reform Act of 1996,";

(2) in the first sentence of subsection (b)(2), by striking "5-year" and inserting "8-year"; and

(3) in subsection (d)—

(A) in the first sentence—

(i) by striking "The regulations establishing" and inserting the following:

"(1) IN GENERAL.—The regulations establishing"; and

(ii) by striking "shall contain" and inserting the following: "shall—

"(A) be issued by the Director for public comment in the form of a notice of proposed rulemaking, to be first published after the expiration of the period referred to in subsection (a); and

"(B) contain"; and

(B) in the second sentence, by striking "The regulations shall" and inserting the following:

"(2) SPECIFICITY.—The regulations referred to in paragraph (1) shall".

SEC. 114. MINIMUM CAPITAL LEVEL.

Section 8.33 of the Farm Credit Act of 1971 (12 U.S.C. 2279bb-2) is amended to read as follows:

"SEC. 8.33. MINIMUM CAPITAL LEVEL.

"(a) IN GENERAL.—Except as provided in subsection (b), for purposes of this subtitle, the minimum capital level for the Corporation shall be an amount of core capital equal to the sum of—

"(1) 2.75 percent of the aggregate on-balance sheet assets of the Corporation, as determined in accordance with generally accepted accounting principles; and

"(2) 0.75 percent of the aggregate off-balance sheet obligations of the Corporation, which, for the purposes of this subtitle, shall include—

"(A) the unpaid principal balance of outstanding securities that are guaranteed by the Corporation and backed by pools of qualified loans;

"(B) instruments that are issued or guaranteed by the Corporation and are substantially equivalent to instruments described in subparagraph (A); and

"(C) other off-balance sheet obligations of the Corporation.

"(b) TRANSITION PERIOD.—

"(1) IN GENERAL.—For purposes of this subtitle, the minimum capital level for the Corporation—

"(A) prior to January 1, 1997, shall be the amount of core capital equal to the sum of—

"(i) 0.45 percent of aggregate off-balance sheet obligations of the Corporation;

"(ii) 0.45 percent of designated on-balance sheet assets of the Corporation, as determined under paragraph (2); and

"(iii) 2.50 percent of on-balance sheet assets of the Corporation other than assets designated under paragraph (2);

"(B) during the 1-year period ending December 31, 1997, shall be the amount of core capital equal to the sum of—

"(i) 0.55 percent of aggregate off-balance sheet obligations of the Corporation;

"(ii) 1.20 percent of designated on-balance sheet assets of the Corporation, as determined under paragraph (2); and

"(iii) 2.55 percent of on-balance sheet assets of the Corporation other than assets designated under paragraph (2);

"(C) during the 1-year period ending December 31, 1998, shall be the amount of core capital equal to—

"(i) if the Corporation's core capital is not less than $25,000,000 on January 1, 1998, the sum of—

"(I) 0.65 percent of aggregate off-balance sheet obligations of the Corporation;

"(II) 1.95 percent of designated on-balance sheet assets of the Corporation, as determined under paragraph (2); and

"(III) 2.65 percent of on-balance sheet assets of the Corporation other than assets designated under paragraph (2); or

"(ii) if the Corporation's core capital is less than $25,000,000 on January 1, 1998, the amount determined under subsection (a); and

"(D) on and after January 1, 1999, shall be the amount determined under subsection (a).

"(2) DESIGNATED ON-BALANCE SHEET ASSETS.—For purposes of this subsection, the designated on-balance sheet assets of the Corporation shall be—

"(A) the aggregate on-balance sheet assets of the Corporation acquired under section 8.6(e); and

"(B) the aggregate amount of qualified loans purchased and held by the Corporation under section 8.3(c)(13).".

SEC. 115. CRITICAL CAPITAL LEVEL.

Section 8.34 of the Farm Credit Act of 1971 (12 U.S.C. 2279bb-3) is amended to read as follows:

"SEC. 8.34. CRITICAL CAPITAL LEVEL.

"For purposes of this subtitle, the critical capital level for the Corporation shall be an amount of core capital equal to 50 percent of the total minimum capital amount determined under section 8.33.".

SEC. 116. ENFORCEMENT LEVELS.

Section 8.35(e) of the Farm Credit Act of 1971 (12 U.S.C. 2279bb-4(e)) is amended by striking "during the 30-month period beginning on the date of the enactment of this section," and inserting "during the period beginning on December 13, 1991, and ending on the effective date of the risk based capital regulation issued by the Director under section 8.32,".

SEC. 117. RECAPITALIZATION OF THE CORPORATION.

Title VIII of the Farm Credit Act of 1971 (12 U.S.C. 2279aa et seq.) is amended by adding at the end the following:

"SEC. 8.38. RECAPITALIZATION OF THE CORPORATION.

"(a) MANDATORY RECAPITALIZATION.—The Corporation shall increase the core capital of the Corporation to an amount equal to or greater than $25,000,000, not later than the earlier of—

"(1) the date that is 2 years after the date of enactment of this section; or

"(2) the date that is 180 days after the end of the first calendar quarter that the aggregate on-balance sheet assets of the Corporation, plus the outstanding principal of the off-balance sheet obligations of the Corporation, equal or exceed $2,000,000,000.

"(b) RAISING CORE CAPITAL.—In carrying out this section, the Corporation may issue stock under section 8.4 and otherwise employ any recognized and legitimate means of raising core capital in the power of the Corporation under section 8.3.

"(c) LIMITATION ON GROWTH OF TOTAL ASSETS.—During the 2-year period beginning on the date of enactment of this section, the aggregate on-balance sheet assets of the Corporation plus the outstanding principal of the off-balance sheet obligations of the Corporation may not exceed $3,000,000,000 if the core capital of the Corporation is less than $25,000,000.

"(d) ENFORCEMENT.—If the Corporation fails to carry out subsection (a) by the date required under paragraph (1) or (2) of subsection (a), the Corporation may not purchase a new qualified loan or issue or guarantee a new loan-backed security until the core capital of the Corporation is increased to an amount equal to or greater than $25,000,000.".

SEC. 118. LIQUIDATION OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

Title VIII of the Farm Credit Act of 1971 (12 U.S.C. 2279aa et seq.) (as amended by section 117) is amended by adding at the end the following:

"Subtitle C—Receivership, Conservatorship, and Liquidation of the Federal Agricultural Mortgage Corporation

"SEC. 8.41. CONSERVATORSHIP; LIQUIDATION; RECEIVERSHIP.

"(a) VOLUNTARY LIQUIDATION.—The Corporation may voluntarily liquidate only with the consent of, and in accordance with a plan of liquidation approved by, the Farm Credit Administration Board.

"(b) INVOLUNTARY LIQUIDATION.—

"(1) IN GENERAL.—The Farm Credit Administration Board may appoint a conservator or receiver for the Corporation under the circumstances specified in section 4.12(b).

"(2) APPLICATION.—In applying section 4.12(b) to the Corporation under paragraph (1)—

"(A) the Corporation shall also be considered insolvent if the Corporation is unable to pay its debts as they fall due in the ordinary course of business;

"(B) a conservator may also be appointed for the Corporation if the authority of the Corporation to purchase qualified loans or issue or guarantee loan-backed securities is suspended; and

"(C) a receiver may also be appointed for the Corporation if—

"(i)(I) the authority of the Corporation to purchase qualified loans or issue or guarantee loan-backed securities is suspended; or

"(II) the Corporation is classified under section 8.35 as within level III or IV and the alternative actions available under subtitle B are not satisfactory; and

"(ii) the Farm Credit Administration determines that the appointment of a conservator would not be appropriate.

"(3) NO EFFECT ON SUPERVISORY ACTIONS.—The grounds for appointment of a conservator for the Corporation under this subsection shall be in addition to those in section 8.37.

"(c) APPOINTMENT OF CONSERVATOR OR RECEIVER.—

"(1) QUALIFICATIONS.—Notwithstanding section 4.12(b), if a conservator or receiver is appointed for the Corporation, the conservator or receiver shall be—

"(A) the Farm Credit Administration or any other governmental entity or employee, including the Farm Credit System Insurance Corporation; or

"(B) any person that—

"(i) has no claim against, or financial interest in, the Corporation or other basis for a conflict of interest as the conservator or receiver; and

"(ii) has the financial and management expertise necessary to direct the operations and affairs of the Corporation and, if necessary, to liquidate the Corporation.

"(2) COMPENSATION.—

"(A) IN GENERAL.—A conservator or receiver for the Corporation and professional personnel (other than a Federal employee) employed to represent or assist the conservator or receiver may be compensated for activities conducted as, or for, a conservator or receiver.

"(B) LIMIT ON COMPENSATION.—Compensation may not be provided in amounts greater than the compensation paid to employees of the Federal Government for similar services, except that the Farm Credit Administration may provide for compensation at higher rates that are not in excess of rates prevailing in the private sector if the Farm Credit Administration determines that compensation at higher rates is necessary in order to recruit and retain competent personnel.

"(C) CONTRACTUAL ARRANGEMENTS.—The conservator or receiver may contract with any governmental entity, including the Farm Credit System Insurance Corporation, to make personnel, services, and facilities of the entity available to the conservator or receiver on such terms and compensation arrangements as shall be mutually agreed, and each entity may provide the same to the conservator or receiver.

"(3) EXPENSES.—A valid claim for expenses of the conservatorship or receivership (including compensation under paragraph (2)) and a valid claim with respect to a loan made under subsection (f) shall—

"(A) be paid by the conservator or receiver from funds of the Corporation before any other valid claim against the Corporation; and

"(B) may be secured by a lien, on such property of the Corporation as the conservator or receiver may determine, that shall have priority over any other lien.

"(4) LIABILITY.—If the conservator or receiver for the Corporation is not a Federal entity, or an officer or employee of the Federal Government, the conservator or receiver shall not be personally liable for damages in tort or otherwise for an act or omission performed pursuant to and in the course of the conservatorship or receivership, unless the act or omission constitutes gross negligence or any form of intentional tortious conduct or criminal conduct.

"(5) INDEMNIFICATION.—The Farm Credit Administration may allow indemnification of the conservator or receiver from the assets of the conservatorship or receivership on such terms as the Farm Credit Administration considers appropriate.

"(d) JUDICIAL REVIEW OF APPOINTMENT.—

"(1) IN GENERAL.—Notwithstanding subsection (i)(1), not later than 30 days after a conservator or receiver is appointed under subsection (b), the Corporation may bring an action in the United States District Court for the District of Columbia for an order requiring the Farm Credit Administration Board to remove the conservator or receiver. The court shall, on the merits, dismiss the action or direct the Farm Credit Administration Board to remove the conservator or receiver.

"(2) STAY OF OTHER ACTIONS.—On the commencement of an action under paragraph (1), any court having jurisdiction of any other action or enforcement proceeding authorized under this Act to which the Corporation is a party shall stay the action or proceeding during the pendency of the action for removal of the conservator or receiver.

"(e) GENERAL POWERS OF CONSERVATOR OR RECEIVER.—The conservator or receiver for the Corporation shall have such powers to conduct the conservatorship or receivership as shall be provided pursuant to regulations adopted by the Farm Credit Administration Board. Such powers shall be comparable to the powers available to a conservator or receiver appointed pursuant to section 4.12(b).

"(f) BORROWINGS FOR WORKING CAPITAL.—

"(1) IN GENERAL.—If the conservator or receiver of the Corporation determines that it is likely that there will be insufficient funds to pay the ongoing administrative expenses of the conservatorship or receivership or that there will be insufficient liquidity to fund maturing obligations of the conservatorship or receivership, the conservator or receiver may borrow funds in such amounts, from such sources, and at such rates of interest as the conservator or receiver considers necessary or appropriate to meet the administrative expenses or liquidity needs of the conservatorship or receivership.

