SENATE—*Thursday, April 17, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, without whom we could not take a breath or think a thought, we are accountable to You for the way we live the precious days of our lives. Often we hear people who have escaped from some accident or some life-threatening illness say, "God must have some reason for saving my life. I want to find out what it is and get on with it." May all of us be no less grateful for life or no less intentional in living out the special purpose You have for us.

Suddenly, we feel differently about the relationships and responsibilities of the day ahead. You have plans for us and we don't want to miss them. There are things You have appointed us to do and if we don't do them, they will not be done. Help us not to procrastinate by putting off to the day after tomorrow what needs to be done today.

Lord, fill us with Your spirit and give us an enthusiastic, positive attitude for today. Help us to express delight in the people of our lives. They have enough burdens to carry; may we not be one of them. We can choose whether we will drag our feet today or walk with a spring in our step because You are the unseen, but loyal Friend who holds our hands. Through our Lord and Saviour.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The acting majority leader is recognized, Mr. BENNETT.

SCHEDULE

Mr. BENNETT. Mr. President, today the Senate will be in a period of morning business until the hour of 2 p.m. to accommodate a number of Senators who have requested time to speak. It is my hope an agreement will be reached this morning to begin consideration of S. 495 regarding the unlawful use or transfer of chemical weapons. If an agreement is reached, Senators can expect a couple of hours of debate beginning probably around 2 p.m. on the bill, with a vote later this afternoon.

Therefore, Senators can expect rollcall votes during today's session of the Senate. As always, of course, the majority leader will notify Senators as agreements are reached.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 2 p.m. with each Senator permitted to speak therein for up to 5 minutes.

The Senator from Utah is recognized to speak for up to 1 hour.

Mr. BENNETT. I thank the Chair.

THE BUDGET

Mr. BENNETT. Mr. President, this time of year is budget time. Since it is budget time, it is a time when the Senate Chamber has been filled with speeches about budgets, debt, the economy, taxes, and all the rest of the subjects that have to do with our joint effort—joint, meaning Members of both parties, Members of both Houses, Members of both branches, the executive as well as the legislative—to achieve a balanced budget by the year 2002. That is a very laudable goal, one that has been put off for too long. I am delighted to be here representing the State of Utah as the Congress launches itself in this effort.

However, as I have listened to these speeches on both sides of the aisle, it has occurred to me that there is more political sloganeering than analytical analysis that leads toward a better understanding of the problems we face. Therefore, I take the floor today in an effort to lay out what I think is a clear understanding of where we are and what we are looking at with respect to the budget, our deficit, and our future.

One of Washington's most thoughtful and capable political reporters, David Broder, did a column on this subject in which he addressed the issue of whether or not we should have tax cuts in the middle of the debate over balancing the budget. He coined a magnificently succinct phrase. He lauded those who said we must put off tax cuts until the budget is balanced, stating it this way: "In other words, eat your spinach before you get the dessert."

It is a great phrase and worthy of Mr. Broder's skill as a journalist. It also happens to be wrong.

It implies that tax cuts are without nourishment and have no contribution to the meal. They are a reward for doing your job rather than an integral part of doing your job. Much as I respect Mr. Broder and those who have echoed this sentiment in this Chamber, I think that they are in error. We must examine the whole circumstance of where we are in order to understand the role that proper tax policy can play.

Now, in this Chamber, one very familiar image has been with us during this debate which, like David Broder's phrase, is very compelling and very easy to understand. The image is drawn by people on both sides of the aisle, of a family, sitting around the table in their kitchen, going over the family budget. The father says to the members of the family, "We cannot balance our family budget. Our income is not sufficient to cover the expenses." Then the father says to the mother, and solemnly to the gathered children, "We have only two choices. We can either somehow convince the boss down at the factory to give us a raise or we can cut our expenditures. Since the boss is not inclined to give us a raise, we will have to tighten our belts, do the right thing, and cut back on our expenditures."