"(2) WORKING CAPITAL FROM FARM CREDIT BANKS.—A Farm Credit bank may loan funds to the conservator or receiver for a loan authorized under paragraph (1) or, in the event of receivership, a Farm Credit bank may purchase assets of the Corporation.

"(g) AGREEMENTS AGAINST INTERESTS OF CONSERVATOR OR RECEIVER.—No agreement that tends to diminish or defeat the right, title, or interest of the conservator or receiver for the Corporation in any asset acquired by the conservator or receiver as conservator or receiver for the Corporation shall be valid against the conservator or receiver unless the agreement—

"(1) is in writing;

"(2) is executed by the Corporation and any person claiming an adverse interest under the agreement, including the obligor, contemporaneously with the acquisition of the asset by the Corporation;

"(3) is approved by the Board or an appropriate committee of the Board, which approval shall be reflected in the minutes of the Board or committee; and

"(4) has been, continuously, from the time of the agreement's execution, an official record of the Corporation.

"(h) REPORT TO THE CONGRESS.—On a determination by the receiver for the Corporation that there are insufficient assets of the receivership to pay all valid claims against the receivership, the receiver shall submit to the Secretary of the Treasury, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the financial condition of the receivership.

"(i) TERMINATION OF AUTHORITIES.—

"(1) CORPORATION.—The charter of the Corporation shall be canceled, and the authority provided to the Corporation by this title shall terminate, on such date as the Farm Credit Administration Board determines is appropriate following the placement of the Corporation in receivership, but not later than the conclusion of the receivership and discharge of the receiver.

"(2) OVERSIGHT.—The Office of Secondary Market Oversight established under section 8.11 shall be abolished, and section 8.11(a) and subtitle B shall have no force or effect, on such date as the Farm Credit Administration Board determines is appropriate following the placement of the Corporation in receivership, but not later than the conclusion of the receivership and discharge of the receiver.".

TITLE II—REGULATORY RELIEF

SEC. 201. COMPENSATION OF ASSOCIATION PERSONNEL.

Section 1.5(13) of the Farm Credit Act of 1971 (12 U.S.C. 2013(13)) is amended by striking ", and the appointment and compensation of the chief executive officer thereof,".

SEC. 202. USE OF PRIVATE MORTGAGE INSURANCE.

(a) IN GENERAL.—Section 1.10(a)(1) of the Farm Credit Act of 1971 (12 U.S.C. 2018(a)(1)) is amended by adding at the end the following:

"(D) PRIVATE MORTGAGE INSURANCE.—A loan on which private mortgage insurance is obtained may exceed 85 percent of the appraised value of the real estate security to the extent that the loan amount in excess of such 85 percent is covered by the insurance.".

(b) CONFORMING AMENDMENT.—Section 1.10(a)(1)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2018(a)(1)(A)) is amended by striking "paragraphs (2) and (3)" and inserting "subparagraphs (C) and (D)".

SEC. 203. REMOVAL OF CERTAIN BORROWER REPORTING REQUIREMENT.

Section 1.10(a) of the Farm Credit Act of 1971 (12 U.S.C. 2018(a)) is amended by striking paragraph (5).

SEC. 204. REFORM OF REGULATORY LIMITATIONS ON DIVIDEND, MEMBER BUSINESS, AND VOTING PRACTICES OF ELIGIBLE FARMER-OWNED COOPERATIVES.

(a) IN GENERAL.—Section 3.8(a) of the Farm Credit Act of 1971 (12 U.S.C. 2129(a)) is amended by adding at the end the following: "Any such association that has received a loan from a bank for cooperatives shall, without regard to the requirements of paragraphs (1) through (4), continue to be eligible for so long as more than 50 percent (or such higher percentage as is established by the bank board) of the voting control of the association is held by farmers, producers or harvesters of aquatic products, or eligible cooperative associations.".

(b) CONFORMING AMENDMENT.—Section 3.8(b)(1)(D) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)(D)) is amended by striking "and (4) of subsection (a)" and inserting "and (4), or under the last sentence, of subsection (a)".

SEC. 205. REMOVAL OF FEDERAL GOVERNMENT CERTIFICATION REQUIREMENT FOR CERTAIN PRIVATE SECTOR FINANCINGS.

Section 3.8(b)(1)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2129(b)(1)(A)) is amended—

(1) by striking "have been certified by the Administrator of the Rural Electrification Administration to be eligible for such" and inserting "are eligible under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) for"; and

(2) by striking "loan guarantee, and" and inserting "loan guarantee from the Administration or the Bank (or a successor of the Administration or the Bank), and".

SEC. 206. BORROWER STOCK.

Section 4.3A of the Farm Credit Act of 1971 (12 U.S.C. 2154a) is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f) LOANS DESIGNATED FOR SALE OR SOLD INTO THE SECONDARY MARKET.—

"(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding any other provision of this section, the bylaws adopted by a bank or association under subsection (b) may provide—

"(A) in the case of a loan made on or after the date of enactment of this paragraph that is designated, at the time the loan is made, for sale into a secondary market, that no voting stock or participation certificate purchase requirement shall apply to the borrower for the loan; and

"(B) in the case of a loan made before the date of enactment of this paragraph that is sold into a secondary market, that all outstanding voting stock or participation certificates held by the borrower with respect to the loan shall, subject to subsection (d)(1), be retired.

"(2) APPLICABILITY.—Notwithstanding any other provision of this section, in the case of a loan sold to a secondary market under title VIII, paragraph (1) shall apply regardless of whether the bank or association retains a subordinated participation interest in a loan or pool of loans or contributes to a cash reserve.

"(3) EXCEPTION.—

"(A) IN GENERAL.—Subject to subparagraph (B) and notwithstanding any other provision of this section, if a loan designated for sale under paragraph (1)(A) is not sold into a secondary market during the 180-day period that begins on the date of the designation, the voting stock or participation certificate purchase requirement that would otherwise apply to the loan in the absence of a bylaw provision described in paragraph (1)(A) shall be effective.

"(B) RETIREMENT.—The bylaws adopted by a bank or association under subsection (b) may provide that if a loan described in subparagraph (A) is sold into a secondary market after the end of the 180-day period described in the subparagraph, all outstanding voting stock or participation certificates held by the borrower with respect to the loan shall, subject to subsection (d)(1), be retired.".

SEC. 207. DISCLOSURE RELATING TO ADJUSTABLE RATE LOANS.

Section 4.13(a)(4) of the Farm Credit Act of 1971 (12 U.S.C. 2199(a)(4)) is amended by inserting before the semicolon at the end the following: ", and notice to the borrower of a change in the interest rate applicable to the loan of the borrower may be made within a reasonable time after the effective date of an increase or decrease in the interest rate".

SEC. 208. BORROWERS' RIGHTS.

(a) DEFINITION OF LOAN.—Section 4.14A(a)(5) of the Farm Credit Act of 1971 (12 U.S.C. 2202a(a)(5)) is amended—

(1) by striking "(5) LOAN.—The" and inserting the following:

"(5) LOAN.—

"(A) IN GENERAL.—Subject to subparagraph (B), the"; and

(2) by adding at the end the following:

"(B) EXCLUSION FOR LOANS DESIGNATED FOR SALE INTO SECONDARY MARKET.—

"(i) IN GENERAL.—Except as provided in clause (ii), the term 'loan' does not include a loan made on or after the date of enactment of this subparagraph that is designated, at the time the loan is made, for sale into a secondary market.

"(ii) UNSOLD LOANS.—

"(I) IN GENERAL.—Except as provided in subclause (II), if a loan designated for sale under clause (i) is not sold into a secondary market during the 180-day period that begins on the date of the designation, the provisions of this section and sections 4.14, 4.14B, 4.14C, 4.14D, and 4.36 that would otherwise apply to the loan in the absence of the exclusion described in clause (i) shall become effective with respect to the loan.

"(II) LATER SALE.—If a loan described in subclause (I) is sold into a secondary market after the end of the 180-day period described in subclause (I), subclause (I) shall not apply with respect to the loan beginning on the date of the sale.".

(b) BORROWERS' RIGHTS FOR POOLED LOANS.—The first sentence of section 8.9(b) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa-9(b)) is amended by inserting "(as defined in section 4.14A(a)(5))" after "application for a loan".

SEC. 209. FORMATION OF ADMINISTRATIVE SERVICE ENTITIES.

Part E of title IV of the Farm Credit Act of 1971 is amended by inserting after section 4.28 (12 U.S.C. 2214) the following:

"SEC. 4.28A. DEFINITION OF BANK.

"In this part, the term 'bank' includes each association operating under title II.".

SEC. 210. JOINT MANAGEMENT AGREEMENTS.

The first sentence of section 5.17(a)(2)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)(2)(A)) is amended by striking "or management agreements".

SEC. 211. DISSEMINATION OF QUARTERLY REPORTS.

Section 5.17(a)(8) of the Farm Credit Act of 1971 (12 U.S.C. 2252(a)(8)) is amended by inserting after "except that" the following: "the requirements of the Farm Credit Administration governing the dissemination to stockholders of quarterly reports of System institutions may not be more burdensome or costly than the requirements applicable to national banks, and".

SEC. 212. REGULATORY REVIEW.

(a) FINDINGS.—Congress finds that—

(1) the Farm Credit Administration, in the role of the Administration as an arms-length safety and soundness regulator, has made considerable progress in reducing the regulatory burden on Farm Credit System institutions;

(2) the efforts of the Farm Credit Administration described in paragraph (1) have resulted in cost savings for Farm Credit System institutions; and

(3) the cost savings described in paragraph (2) ultimately benefit the farmers, ranchers, agricultural cooperatives, and rural residents of the United States.

(b) CONTINUATION OF REGULATORY REVIEW.—The Farm Credit Administration shall continue the comprehensive review of regulations governing the Farm Credit System to identify and eliminate, consistent with law, safety, and soundness, all regulations that are unnecessary, unduly burdensome or costly, or not based on law.

SEC. 213. EXAMINATION OF FARM CREDIT SYSTEM INSTITUTIONS.

The first sentence of section 5.19(a) of the Farm Credit Act of 1971 (12 U.S.C. 2254(a)) is amended by striking "each year" and inserting "during each 18-month period".

SEC. 214. CONSERVATORSHIPS AND RECEIVERSHIPS.

(a) DEFINITIONS.—Section 5.51 of the Farm Credit Act of 1971 (12 U.S.C. 2277a) is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraph (6) as paragraph (5).

(b) GENERAL CORPORATE POWERS.—Section 5.58 of the Farm Credit Act of 1971 (12 U.S.C. 2277a-7) is amended by striking paragraph (9) and inserting the following:

"(9) CONSERVATOR OR RECEIVER.—The Corporation may act as a conservator or receiver.".

SEC. 215. FARM CREDIT INSURANCE FUND OPERATIONS.

(a) ADJUSTMENT OF PREMIUMS.—

(1) IN GENERAL.—Section 5.55(a) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4(a)) is amended—

(A) in paragraph (1), by striking "Until the aggregate of amounts in the Farm Credit Insurance Fund exceeds the secure base amount, the annual premium due from any insured System bank for any calendar year" and inserting the following: "If at the end of any calendar year the aggregate of amounts in the Farm Credit Insurance Fund does not exceed the secure base amount, subject to paragraph (2), the annual premium due from any insured System bank for the calendar year";

(B) by redesignating paragraph (2) as paragraph (3); and

(C) by inserting after paragraph (1) the following:

"(2) REDUCED PREMIUMS.—The Corporation, in the sole discretion of the Corporation, may reduce by a percentage uniformly applied to all insured System banks the annual premium due from each insured System bank during any calendar year, as determined under paragraph (1).".

(2) CONFORMING AMENDMENTS.—

(A) Section 5.55(b) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4(b)) is amended—

(i) by striking "Insurance Fund" each place it appears and inserting "Farm Credit Insurance Fund";

(ii) by striking "for the following calendar year"; and

(iii) by striking "subsection (a)" and inserting "subsection (a)(1)".

(B) Section 5.56(a) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-5(a)) is amended by striking "section 5.55(a)(2)" each place it appears in paragraphs (2) and (3) and inserting "section 5.55(a)(3)".

(C) Section 1.12(b) (12 U.S.C. 2020(b)) is amended—

(i) in paragraph (1), by inserting "(as defined in section 5.55(a)(3))" after "government-guaranteed loans"; and

(ii) in paragraph (3), by inserting "(as so defined)" after "government-guaranteed loans" each place such term appears.

(b) ALLOCATION TO INSURED SYSTEM BANKS AND OTHER SYSTEM INSTITUTIONS OF EXCESS AMOUNTS IN THE FARM CREDIT INSURANCE FUND.—Section 5.55 of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4) is amended by adding at the end the following:

"(e) ALLOCATION TO SYSTEM INSTITUTIONS OF EXCESS RESERVES.—

"(1) ESTABLISHMENT OF ALLOCATED INSURANCE RESERVES ACCOUNTS.—There is hereby established in the Farm Credit Insurance Fund an Allocated Insurance Reserves Account—

"(A) for each insured System bank; and

"(B) subject to paragraph (6)(C), for all holders, in the aggregate, of Financial Assistance Corporation stock.

"(2) TREATMENT.—Amounts in any Allocated Insurance Reserves Account shall be considered to be part of the Farm Credit Insurance Fund.

"(3) ANNUAL ALLOCATIONS.—If, at the end of any calendar year, the aggregate of the amounts in the Farm Credit Insurance Fund exceeds the average secure base amount for the calendar year (as calculated on an average daily balance basis), the Corporation shall allocate to the Allocated Insurance Reserves Accounts the excess amount less the amount that the Corporation, in its sole discretion, determines to be the sum of the estimated operating expenses and estimated insurance obligations of the Corporation for the immediately succeeding calendar year.

"(4) ALLOCATION FORMULA.—From the total amount required to be allocated at the end of a calendar year under paragraph (3)—

"(A) 10 percent of the total amount shall be credited to the Allocated Insurance Reserves Account established under paragraph (1)(B), subject to paragraph (6)(C); and

"(B) there shall be credited to the Allocated Insurance Reserves Account of each insured System bank an amount that bears the same ratio to the total amount (less any amount credited under subparagraph (A)) as the average principal outstanding for the 3-year period ending on the end of the calendar year on loans made by the bank that are in accrual status bears to the average principal outstanding for the 3-year period ending on the end of the calendar year on loans made by all insured System banks that are in accrual status (excluding, in each case, the guaranteed portions of government-guaranteed loans described in subsection (a)(1)(C)).

"(5) USE OF FUNDS IN ALLOCATED INSURANCE RESERVES ACCOUNTS.—To the extent that the sum of the operating expenses of the Corporation and the insurance obligations of the Corporation for a calendar year exceeds the sum of operating expenses and insurance obligations determined under paragraph (3) for the calendar year, the Corporation shall cover the expenses and obligations by—

"(A) reducing each Allocated Insurance Reserves Account by the same proportion; and

"(B) expending the amounts obtained under subparagraph (A) before expending other amounts in the Fund.

"(6) OTHER DISPOSITION OF ACCOUNT FUNDS.—

"(A) IN GENERAL.—As soon as practicable during each calendar year beginning more than 8 years after the date on which the aggregate of the amounts in the Farm Credit Insurance Fund exceeds the secure base amount, but not earlier than January 1, 2005, the Corporation may—

"(i) subject to subparagraphs (D) and (F), pay to each insured System bank, in a manner determined by the Corporation, an amount equal to the lesser of—

"(I) 20 percent of the balance in the insured System bank's Allocated Insurance Reserves Account as of the preceding December 31; or

"(II) 20 percent of the balance in the bank's Allocated Insurance Reserves Account on the date of the payment; and

"(ii) subject to subparagraphs (C), (E), and (F), pay to each System bank and association holding Financial Assistance Corporation stock a proportionate share, determined by dividing the number of shares of Financial Assistance Corporation stock held by the institution by the total number of shares of Financial Assistance Corporation stock outstanding, of the lesser of—

"(I) 20 percent of the balance in the Allocated Insurance Reserves Account established under paragraph (1)(B) as of the preceding December 31; or

"(II) 20 percent of the balance in the Allocated Insurance Reserves Account established under paragraph (1)(B) on the date of the payment.

"(B) AUTHORITY TO ELIMINATE OR REDUCE PAYMENTS.—The Corporation may eliminate or reduce payments during a calendar year under subparagraph (A) if the Corporation determines, in its sole discretion, that the payments, or other circumstances that might require use of the Farm Credit Insurance Fund, could cause the amount in the Farm Credit Insurance Fund during the calendar year to be less than the secure base amount.

"(C) REIMBURSEMENT FOR FINANCIAL ASSISTANCE CORPORATION STOCK.—

"(i) SUFFICIENT FUNDING.—Notwithstanding paragraph (4)(A), on provision by the Corporation for the accumulation in the Account established under paragraph (1)(B) of funds in an amount equal to $56,000,000 (in addition to the amounts described in subparagraph (F)(ii)), the Corporation shall not allocate any further funds to the Account except to replenish the Account if funds are diminished below $56,000,000 by the Corporation under paragraph (5).

"(ii) WIND DOWN AND TERMINATION.—

"(I) FINAL DISBURSEMENTS.—On disbursement of $53,000,000 (in addition to the amounts described in subparagraph (F)(ii)) from the Allocated Insurance Reserves Account, the Corporation shall disburse the remaining amounts in the Account, as determined under subparagraph (A)(ii), without regard to the percentage limitations in subclauses (I) and (II) of subparagraph (A)(ii).

"(II) TERMINATION OF ACCOUNT.—On disbursement of $56,000,000 (in addition to the amounts described in subparagraph (F)(ii)) from the Allocated Insurance Reserves Account, the Corporation shall close the Account established under paragraph (1)(B) and transfer any remaining funds in the Account to the remaining Allocated Insurance Reserves Accounts in accordance with paragraph (4)(B) for the calendar year in which the transfer occurs.

"(D) DISTRIBUTION OF PAYMENTS RECEIVED.—Not later than 60 days after receipt of a payment made under subparagraph (A)(i), each insured System bank, in consultation with affiliated associations of the insured System bank, and taking into account the direct or indirect payment of insurance premiums by the associations, shall develop and implement an equitable plan to distribute payments received under subparagraph (A)(i) among the bank and associations of the bank.

"(E) EXCEPTION FOR PREVIOUSLY REIMBURSED ASSOCIATIONS.—For purposes of subparagraph (A)(ii), in any Farm Credit district in which the funding bank has reimbursed 1 or more affiliated associations of the bank for the previously unreimbursed portion of the Financial Assistance Corporation stock held by the associations, the funding bank shall be deemed to be the holder of the shares of Financial Assistance Corporation stock for which the funding bank has provided the reimbursement.

"(F) INITIAL PAYMENT.—Notwithstanding subparagraph (A), the initial payment made to each payee under subparagraph (A) shall be in such amount determined by the Corporation to be equal to the sum of—

"(i) the total of the amounts that would have been paid if payments under subparagraph (A) had been authorized to begin, under the same terms and conditions, in the first calendar year beginning more than 5 years after the date on which the aggregate of the amounts in the Farm Credit Insurance Fund exceeds the secure base amount, and to continue through the 2 immediately subsequent years;

"(ii) interest earned on any amounts that would have been paid as described in clause (i) from the date on which the payments would have been paid as described in clause (i); and

"(iii) the payment to be made in the initial year described in subparagraph (A), based on the amount in each Account after subtracting the amounts to be paid under clauses (i) and (ii)."

(c) TECHNICAL AMENDMENTS.—Section 5.55(d) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-4(d)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking "subsections (a) and (c)" and inserting "subsections (a), (c), and (e)"; and

(B) by striking "a Farm Credit Bank" and inserting "an insured System bank"; and

(2) in paragraphs (1), (2), and (3), by striking "Farm Credit Bank" each place it appears and inserting "insured System bank".

SEC. 216. EXAMINATIONS BY THE FARM CREDIT SYSTEM INSURANCE CORPORATION.

Section 5.59(b)(1)(A) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-8(b)(1)(A)) is amended by adding at the end the following: "Notwithstanding any other provision of this Act, on cancellation of the charter of a System institution, the Corporation shall have authority to examine the system institution in receivership. An examination shall be performed at such intervals as the Corporation shall determine.".

SEC. 217. POWERS WITH RESPECT TO TROUBLED INSURED SYSTEM BANKS.

(a) LEAST-COST RESOLUTION.—Section 5.61(a)(3) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-10(a)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (F); and

(2) by striking subparagraph (A) and inserting the following:

"(A) LEAST-COST RESOLUTION.—Assistance may not be provided to an insured System bank under this subsection unless the means of providing the assistance is the least costly means of providing the assistance by the Farm Credit Insurance Fund of all possible alternatives available to the Corporation, including liquidation of the bank (including paying the insured obligations issued on behalf of the bank). Before making a least-cost determination under this subparagraph, the Corporation shall accord such other insured System banks as the Corporation determines to be appropriate the opportunity to submit information relating to the determination.

"(B) DETERMINING LEAST COSTLY APPROACH.—In determining the least costly alternative under subparagraph (A), the Corporation shall—

"(i) evaluate alternatives on a present-value basis, using a reasonable discount rate;

"(ii) document the evaluation and the assumptions on which the evaluation is based; and

"(iii) retain the documentation for not less than 5 years.

"(C) TIME OF DETERMINATION.—

"(i) GENERAL RULE.—For purposes of this subsection, the determination of the costs of providing any assistance under any provision of this section with respect to any insured System bank shall be made as of the date on which the Corporation makes the determination to provide the assistance to the institution under this section.

"(ii) RULE FOR LIQUIDATIONS.—For purposes of this subsection, the determination of the

costs of liquidation of any insured System bank shall be made as of the earliest of—

"(I) the date on which a conservator is appointed for the insured System bank;

"(II) the date on which a receiver is appointed for the insured System bank; or

"(III) the date on which the Corporation makes any determination to provide any assistance under this section with respect to the insured System bank.

"(D) RULE FOR STAND-ALONE ASSISTANCE.—Before providing any assistance under paragraph (1), the Corporation shall evaluate the adequacy of managerial resources of the insured System bank. The continued service of any director or senior ranking officer who serves in a policymaking role for the assisted insured System bank, as determined by the Corporation, shall be subject to approval by the Corporation as a condition of assistance.

"(E) DISCRETIONARY DETERMINATIONS.—Any determination that the Corporation makes under this paragraph shall be in the sole discretion of the Corporation.".

(b) CONFORMING AMENDMENTS.—Section 5.61(a) of the Farm Credit Act of 1971 (12 U.S.C. 2277a-10(a)) is amended—

(1) in paragraph (1) by striking "IN GENERAL.—" and inserting "STAND-ALONE ASSISTANCE.—"; and

(2) in paragraph (2)—

(A) by striking "ENUMERATED POWERS.—" and inserting "FACILITATION OF MERGERS OR CONSOLIDATION.—"; and

(B) in subparagraph (A) by striking "FACILITATION OF MERGERS OR CONSOLIDATION.—" and inserting "IN GENERAL.—".

SEC. 218. OVERSIGHT AND REGULATORY ACTIONS BY THE FARM CREDIT SYSTEM INSURANCE CORPORATION.

The Farm Credit Act of 1971 is amended by inserting after section 5.61 (12 U.S.C. 2279a-10) the following:

"SEC. 5.61A. OVERSIGHT ACTIONS BY THE CORPORATION.

"(a) DEFINITIONS.—In this section, the term 'institution' means—

"(1) an insured System bank; and

"(2) a production credit association or other association making loans under section 7.6 with a direct loan payable to the funding bank of the association that comprises 20 percent or more of the funding bank's total loan volume net of nonaccrual loans.

"(b) CONSULTATION REGARDING PARTICIPATION OF UNDERCAPITALIZED BANKS IN ISSUANCE OF INSURED OBLIGATIONS.—The Farm Credit Administration shall consult with the Corporation prior to approving an insured obligation that is to be issued by or on behalf of, or participated in by, any insured System bank that fails to meet the minimum level for any capital requirement established by the Farm Credit Administration for the bank.

"(c) CONSULTATION REGARDING APPLICATIONS FOR MERGERS AND RESTRUCTURINGS.—

"(1) CORPORATION TO RECEIVE COPY OF TRANSACTION APPLICATIONS.—On receiving an application for a merger or restructuring of an institution, the Farm Credit Administration shall forward a copy of the application to the Corporation.

"(2) CONSULTATION REQUIRED.—If the proposed merger or restructuring involves an institution that fails to meet the minimum level for any capital requirement established by the Farm Credit Administration applicable to the institution, the Farm Credit Administration shall allow 30 days within which the Corporation may submit the views and recommendations of the Corporation, including any conditions for approval. In determining whether to approve or disapprove any proposed merger or restructuring, the Farm Credit Administration shall give due consideration to the views and recommendations of the Corporation.

"SEC. 5.61B. AUTHORITY TO REGULATE GOLDEN PARACHUTE AND INDEMNIFICATION PAYMENTS.

"(a) DEFINITIONS.—In this section:

"(1) GOLDEN PARACHUTE PAYMENT.—The term 'golden parachute payment'—

"(A) means a payment (or any agreement to make a payment) in the nature of compensation for the benefit of any institution-related party under an obligation of any Farm Credit System institution that—

"(i) is contingent on the termination of the party's relationship with the institution; and

"(ii) is received on or after the date on which—

"(I) the institution is insolvent;

"(II) a conservator or receiver is appointed for the institution;

"(III) the institution has been assigned by the Farm Credit Administration a composite CAMEL rating of 4 or 5 under the Farm Credit Administration Rating System, or an equivalent rating; or

"(IV) the Corporation otherwise determines that the institution is in a troubled condition (as defined in regulations issued by the Corporation); and

"(B) includes a payment that would be a golden parachute payment but for the fact that the payment was made before the date referred to in subparagraph (A)(ii) if the payment was made in contemplation of the occurrence of an event described in any subclause of subparagraph (A); but

"(C) does not include—

"(i) a payment made under a retirement plan that is qualified (or is intended to be qualified) under section 401 of the Internal Revenue Code of 1986 or other nondiscriminatory benefit plan;

"(ii) a payment made under a bona fide supplemental executive retirement plan, deferred compensation plan, or other arrangement that the Corporation determines, by regulation or order, to be permissible; or

"(iii) a payment made by reason of the death or disability of an institution-related party.

"(2) INDEMNIFICATION PAYMENT.—The term 'indemnification payment' means a payment (or any agreement to make a payment) by any Farm Credit System institution for the benefit of any person who is or was an institution-related party, to pay or reimburse the person for any liability or legal expense with regard to any administrative proceeding or civil action instituted by the Farm Credit Administration that results in a final order under which the person—

"(A) is assessed a civil money penalty; or

"(B) is removed or prohibited from participating in the conduct of the affairs of the institution.

"(3) INSTITUTION-RELATED PARTY.—The term 'institution-related party' means—

"(A) a director, officer, employee, or agent for a Farm Credit System institution or any conservator or receiver of such an institution;

"(B) a stockholder (other than another Farm Credit System institution), consultant, joint venture partner, or any other person determined by the Farm Credit Administration to be a participant in the conduct of the affairs of a Farm Credit System institution; and

"(C) an independent contractor (including any attorney, appraiser, or accountant) that knowingly or recklessly participates in any violation of any law or regulation, any breach of fiduciary duty, or any unsafe or unsound practice that caused or is likely to cause more than a minimal financial loss to, or a significant adverse effect on, the Farm Credit System institution.

"(4) LIABILITY OR LEGAL EXPENSE.—The term 'liability or legal expense' means—

"(A) a legal or other professional expense incurred in connection with any claim, proceeding, or action;

"(B) the amount of, and any cost incurred in connection with, any settlement of any claim, proceeding, or action; and

"(C) the amount of, and any cost incurred in connection with, any judgment or penalty imposed with respect to any claim, proceeding, or action.

"(5) PAYMENT.—The term 'payment' means—

"(A) a direct or indirect transfer of any funds or any asset; and

"(B) any segregation of any funds or assets for the purpose of making, or under an agreement to make, any payment after the date on which the funds or assets are segregated, without regard to whether the obligation to make the payment is contingent on—

"(i) the determination, after that date, of the liability for the payment of the amount; or

"(ii) the liquidation, after that date, of the amount of the payment.

"(b) PROHIBITION.—The Corporation may prohibit or limit, by regulation or order, any golden parachute payment or indemnification payment by a Farm Credit System institution (including any conservator or receiver of the Federal Agricultural Mortgage Corporation) in troubled condition (as defined in regulations issued by the Corporation).

"(c) FACTORS TO BE TAKEN INTO ACCOUNT.—The Corporation shall prescribe, by regulation, the factors to be considered by the Corporation in taking any action under subsection (b). The factors may include—

"(1) whether there is a reasonable basis to believe that an institution-related party has committed any fraudulent act or omission, breach of trust or fiduciary duty, or insider abuse with regard to the Farm Credit System institution involved that has had a material effect on the financial condition of the institution;

"(2) whether there is a reasonable basis to believe that the institution-related party is substantially responsible for the insolvency of the Farm Credit System institution, the appointment of a conservator or receiver for the institution, or the institution's troubled condition (as defined in regulations prescribed by the Corporation);

"(3) whether there is a reasonable basis to believe that the institution-related party has materially violated any applicable law or regulation that has had a material effect on the financial condition of the institution;

"(4) whether there is a reasonable basis to believe that the institution-related party has violated or conspired to violate—

"(A) section 215, 657, 1006, 1014, or 1344 of title 18, United States Code; or

"(B) section 1341 or 1343 of title 18, United States Code, affecting a Farm Credit System institution;

"(5) whether the institution-related party was in a position of managerial or fiduciary responsibility; and

"(6) the length of time that the party was related to the Farm Credit System institution and the degree to which—

"(A) the payment reasonably reflects compensation earned over the period of employment; and

"(B) the compensation represents a reasonable payment for services rendered.

"(d) CERTAIN PAYMENTS PROHIBITED.—No Farm Credit System institution may prepay the salary or any liability or legal expense of any institution-related party if the payment is made—

"(1) in contemplation of the insolvency of the institution or after the commission of an act of insolvency; and

"(2) with a view to, or with the result of—

"(A) preventing the proper application of the assets of the institution to creditors; or

"(B) preferring 1 creditor over another creditor.

"(e) RULE OF CONSTRUCTION.—Nothing in this section—

"(1) prohibits any Farm Credit System institution from purchasing any commercial insurance policy or fidelity bond, so long as the insurance policy or bond does not cover any legal or liability expense of an institution described in subsection (a)(2); or

"(2) limits the powers, functions, or responsibilities of the Farm Credit Administration.".

SEC. 219. FARM CREDIT SYSTEM INSURANCE CORPORATION BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 5.53 of the Farm Credit Act of 1971 (12 U.S.C. 2277a-2) is amended to read as follows:

"SEC. 5.53. BOARD OF DIRECTORS.

"(a) ESTABLISHMENT.—The Corporation shall be managed by a Board of Directors that shall consist of the members of the Farm Credit Administration Board.

"(b) CHAIRMAN.—The Board of Directors shall be chaired by any Board member other than the Chairman of the Farm Credit Administration Board.".

(b) CONFORMING AMENDMENTS.—

(1) Section 5314 of title 5, United States Code, is amended by striking "Chairperson, Board of Directors of the Farm Credit System Insurance Corporation.".

(2) Section 5315 of title 5, United States Code, is amended by striking "Members, Board of Directors of the Farm Credit System Insurance Corporation.".

SEC. 220. INTEREST RATE REDUCTION PROGRAM.

Section 351(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999) is amended—

(A) by striking "SEC. 351. (a) The" and inserting the following:

"SEC. 351. INTEREST RATE REDUCTION PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) IN GENERAL.—The"; and

(B) by adding at the end the following:

"(2) TERMINATION OF AUTHORITY.—The authority provided by this subsection shall terminate on September 30, 2002.".

SEC. 221. LIABILITY FOR MAKING CRIMINAL REFERRALS.

(a) IN GENERAL.—Any institution of the Farm Credit System, or any director, officer, employee, or agent of a Farm Credit System institution, that discloses to a Government authority information proffered in good faith that may be relevant to a possible violation of any law or regulation shall not be liable to any person under any law of the United States or any State—

(1) for the disclosure; or

(2) for any failure to notify the person involved in the possible violation.

(b) NO PROHIBITION ON DISCLOSURE.—Any institution of the Farm Credit System, or any director, officer, employee, or agent of a Farm Credit System institution, may disclose information to a Government authority that may be relevant to a possible violation of any law or regulation.

TITLE III—IMPLEMENTATION AND EFFECTIVE DATE

SEC. 301. IMPLEMENTATION.

The Secretary of Agriculture and the Farm Credit Administration shall promulgate regulations and take other required actions to implement the provisions of this Act not later than 90 days after the effective date of this Act.

SEC. 302. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall become effective on the date of enactment.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House to the Senate amendment and that any statements relating to the measure appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONVEYANCE OF THE WILLIAM LANGER JEWEL BEARING PLANT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1544, a bill to authorize the conveyance of the William Langer Jewel Bearing Plant to the Job Development Authority of the city of Rolla, ND, introduced earlier today by Senators DORGAN and CONRAD; that the bill be read three times, passed, and the motion to reconsider be laid upon the table, with the above occurring without intervening action or debate; and that any statements relating thereto be placed at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1544) was deemed read for a third time and passed, as follows:

S. 1544

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LAND CONVEYANCE, WILLIAM LANGER JEWEL BEARING PLANT, ROLLA, NORTH DAKOTA.

(a) AUTHORITY TO CONVEY.—The Administrator of General Services may convey, without consideration, to the Job Development Authority of the City of Rolla, North Dakota (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to a parcel of real property, with improvements thereon, consisting of approximately 9.77 acres and comprising the William Langer Jewel Bearing Plant in Rolla, North Dakota.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority—

(1) use the real property and improvements conveyed under that subsection for economic development relating to the jewel bearing plant;

(2) enter into an agreement with an appropriate public or private entity or person to lease such property and improvements to that entity or person for such economic development; or

(3) enter into an agreement with an appropriate public or private entity or person to sell such property and improvements to that entity or person for such economic development.

(c) PREFERENCE FOR DOMESTIC DISPOSAL OF JEWEL BEARINGS.—(1) In offering to enter into agreements pursuant to any provision of law for the disposal of jewel bearings from the National Defense Stockpile, the President shall give a right of first refusal on all such offers to the Authority or the appropriate public or private entity or person with which the Authority enters into an agreement under subsection (b).

(2) For the purposes of this subsection, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c).

(d) AVAILABILITY OF FUNDS FOR MAINTENANCE OF PLANT.—Notwithstanding any other provision of law, funds available in fiscal year 1995 for the maintenance of the William Langer Jewel Bearing Plant in Public Law 103-335 shall be available for the maintenance of that plant in fiscal year 1996 pending the conveyance of the plant under this section.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Administrator. The cost of such survey shall be borne by the Administrator.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under this section as the Administrator determines appropriate to protect the interests of the United States.

Mr. CONRAD. Mr. President, I rise in support of a bill that would authorize the conveyance of the William Langer Jewel Bearing Plant from the General Services Administration to the Job Development Authority of the city of Rolla, ND.

The facility provides substantial employment for an economically disadvantaged part of my State. Of the plant's 110 employees, about 60 percent are Native American. The Turtle Mountain Reservation, local businesses, and State officials are all working together to ensure the success of the Plant and its growth as a viable enterprise. Residents of Rolla have fully embraced the plan to transfer the plant over to the local Job Development Authority. Moreover, the Langer plant utilizes unique micromanufacturing technology that helped form a critical part of our defense industrial base and can be reapplied to the private sector. The plant's existing production of dosimeters, used in measuring exposure to nuclear radiation, as well as its hopes to develop a large scale production of fiber optic cable connectors, known as ferrules, will increase its potential to compete in commercial markets and meet possible future Federal needs.

The General Services Administration, the Army Corps of Engineers, and the Department of Defense all report that no federal agency has expressed interest in obtaining the plant. Since local interests cannot afford the original cost of $4.2 million, the provisions

of this bill allow the transfer to occur without consideration to help establish a private sector firm that will remain a viable part of the defense industrial base. The future of the plant depends on its ability to compete as a commercial manufacturer.

This bill will enable the plant to remain a viable economic enterprise as it makes this transition to the private sector. I ask my colleagues to support this bill. It relieves the Federal Government of the burden of a facility it no longer needs, while aiding a community that needs the economic activity created by the facility.

ORDERS FOR TUESDAY, JANUARY 30, 1996

Mr. DOLE. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 11 a.m., Tuesday, January 30; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and there then be a period for morning business until the hour of 1 p.m., the time equally divided between the two parties.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. For the information of all Senators, the Senate will reconvene on Tuesday for a period of morning business. There will be no rollcall votes. We will be in about 2 hours. Each side will have about an hour for morning business.

The Senate will then convene on Wednesday for another period of morning business. The Senate will then adjourn over until Thursday. And on Thursday, at 11:45 a.m., there will be a joint meeting of both Houses to hear an address by the President of France, President Chirac. Members should be in the Senate at approximately 11:25 in order to proceed to the House of Representatives.

Following that address, the Senate will then debate and conduct a cloture vote on the motion to proceed to a Lugar-Dole farm bill introduced earlier this evening.

Also, the Senate could turn to any items that can be cleared for action, and all Senators should be aware that rollcall votes are expected during Thursday's session.

TELECOM CONFERENCE REPORT

Mr. DOLE. Mr. President, let me indicate that we hope to have a conference report on the telecom bill by Thursday. It is a very important bill. It ought to be completed. We are working on a number of issues including the spectrum issue which I feel strongly about. If you noted—in fact, I will place it in the RECORD—today the spectrum sale which was estimated by the CBO to bring between $20 million and $100 million brought $682 million.

So as we look at ways to reduce the deficit, let us not start a big giveaway program to some of the broadcasters in America who can afford to pay for it. I know they are not very happy. I know they are not very happy with me. But all I ask them is when they make their statements and their criticisms, they use the facts.

I see a lot of things on the networks about things that happen in Congress and how we waste money and all the things that Members of Congress do, but I have not seen a single story except for CNN on the spectrum on any of the major networks, on how much it means to them, how many billions of dollars it means to them—free. So I would just hope in their objective reporting as they cover us in the Congress and as they cover other events across America they might at least devote maybe one or two minutes to what the spectrum is all about so the American people understand it is not what they say it is about; it is about real money.

The late Senator Dirksen used to say, "$1 billion here and $1 billion there soon adds up to real money." This is real money, and at the time we are reducing welfare programs and other programs that affect poor people, I hope that those who could afford to pay would be happy to do so—or I would say at least would do so. And we hope we can work that out.

THE NEW DRUG CZAR

Mr. DOLE. Mr. President, in his State of the Union Address, President Clinton announced his intention to reenlist his administration in the war against drugs.

Those are welcome words to all of us who have looked to the White House for leadership in that war these past 3 years, only to be disappointed time and time again.

From the gutting of the Drug Czar's Office to the appointment of a Surgeon General who spoke out in favor of legalizing drugs, the message from this administration has been one in stark contrast to the "just say no" message that was so successful in reducing drug use in the 1980's.

The President's words of Tuesday evening, however, give hope that he has recognized that the very disturbing increase in drug use among America's youth these past 3 years is proof that his policies have not worked.

And I look forward to hearing from General McCaffrey, the new Drug Czar, and hope that he will work closely with the Congressional Task Force on National Drug Policy, which Speaker GINGRICH and I appointed, and which is chaired by Senators GRASSLEY and HATCH, and Congressmen ZELIFF and HYDE.

If we are to truly win the war on drugs, however, then President Clinton should appoint Federal judges who punish law breakers, and not law enforcement officers.

And if a case that occurred in New York City this week is a sign of the type of judges that the President has appointed, then we might as well wave the white flag.

Let me briefly describe this case: While stationed in an unmarked patrol car, a New York City police officer watched four men walk single file up to a trunk of a car parked in a known hub of drug activity, and place large duffel bags inside the trunk.

The men then noticed the police officer and ran off in different directions.

Upon searching the trunk of the car, the officers discovered that the duffel bags contained 75 pounds of cocaine, and 4 pounds of heroin—a discovery that had a street value of $4 million. The driver of the car gave the police a full videotaped confession, detailing her 4-year history in a drug-dealing ring.

On Wednesday, however, Federal District Court Judge Harold Baer, Jr., ruled that the drugs and the videotaped confession could not be used as evidence.

The reasoning? The judge said that running away from the police was not suspicious behavior, because—and I quote: "The residents of the neighborhood tended to regard police officers as corrupt, abusive, and violent." Unless this ruling is overturned, a confessed drug dealer will go free.

Let us hope that this is the only appointee of President Clinton who apparently believes that police officers are a bigger threat to the well-being of our communities than those who peddle drugs to our kids.

Mr. President, I ask unanimous consent that an editorial from today's Wall Street Journal discussing this very disturbing case be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 26, 1996]

THE DRUG JUDGE

Winning the war on drugs won't be easy if the battles end up in courtrooms like that of Harold Baer Jr. of the Federal District Court in Manhattan. Judge Baer ruled Wednesday that 80 pounds of cocaine and heroin that police found in a car in the drug-wracked neighborhood of Washington Heights could not be used as evidence. The drugs, which have a street value of $4 million, are "tainted evidence," he said.

He ruled that the police had no good reason for searching the car, despite the fact

that the four men putting duffel bags into the trunk took off running when they saw the cops. This, the judge ruled, was not suspicious behavior. Reason: the "residents of this neighborhood tended to regard police officers as corrupt, abusive and violent." As a matter of fact: "Had the men not run when the cops began to stare at them, it would have been unusual."

The woman who was driving the car gave the police a videotaped confession. Carol Bayless, a 41-year-old Detroit woman, told police that she expected to be paid $20,000 for driving the drugs back home, and said that she had made a total of about 20 trips to New York to buy drugs. Judge Baer threw out the videotaped confession. Unless the ruling is overturned by the appeals court, the prosecutors say they no longer have a case; Ms. Bayless, who faced 10 years to life in jail, will be free to go.

The year's young, but we doubt Judge Baer will have any competition for this year's Judge Sarokin Award, named in honor of the federal judge in New Jersey who ruled for a homeless man who used to lurk inside the Morristown library, spreading his "ambrosia." Liberalism manages to deliver us these rulings on a regular basis, so it's appropriate to raise a few concerns.

The first has to do with community standards. Aren't the mostly minority residents of Amsterdam Avenue and 176th Street, where the incident took place, entitled to the same level of protection as the mostly white residents 100 blocks south on Amsterdam in the heart of New York's Yuppiedom? We suspect the law-abiding residents of Washington Heights might take a different view about whether the bigger threat to their well-being is the police or fleeing drug runners.

The other issue raised by the Baer ruling is the politics of judicial appointments. Judge Baer is a Clinton appointee, named to the federal bench in 1994 on the advice of the Democratic Senator from New York, Patrick Moynihan. Now, certainly it is the case that Democrats have appointed first-rate jurists to the federal bench. But it's also the case that it is at the liberal end of the modern judiciary that communities find their interests trampled by overly expansive and even absurd legal claims for defendants.

If Mr. Clinton is re-elected, by the end of his second term he will have filled roughly half of the slots in the federal judiciary, including majorities on the federal appeals courts. And that he would get one, two or even three more appointments to the Supreme Court. Mr. Clinton no doubt would separate himself from decisions like Judge Baer's, but one then has to somehow believe that he would actually separate himself from the constituencies insisting that he pick from the same candidate pool that produces such judges.

As for the war on drugs, we commend Judge Baer's ruling to the attention of drug czar-designate, General Barry McCaffrey. In his State of the Union address Tuesday, Mr. Clinton told Americans that "every one of us have a role to play on this team." But the best anti-drug legislation and the best law enforcement won't work unless the judiciary is willing to enforce the laws.

COMPLIMENTING SENATOR THURMOND

Mr. DOLE. Mr. President, I certainly want to compliment the distinguished Senator from South Carolina, Senator THURMOND, for his dogged determination. The bill went to the White House once. It was vetoed. It came back. As everybody knows Senator THURMOND, he did not give up, and tonight the bill passed with a wide margin, primarily because of Senator THURMOND's persistence and insistence and his willingness to make some changes that satisfied Members on the other side and the President.

I think it was an outstanding job. I congratulate the Senator because I think he has the assurance it will be signed by the White House.

COMPLIMENTING SENATOR LOTT

Mr. DOLE. Mr. President, I also thank my colleague, Senator LOTT, in negotiating the compromise on the ballistic missile defense provisions. He did a good job in that area.

TRIBUTE TO THE PAGES

Mr. DOLE. Mr. President, I just want to indicate this is the last day for our pages. We will have a new group of pages beginning next week. We certainly want to indicate to all of them on each side how much we appreciate their services and how meaningful their services have been.

We hope that it has been a great experience for you. We look forward to seeing some of you standing where we are standing in a few years, because that is how it all starts. You get sort of interested in something. But primarily I want to say thank you, and the best wishes as you go back to school.

Mr. President, I ask unanimous consent that their names be printed in the RECORD.

There being no objection, the names were ordered to be printed in the RECORD, as follows:

REPUBLICAN PAGES—FALL 1995

Casey Smith, Virginia.
Vicky Fales, Wyoming.
Megan Burgess, Oregon.
Stephen Hogan, Rhode Island.
Kate Cramer, Alabama.
Trisha Neuman, Wisconsin.
Chris Richter, Vermont.
Trey Herndon, Mississippi.
Staci Roberts, Iowa.
Bryan Ingram, Washington.
Lauren Houston, South Carolina.

DEMOCRATIC PAGES—FALL 1995

Katherine Aldrich, Montana.
Rebecca Brink, Massachusetts.
Matthew Ebert, Minnesota.
Katharine Hutchinson, Vermont.
Kathleen Kingsbury, Massachusetts.
Kristen Knudsen, South Dakota.
Kamani Kualaau, Hawaii.
Matt Lindsey, Arkansas.
Katie Pribyl, Colorado.
Melissa Roy, Maine.
Robert Tankersley, Arkansas.
Matthew Vogel, Michigan.

ADJOURNMENT UNTIL TUESDAY, JANUARY 30, 1996, AT 11 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate now stands adjourned until 11 a.m. on Tuesday, January 30.

Thereupon, the Senate, at 8:52 p.m., adjourned until Tuesday, January 30, 1996, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate January 26, 1996:

THE JUDICIARY

ANABELLE RODRIGUEZ-RODRIGUEZ, OF PUERTO RICO, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO VICE RAYMOND L. ACOSTA, RETIRED.

DEAN D. PREGERSON, OF CALIFORNIA, TO BE U.S. DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE A. WALLACE TASHIMA, ELEVATED.

W. CRAIG BROADWATER, OF WEST VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA VICE ROBERT E. MAXWELL, RETIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

PETER BENJAMIN EDELMAN, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE DAVID T. ELLWOOD, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF EDUCATION

GERALD N. TIROZZI, OF CONNECTICUT, TO BE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION, DEPARTMENT OF EDUCATION, VICE THOMAS W. PAYZANT, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF TRANSPORTATION

CHARLES A. HUNNICUTT, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE JEFFREY NEIL SHANE, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF STATE

EILEEN B. CLAUSSEN, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF STATE FOR OCEANS AND INTERNATIONAL ENVIRONMENTAL AND SCIENTIFIC AFFAIRS, VICE ELINOR G. CONSTABLE, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CIVIL LIBERTIES PUBLIC EDUCATION FUND

DON T. NAKANISHI, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

PEGGY A. NAGAE, OF OREGON, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS (NEW POSITION), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DALE MINAMI, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

YEIICHI KUWAYAMA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ELSA H. KUDO, OF HAWAII, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS (NEW POSITION), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SUSAN HAYASE, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 3 YEARS (NEW POSITION), TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

LEO K. GOTO, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FUND FOR A TERM OF 2 YEARS (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

ROBERT F. DRINAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CIVIL LIBERTIES PUBLIC EDUCATION FOR A TERM OF 3 YEARS (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

SOCIAL SECURITY ADMINISTRATION

GERALD M. SHEA, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM OF 4 YEARS EXPIRING SEPTEMBER 30, 1998 (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

HARLAN MATHEWS, OF TENNESSEE, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A TERM OF 6 YEARS EXPIRING SEPTEMBER 30, 2000 (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

WILLIAM C. BROOKS, OF MICHIGAN, TO BE A MEMBER OF THE SOCIAL SECURITY ADVISORY BOARD FOR A

TERM OF 2 YEARS EXPIRING SEPTEMBER 30, 1996 (NEW POSITION), TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

THOMAS A. FINK, OF ALASKA, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING OCTOBER 11, 1999, VICE JAMES H. ATKINS, TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

SARAH MC CRACKEN FOX, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF 5 YEARS EXPIRING AUGUST 27, 2000, VICE JAMES M. STEPHENS, TERM EXPIRED, TO WHICH POSITION SHE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate January 26, 1996:

EXECUTIVE OFFICE OF THE PRESIDENT

ALICIA HAYDOCK MUNNELL, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

SECURITIES AND EXCHANGE COMMISSION

ISAAC C. HUNT, JR., OF OHIO, TO BE A MEMBER OF THE SECURITIES AND EXCHANGE COMMISSION FOR THE TERM EXPIRING JUNE 5, 2000.

DEPARTMENT OF DEFENSE

ARTHUR L. MONEY, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

H. MARTIN LANCASTER, OF NORTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT AS VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND REAPPOINTMENT TO THE GRADE OF GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 154:

VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

To be general

GEN. JOSEPH W. RALSTON, [redacted] U.S. AIR FORCE.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10 UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. MARCUS A. ANDERSON, [redacted] U.S. AIR FORCE.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10 UNITED STATES CODE, SECTIONS 8773, 8374, 12201 AND 12212:

To be major general

BRIG. GEN. WILLIAM A. HENDERSON [redacted] AIR NATIONAL GUARD.

BRIG. GEN. TIMOTHY J. LOWENBERG [redacted] AIR NATIONAL GUARD.

BRIG. GEN. MELVYN S. MONTANO, [redacted] AIR NATIONAL GUARD.

BRIG. GEN. GUY S. TALLENT [redacted] AIR NATIONAL GUARD.

BRIG. GEN. LARRY R. WARREN [redacted] AIR NATIONAL GUARD.

To be brigadier general

COL. JAMES H. BAKER [redacted] AIR NATIONAL GUARD.

COL. JAMES H. BASSHAM [redacted] AIR NATIONAL GUARD.

COL. PAUL D. KNOX, [redacted] AIR NATIONAL GUARD.

COL. CARL A. LORENZEN [redacted] AIR NATIONAL GUARD.

COL. TERRY A. MAYNARD [redacted] AIR NATIONAL GUARD.

COL. FRED L. MORTON [redacted] AIR NATIONAL GUARD.

COL. LORAN C. SCHNAIDT [redacted] AIR NATIONAL GUARD.

COL. BRUCE F. TUXILL [redacted] AIR NATIONAL GUARD.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE U.S. NAVY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, UNITED STATES CODE:

To be vice admiral

VICE ADM. RICHARD C. ALLEN [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JOHN J. MAZACH [redacted]

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST OF THE U.S. NAVY IN THE GRADE INDICATED UNDER SECTION 1370 OF TITLE 10, UNITED STATES CODE:

To be admiral

ADM. WILLIAM A. OWENS [redacted]

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING TODD D. BERGMAN, AND ENDING SCOTT J. WOOLLARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 28, 1995.

AIR FORCE NOMINATIONS BEGINNING RUTH T. LIM, AND ENDING BARRETT F. SCHWARTZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 28, 1995.

AIR FORCE NOMINATIONS BEGINNING JAMES P. AARON, AND ENDING KAREN C. YAMAGUCHI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 28, 1995.

AIR FORCE NOMINATIONS BEGINNING CARLOS L. ACEVEDO, AND ENDING BRIAN D. ZULLO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 28, 1995.

AIR FORCE NOMINATIONS BEGINNING WILLIAM C. ALFORD, AND ENDING LINDA S. MITCHELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 4, 1995.

AIR FORCE NOMINATIONS BEGINNING ROGELIO F. GOLLE, AND ENDING MICHAEL L. DELORENZO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 4, 1995.

AIR FORCE NOMINATIONS BEGINNING DWAYNE A. ALONS, AND ENDING FRANCIS K. MANUEL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 18, 1995.

IN THE ARMY

ARMY NOMINATIONS BEGINNING DAVID L. ABBOTT, AND ENDING X2444, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 1995.

ARMY NOMINATION BEGINNING NELSON L. MICHAEL, WHICH NOMINATION WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 28, 1995.

ARMY NOMINATIONS BEGINNING ROBERT L. ACKLEY, AND ENDING DANIEL V. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 28, 1995.

ARMY NOMINATION BEGINNING PAUL A. OSTERGAARD, WHICH NOMINATION WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 28, 1995.

ARMY NOMINATIONS BEGINNING CHARLES W. BACCUS, AND ENDING DONNA M. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 28, 1995.

ARMY NOMINATIONS BEGINNING MARK E. BENZ, AND ENDING STEVEN R. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 28, 1995.

ARMY NOMINATIONS BEGINNING VINCENT B. BOGAN, AND ENDING KRISTA E. MURPHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 28, 1995.

ARMY NOMINATIONS BEGINNING ALVIN D. AARON, AND ENDING CRAIG L. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 28, 1995.

ARMY NOMINATIONS BEGINNING WILLIAM HAYES-REGAN, AND ENDING JAMES M. BAKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 18, 1995.

ARMY NOMINATIONS BEGINNING MICHAEL C. APPE, AND ENDING JANET M. HARRINGTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 18, 1995.

EXTENSIONS OF REMARKS

PRINCIPLES OF CITIZENSHIP

HON. PETER BLUTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1996

Mr. BLUTE. Mr. Speaker, I recently met with members of the Air Force Junior ROTC at Burncoat High School in Worcester, MA. This program has been very successful in combining academics with the discipline of military training. Students from AFJROTC have been its best testimonial, as it continues to produce upstanding young adults. This past month, cadets from this program celebrated citizenship month, for which they compiled a list of principles of good citizenship. I list these principles here in order to honor the hard work of these promising youths:

GOOD CITIZENS

1. Are honest, patriotic, caring, and outgoing.
2. Respect the rights, property and privileges of others.
3. Protect the environment by planting trees, recycling, and keeping their country clean.
4. Become productive by education and by staying in good health and drug free.
5. Work to provide for their families, pay their taxes and help others in need.
6. Are open-minded, respect all others and try to understand ideas that are different.
7. Know their history, register and vote and obey the law or try to change it.
8. Serve others by running for office, doing community service, or joining the military.
9. Show a determination to succeed by setting and reaching their goals.
10. Are modest, have a positive attitude and try to be a good role model for others.

HONORING A McCREARY COUNTY LEADER

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1996

Mr. ROGERS. Mr. Speaker, I rise to honor my good friend Alfred "Alf" Kidd who recently passed away at the age of 81. My family and thousands of others throughout McCreary County and southern Kentucky are deeply saddened by this tragic loss.

Our area has lost a top-notch businessman, an inspiring civic and community volunteer, a political leader, and a good friend. He helped everyone he could and always was willing to sacrifice his time for others.

Alf's many accomplishments and activities showed his outstanding commitment to the betterment of McCreary County.

He helped start the McCreary County Economic Development Council to improve our businesses, as well as helping us to hire an economic development director. That led to McCreary's designation as a "Federal Enterprise Community."

Alf helped start the McCreary County Industrial Development Corp. where his leadership was instrumental in the creation of thousands of jobs.

He was a founding member of the McCreary County Chamber of Commerce, helped renovate and restore the Stearns historic community, worked as chairman to the local housing authority and was a founding member and past president of the Pine Knot Kiwanis Club.

His list continues on and on, all to help the people of McCreary County. We will long remember Alfred Kidd because he cared about all of us.

My heart goes out to Alf's wonderful family. His long legacy and excellent record of service will stand as a tribute to his life.

Alf was a great friend and a good man, and he will be sorely missed.

A SALUTE TO THE NATIONAL BLACK NURSES ASSOCIATION

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1996

Mr. STOKES. Mr. Speaker, I am proud to rise today to salute members of the National Black Nurses Association. The association is the Nation's largest African-American health organization, representing more than 130,000 nurses in the United States and throughout the world. On February 1, 1996, members of the Black Nurses Association will convene on Capitol Hill for its eighth annual National Black Nurses Day. Nurses from around the country will travel to Capitol Hill to discuss issues that impact nurses, women, children, the elderly, and health care in general. The theme for the daylong event is, "Strengthening Our Linkages: A Strategy for Protecting Children, Families and the Elderly." I take pride in saluting the National Black Nurses Association as the organization prepares to meet this important challenge.

The National Black Nurses Association was founded in Cleveland, OH, in 1971. For the past 25 years, the organization has played a pivotal role in advocating the health care needs of minority populations, children, the poor, and seniors. The Black Nurses Association has also waged the fight to secure increased funding for health research and development, health profession education, and public health service.

Mr. Speaker, when members of the Black Nurses Association travel to Capitol Hill on February 1, 1996, they will be armed with an agenda which many of us in this Chamber support. The organization stands united against cuts in the Medicare and Medicaid Program, and reductions in Federal funding for nursing education. The Black Nurses Association is also concerned that our Nation rededicate itself to meeting the health care needs of our children, the poor, and other disadvantaged communities. My colleagues in the Congressional Black Caucus, Hispanic Caucus, and other Members of Congress will join forces with the National Black Nurses Association to promote this agenda.

I am proud to note that the Black Nurses Association's Capitol Hill event coincides with the 1996 observance of Black History Month. If we look back, we can trace the history of African-Americans in nursing to a great woman, Sojourner Truth, who ministered to wounded black veterans of the Civil War in 1864. In 1870, Susan Smith-Seward became the first black woman to receive a medical degree. She received her degree from the New York Medical College for Women. History records further that in 1879, Mary Mahoney became the first black woman to receive a diploma in nursing. She graduated from the New England Hospital for Women and Children School of Nursing.

Mr. Speaker, during Black History Month, and on the occasion of their Capitol Hill visit, we salute the members of the National Black Nurses Association. We applaud their dedication and strong leadership on the important issues facing the health care industry and the Nation.

RULING REGARDING THE GREAT PLAINS COAL GASIFICATION PLANT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1996

Mr. POMEROY. Mr. Speaker, I rise today to discuss a very troubling ruling regarding our Nation's only commercial-size synthetic natural gas plant, the Great Plains Coal Gasification Plant. This project's importance to North Dakota and the Nation demand the attention of this body and the commissioners at FERC.

Make no mistake, if this decision is approved by FERC, Great Plains will close and the impact will be far reaching. The plant directly employs 640 people and is associated with nearly 7,000 other jobs. Twenty percent less lignite would be mined in North Dakota and Federal and State governments would lose $17.5 million in tax revenue. The total impact of this project on North Dakota is $490 million annually.

In late December, an administrative law judge struck down the settlements reached by Great Plains, three pipeline companies, and the Department of Energy. By doing so, this judge has single-handedly put the future of the Great Plains Synfuels Plant in jeopardy.

The importance of this project to North Dakota cannot be overstated, but Great Plains also has relevance to each Member of this body and their constituents. For starters, the Department of energy shares profits derived from the plant. What's more, the eight-state region served by the Plant would be hit by rate increases totalling nearly $30 million annually, or 10 percent above current costs.

In addition, there are new technologies benefiting all Americans developed at Great Plains on a regular basis. Among the most recent are the production of the rare gases krypton and xenon, and using synthetic gas to produce anhydrous ammonia and ammonium sulfate, two commercial fertilizers.

I am hopeful that the commissioners at FERC will see this ruling for what it is—an administrative law judge run amok, believing he knows more than the agency, industry, and consumers working with this project on a daily basis. If this ruling were to stand, Great Plains would likely have to shut its doors forever. This is simply not right. It is time the absurdity of this decision was brought to full attention of this body and the American people.

What we have here is sophisticated parties entering into contracts and making investments based upon those contracts. Then along comes an administrative law judge who retroactively nullifies the express agreements and imposes his judgement. In the process, he single-handedly destroys the viability of the entire project.

I would like to outline the most disturbing aspects of this ruling, if it were accepted by FERC.

It requires the plant to sell the product to the pipelines at well-below the cost of producing the gas. The judge's ruling would set the purchase price at almost $1 per dekatherm below the cost of production and resulting in a loss of $55 million in 1995. This is totally unacceptable.

The ruling would also require the pipeline companies to retroactively refund customers to the tune of $280 million. This cost would no doubt be passed on to the plant itself, further jeopardizing Great Plains' ability to meet its bottom line.

Amazingly, the judge provided more relief than was even sought by the consumers. The judge strayed far from the matters at hand into issues of production capacity at the plant. He ruled that the pipeline companies would no longer have to receive what is produced at the plant—around 160 million barrels per day. Rather, they would only have to receive what was expected to be produced at the plant—131 million barrels per day.

If FERC were to approve the ruling, it would completely set-aside FERC's own Opinion 119 agreement between Great Plains and the four pipeline purchasers which allowed the project to go forward in the first place. Opinion 119 was the basis for further negotiations enabling Great Plains to be sold to the Dakota Gasification Co., a subsidiary of Basin Electric, with a profit-sharing arrangement with the Department of Energy. To abandon Opinion 119 at this time would be a disservice to all parties involved—especially when you consider that it was the consumer representatives themselves that drafted the pricing formula of these gas purchase agreements.

This issue will be decided by FERC in the near future. I urge each Member of that body to give this matter their most careful attention. Their decision will have ramifications on the Department of Energy, my State of North Dakota, and the energy future of this Nation.

VETO OVERRIDE ON THE INTERIOR APPROPRIATIONS BILL

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1996

Mr. EDWARDS. Mr. Speaker, on July 18, 1995, I voted for the fiscal year 1996 Interior appropriations bill. While I did not agree with everything in the bill, I strongly supported the reforms that were included on the Endangered Species Act. Specifically, the bill prohibited the listing of new endangered species until the Endangered Species Act is reauthorized. Also, the bill prohibited the use of funds to designate critical habitat for listed species. As a defender of private property rights, I also supported the provision that defunded the National Biological Survey.

When the House considered the conference report on this bill in December, again I supported the bill because of these important provisions. That measure passed the House on December 13, 1995 by a vote of 244–181.

Unfortunately, President Clinton vetoed the Interior appropriations bill. I was disappointed that these important provisions were not signed into law.

When the House voted to overrride the veto in January 1996, I fully intended to continue my support for the bill by voting to override that veto. However, when I checked the CONGRESSIONAL RECORD, I realized that I had mistakenly voted to sustain the veto. This vote was in error. I want to make it clear for the record that I support this legislation and I intended to vote to override the President's veto.

I have consistently been in favor of making changes in the current Endangered Species Act [ESA]. I am a cosponsor of H.R. 2275, a bill supported by the Texas Farm Bureau that would make commonsense changes to the existing law.

In 1994, when central Texas was under fire from the U.S. Fish and Wildlife Service over designating critical habitat for the golden cheeked warbler, I was a leader in forcing the Service to abandon the plan. I believe that this situation demonstrates the weaknesses of the ESA, and shows how desperately reform is needed.

I have also been a vocal critic of the National Biological Survey. On June 22, 1994, I voted in favor of the Allard amendment to the Interior appropriations bill. This amendment, which would have eliminated all funds for the National Biological Survey, did not pass. This year opponents of the NBS like me were pleased to see that this program was targeted for elimination. While I appreciate the recent reforms in this program, I am still not convinced it is a prudent use of taxpayers' money.

When the issues regarding private property rights come up for votes in 1996, I will vote to protect those rights as I have consistently done in years past.

TRIBUTE TO THE SOUTH BRONX MENTAL HEALTH COUNCIL, INC., FIFTH PATIENT RECOGNITION DAY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1996

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the South Bronx Mental Health Council, Inc., which today will celebrate its fifth Patient Recognition Day.

Since 1968, the South Bronx Mental Health Council, previously named the Lincoln Community Mental Health Center, has provided treatment and mental health services to members of our community.

A community-based organization, the council offers counseling and mental health treatment for individuals of all age groups, including children, as well as satellite programs at local schools and community support programs.

On this special occasion, council personnel and patients will be joined by family and friends to recognize the achievements made by patients during the past year. With the support of the council's dedicated personnel, many of these patients have made special efforts to overcome their challenges and accomplished specific goals.

Mr. Speaker, I ask my colleagues to join me in saluting our friends at the South Bronx Mental Health Council and in recognizing their outstanding achievements on their fifth Patient Recognition Day.

INTRODUCTION OF LEGISLATION

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 26, 1996

Mr. BLILEY. Mr. Speaker, I would like to insert for the RECORD the text of flow control legislation which may be brought up on the Suspension Calendar on Tuesday, January 30.

SECTION. 1. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL MUNICIPAL SOLID WASTE FLOW CONTROL.

(a) AMENDMENT OF SUBTITLE D.—Subtitle D of the Solid Waste Disposal Act is amended by adding after section 4011 the following new section:

"SEC. 4011. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL GOVERNMENT CONTROL OVER MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS.

"(a) FLOW CONTROL AUTHORITY FOR FACILITIES DESIGNATED AS OF MAY 16, 1994.—Any State or political subdivision thereof is authorized to exercise flow control authority to direct the movement of municipal solid waste, and recyclable materials voluntarily relinquished by the owner or generator thereof, to particular waste management facilities, or facilities for recyclable materials,

designated as of May 16, 1994, if each of the following conditions are met:

"(1) The waste and recyclable materials are generated within the jurisdictional boundaries of such State or political subdivision, determined as of May 16, 1994.

"(2) Such flow control authority is imposed through the adoption or execution of a law, ordinance, regulation, resolution, or other legally binding provision or legally binding official act of the State or political subdivision that—

"(A) was in effect on May 16, 1994,

"(B) was in effect prior to the issuance of an injunction or other order by a court based on a ruling that such law, ordinance, regulation, resolution, or other legally binding provision or official act violated the Commerce Clause of the United States Constitution, or

"(C) was in effect immediately prior to suspension thereof by legislative or official administrative action of the State or political subdivision expressly because of the existence of a court order of the type described in subparagraph (B) issued by a court of the same State or Federal judicial circuit.

"(3) The State or a political subdivision thereof has, for one or more of such designated facilities, in accordance with paragraph (2), on or before May 16, 1994, either—

"(A) presented eligible bonds for sale, or

"(B) executed a legally binding contract or agreement that obligates it to deliver a minimum quantity of waste or recyclable materials to one or more such designated waste management facilities or facilities for recyclable materials and that obligates it to pay for that minimum quantity of waste or recyclable materials even if the stated minimum quantity of such waste or recyclable materials is not delivered within a required timeframe.

"(b) WASTE STREAM SUBJECT TO FLOW CONTROL.—The flow control authority of subsection (a) shall only permit the exercise of flow control authority to any designated facility of the specific classes or categories of municipal solid waste and voluntarily relinquished recyclable materials to which flow control authority was applicable on May 16, 1994, or immediately before the effective date of an injunction or court order referred to in subsection (a)(2)(B) or an action referred to in subsection (a)(2)(C) and—

"(1) in the case of any designated waste management facility or facility for recyclable materials that was in operation as of May 16, 1994, only if the facility concerned received municipal solid waste or recyclable materials in those classes or categories within 2 years prior to May 16, 1994, or the effective date of such injunction or other court order or action,

"(2) in the case of any designated waste management facility or facility for recyclable materials that was not yet in operation as of May 16, 1994, only of the classes or categories that were clearly identified by the State or political subdivision as of May 16, 1994, to be flow controlled to such facility, and

"(3) only to the extent of the maximum volume authorized by State permit to be disposed at the waste management facility or processed at the facility for recyclable materials.

If specific classes or categories of municipal solid waste or recyclable materials were not clearly identified, paragraph (2) shall apply only to municipal solid waste generated by households, including single family residences and multi-family residences of up to 4 units.

"(c) DURATION OF FLOW CONTROL AUTHORITY.—Flow control authority may be exercised pursuant to this section to any facility or facilities only until the later of the following:

"(1) The expiration date of the bond referred to in subsection (a)(3)(A).

"(2) The expiration date of the contract or agreement referred to in subsection (a)(3)(B).

"(3) The adjusted expiration date of a bond issued for a qualified environmental retrofit.

Such expiration dates shall be determined based upon the terms and provisions of the bond or contract in effect on May 16, 1994. In the case of a contract described in subsection (a)(3)(B) that has no specified expiration date, for purposes of paragraph (2) the expiration date shall be treated as the first date that the State or political subdivision that is a party to the contract can withdraw from its responsibilities under the contract without being in default thereunder and without substantial penalty or other substantial legal sanction.

"(d) MANDATORY OPT-OUT FOR GENERATORS AND TRANSPORTERS.—Notwithstanding any other provision of this section, no State or political subdivision may require any generator or transporter of municipal solid waste or recyclable materials to transport such waste or materials, or deliver such waste or materials for transportation, to a facility that is listed on the National Priorities List established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 unless such State or political subdivision or the owner or operator of such facility has adequately indemnified the generator or transporter against all liability under that Act with respect to such waste or materials.

"(e) EFFECT ON EXISTING LAWS.—

"(1) ENVIRONMENTAL LAWS.—Nothing in this section shall be interpreted or construed to have any effect on any other law relating to the protection of human health and the environment, or the management of municipal solid waste or recyclable materials.

"(2) STATE LAW.—Nothing in this section shall be interpreted to authorize a political subdivision to exercise the flow control authority granted by this section in a manner inconsistent with State law.

"(3) OWNERSHIP OF RECYCLABLE MATERIALS.—Nothing in this section shall authorize any State or political subdivision to require any generator or owner of recyclable materials to transfer any recyclable materials to such State or political subdivision, nor shall prohibit any persons from selling, purchasing, accepting, conveying, or transporting any recyclable materials, unless the generator or owner voluntarily makes such recyclable materials available to the State or political subdivision and relinquishes any rights to, or ownership of, such recyclable materials.

"(f) FACILITIES NOT QUALIFIED FOR FLOW CONTROL.—No flow control authority may be exercised under the provisions of this section to direct solid waste or recyclable materials to any facility pursuant to an ordinance if—

"(1) the ordinance was determined to be unconstitutional by a State or Federal court in October of 1994;

"(2) the facility is located over a sole source aquifer, within 5 miles of a public beach, and within 25 miles of a city with a population of more than 5,000,000; and

"(3) the facility is not fully permitted and operating in complete official compliance with all Federal, State, and local environmental regulations.

0 "(g) LIMITATION ON REVENUE.—A State or qualified political subdivision may exercise the flow control authority granted in this section only if the State or qualified political subdivision limits the use of any of the revenues it derives from the exercise of such authority for the payment of one or more of the following:

"(1) Principal and interest on any eligible bond.

2 "(2) Principal and interest on a bond issued for a qualified environmental retrofit.

"(3) Payments required by the terms of a contract referred to in subsection (a)(3)(B).

"(4) Other expenses necessary for the operation and maintenance of designated facilities and other integral facilities necessary for the operation and maintenance of such designated facilities that are identified by the same eligible bond.

"(5) To the extent not covered by paragraphs (1) through (4), expenses for recycling, composting, and household hazardous waste activities in which the State or political subdivision was engaged before May 16, 1994, and for which the State or political subdivision, after periodic evaluation, beginning no later than one year after the enactment of this section, finds that there is no comparable qualified private sector service provider available. Such periodic evaluation shall be based on public notice and open competition. The amount and nature of payments described in this paragraph shall be fully disclosed to the public annually.

"(h) INTERIM CONTRACTS.—A lawful, legally binding contract under State law that was entered into during the period—

"(1) before November 10, 1995, and after the effective date of any applicable final court order no longer subject to judicial review specifically invalidating the flow control authority of such State or political subdivision, or

"(2) after such State or political subdivision refrained pursuant to legislative or official administrative action from enforcing flow control authority and before the effective date on which it resumes enforcement of flow control authority after enactment of this section,

shall be fully enforceable in accordance with State law.

"(i) CONTROL OF WASTE MOVEMENT TO CERTAIN PERMITTED FACILITIES.—No State may exercise any authority that is granted by Congress after the date of enactment of this section to control the interstate movement of solid waste in a manner that prohibits or limits the receipt of out-of-State municipal solid waste at any waste management facility that meets both of the following conditions:

"(1) The facility has been granted a permit under State law to receive municipal solid waste for combustion or disposal.

"(2) The State or its political subdivision within which the facility is located has exercised any flow control authority provided under this section to prohibit or limit the receipt by the facility of municipal solid waste that is generated within the State or its political subdivision.

Nothing in this subsection is intended to have any effect on the exercise of flow control authority granted by this section except to the extent that such exercise is inconsistent with State law.

"(j) AREAS WITH PRE-1984 FLOW CONTROL.—

"(1) GENERAL AUTHORITY.—A State that on or before January 1, 1984—

"(A) adopted regulations under a State law that required or directed transportation, management, or disposal of municipal solid waste from residential, commercial, institutional, or industrial sources (as defined under State law) to specifically identified waste management facilities, and applied those regulations to every political subdivision of the State, and

"(B) subjected such waste management facilities to the jurisdiction of a State public utilities commission,

may exercise flow control authority over municipal solid waste in accordance with the other provisions of this section and may exercise the additional flow control authority described in paragraph (2).

"(2) ADDITIONAL FLOW CONTROL AUTHORITY.—A State that meets the requirements of paragraph (1) and any political subdivision thereof may exercise flow control authority over all classes and categories of municipal solid waste that were subject to flow control by such State or political subdivision thereof on May 16, 1994, by directing it from any existing waste management facility that was designated as of May 16, 1994, or any proposed waste management facility in the State to any other such existing or proposed waste management facility in the State without regard to whether the political subdivision within which the municipal solid waste is generated had designated the particular waste management facility or had issued a bond or entered into a contract referred to in subsection (a)(3)(A) or (B), respectively.

"(3) DEFINITION.—For purposes of this subsection, the term 'proposed waste management facility' means a waste management facility that was specifically identified in a waste management plan prior to May 16, 1994, and for the construction of which—

"(A) revenue bonds were issued and outstanding as of May 16, 1994,

"(B) additional financing with revenue bonds was required as of the date of enactment of this section to complete construction, and

"(C) a permit had been issued prior to December 31, 1994.

"(4) LIMITATION OF AUTHORITY.—The additional flow control authority granted by paragraph (2) may be exercised to—

"(A) any facility described in paragraph (2) for up to 5 years after the date of enactment of this section, and

"(B) after 5 years after enactment of this section, only to those facilities and only with respect to the classes, categories, and geographic origin of waste directed to such facilities specifically identified by the State in a public notice issued within 5 years after enactment of this section.

"(5) DURATION OF AUTHORITY.—The authority to direct municipal solid waste to any facility pursuant to this subsection shall terminate with regard to such facility in accordance with subsection (c).

"(k) SAVINGS CLAUSE.—Nothing in this section is intended to have any effect on the authority of any State or political subdivision to franchise, license, or contract for municipal solid waste collection, processing, or disposal.

"(l) APPLICATION OF FLOW CONTROL AUTHORITY.—The flow control authority granted by this section shall be exercised in a manner that ensures that it is applied to the public sector if it is applied to the private sector.

"(m) PROMOTION OF RECYCLING.—The Congress finds that, in order to promote recycling, anyone engaged in recycling activities should strive to meet applicable standards for the reuse of recyclable materials.

"(n) EFFECTIVE DATE.—The provisions of this section shall take effect with respect to the exercise by any State or political subdivision of flow control authority on or after the date of enactment of this section, and such provisions shall also apply to the exercise by any State or political subdivision of flow control authority before such date of enactment unless the exercise of such authority has been declared unconstitutional by a final judicial decision that is no longer subject to judicial review.

"(o) DEFINITIONS.—For the purposes of this section—

"(1) ADJUSTED EXPIRATION DATE.—The term 'adjusted expiration date' means, with respect to a bond issued for a qualified environmental retrofit, the earlier of the final maturity date of such bond or 15 years after the date of issuance of such bonds.

"(2) BOND ISSUED FOR A QUALIFIED ENVIRONMENTAL RETROFIT.—The term 'bond issued for a qualified environmental retrofit' means a revenue or general obligation bond, the proceeds of which are dedicated to financing the retrofitting of a resource recovery facility or a municipal solid waste incinerator necessary to comply with section 129 of the Clean Air Act, and exclusively used for such purposes, provided that such bond is presented for sale before the expiration date of the bond or contract referred to in subsection (a)(3)(A) and (B) respectively that is applicable to such facility and no later than December 31, 1999.

"(3) DESIGNATE; DESIGNATION.—The terms 'designate', 'designated', 'designating', and 'designation' mean a requirement of a State or political subdivision, and the act of a State or political subdivision, individually or collectively, to require that all or any portion of the municipal solid waste or recyclable materials that is generated within the boundaries of the State or any political subdivision be delivered to one or more waste management facilities or facilities for recyclable materials identified by the State or a political subdivision thereof. The term 'designation' includes bond covenants, official statements, or other official financing documents issued by a political subdivision issuing an eligible bond in which it identified a specific waste management facility as being the subject of such bond and the requisite facility for receipt of municipal solid waste or recyclable materials generated within the jurisdictional boundaries of that political subdivision.

"(4) ELIGIBLE BOND.—The term 'eligible bond' means—

"(A) a revenue bond specifically to finance one or more designated waste management facilities, facilities for recyclable materials, or specifically and directly related assets, development or finance costs, as evidenced by the bond documents; or

"(B) a general obligation bond, the proceeds of which were used solely to finance one or more designated waste management facilities, facilities for recyclable materials, or specifically and directly related assets, development or finance costs, as evidenced by the bond documents.

"(5) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the authority to control the movement of municipal solid waste or voluntarily relinquished recyclable materials and direct such solid waste or voluntarily relinquished recyclable materials to one or more designated waste management facilities or facilities for recyclable materials within the boundaries of a State or within the boundaries of a political subdivision of a State, as in effect on May 16, 1994.

"(6) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' means any solid waste generated by the general public or by households, including single residences and multifamily residences, and from commercial, institutional, and industrial sources, to the extent such waste is essentially the same as waste normally generated by households or was collected and disposed of with other municipal solid waste as part of normal municipal solid waste collection services, consisting of paper, wood, yard waste, plastics, leather, rubber, and other combustible materials and noncombustible materials such as metal and glass, including residue remaining after recyclable materials have been separated from waste destined for disposal, and including waste material removed from a septic tank, septage pit, or cesspool (other than from portable toilets), except that the term does not include any of the following:

"(A) Any waste identified or listed as a hazardous waste under section 3001 of this Act or waste regulated under the Toxic Substances Control Act.

"(B) Any waste, including contaminated soil and debris, resulting from—

"(i) response or remedial action taken under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980,

"(ii) any corrective action taken under this Act, or

"(iii) any corrective action taken under any comparable State statute.

"(C) Construction and demolition debris.

"(D) Medical waste listed in section 11002 of this Act.

"(E) Industrial waste generated by manufacturing or industrial processes, including waste generated during scrap processing and scrap recycling.

"(F) Recyclable materials.

"(G) Sludge.

"(7) POLITICAL SUBDIVISION.—The term 'political subdivision' means a city, town, borough, county, parish, district, or public service authority or other public body created by or pursuant to State law with authority to present for sale an eligible bond or to exercise flow control authority.

"(8) RECYCLE AND RECYCLING.—The terms 'recycle' and 'recycling' mean—

"(A) any process which produces any material defined as 'recycled' under section 1004; and

"(B) any process by which materials are diverted, separated from, or separately managed from materials otherwise destined for disposal as solid waste, by collecting, sorting, or processing for use as raw materials or feedstocks in lieu of, or in addition to, virgin materials, including petroleum, in the manufacture of usable materials or products.

"(9) RECYCLABLE MATERIALS.—The term 'recyclable materials' means any materials that have been separated from waste otherwise destined for disposal (either at the source of the waste or at processing facilities) or that have been managed separately from waste destined for disposal, for the purpose of recycling, reclamation, composting of organic materials such as food and yard waste, or reuse (other than for the purpose of

incineration). Such term includes scrap tires to be used in resource recovery.

"(10) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means any facility for separating, storing, transferring, treating, processing, combusting, or disposing of municipal solid waste.".

(b) TABLE OF CONTENTS.—The table of contents for subtitle D of the Solid Waste Disposal Act is amended by adding the following new item after the item relating to section 4011:

"Sec. 4011. Congressional authorization of State and local government control over movement of municipal solid waste and recyclable materials.".