After we conger that image to mind, those in this Chamber are told the Government is the same way. We must tighten our belts, stop the spending, cut down on the expenditures just like that family. Again, it is a powerful image. It is easily remembered. It surrounded by a great deal of emotion, and it is wholly wrong, just like the spinach and the dessert.

In the process of hearing about the families, we always see this chart. It is displayed by people on both sides of the aisle. This is the chart showing what is happening to the national debt. The national debt is so low it did not show up on the chart in the years prior to 1941, and then gradually it starts creeping up and stays about level and then suddenly it explodes and people point to this chart and remember the family, and say a family that is going into debt this rapidly is headed for absolute disaster.

I want to ask you to consider a different image, a different table, and a different group sitting around the table, that will help us understand, in my view, what is really going on in the economy. Instead of a family sitting around the table talking about their finances, let us consider a group of business people sitting around a boardroom table of a company. The chief executive officer of the company, we will

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

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give him the title of chairman of the board, the chairman of the board calls his people together and says to them, "We have a deficit in this company of about $1 million a month. If we cannot solve that deficit problem we will go bankrupt. What can we do to deal with a deficit of $1 million a month?"

His first expert steps up and says, "Mr. Chairman, I have examined this issue very carefully and I can tell you what it is we need to do. Without question, we can solve our problem if we simply raise our prices. We are selling $50 million a month worth of our products. So if we raise our prices 2½ percent, we will make enough money to cover our $1 million a month deficit." Case closed. All you need to do is raise your prices.

The next expert stands up and says, "Mr. Chairman, I have been considering this. Raising prices is absolutely the worst thing you could do. As a matter of fact, I know the answer to our problem. We must cut prices. Yes, our problem is that our competition is cutting into our market share. We are losing sales right and left because our prices are too high. If we simply cut our prices by 5 percent across the board, the increased volume will do two things for us. No. 1, our total sales will go up; and No. 2, our cost of sales will come down as we get economies to spread over a larger number of units. So I disagree absolutely with the first expert. He says raise prices, and I say cut prices."

Then the third expert stands up and addresses the chairman in our boardroom and he says, "No, they are both wrong. The price structure is just fine. What we must do is spend more money on plant and equipment. Our factory is outmoded, our costs are enormously high in the factory. If we spend another $50 million on the factory and retooling and new equipment, we would cut our overall cost of manufacturing by more than $1 million a month, and we would get out of the deficit circumstance."

When he sits down, the fourth expert stands up and she says to the chairman of the board, "Mr. Chairman, they are all wrong. We do not need to raise prices or cut prices. We certainly do not need to increase spending. All we need to do is cut spending, cut the overhead. Our overhead is running about $11 million a month, and if we cut it 10 percent that would give us the $1 million a month we need to come to a break-even position."

So there sits the chairman of the board. He has four groups advising him. The four groups are saying to him, "raise prices, cut prices, increase spending, cut spending." He thanks them all for their efforts. They leave. He is there, left alone with his assistant who does not have a great deal of experience in the business, and looks at the chairman of the board and says to him, "OK, you have four options. Which one are you going to take?" Because we are dealing with a wise chairman who has a great deal of experience in the free market system, he smiles at his assistant and says, "All four."

Yes, Mr. President, all four. When you manage a business that is constantly changing from day to day, as every business is, and you realize that you cannot put in a static pattern and then leave it forever, you realize that you have some products that are not price sensitive, and you can raise the price and thereby increase your margins without having any punishment in the marketplace. You have some products that are, perhaps, overpriced or need a lower price in order to increase their hold on the market, so you cut the prices on those products.

Yes, you have some increased spending for plant and equipment, research and development. It is the future of your business that depends on your increased spending in those areas. Of course, there are always areas where you have to cut spending.

In Government terms, what we are saying with this pattern is, if this were the Government sitting around that table instead of a business, there would be some areas where you would cut taxes, some areas where you would raise taxes, some areas where you would cut spending, and some areas where you would raise spending. It is not the simple either/or circumstance of the family sitting around the kitchen table. It is the very challenging management problem of a business sitting around the board table and trying to figure out how to maximize its profits and, at the same time, make the right kind of investments for the future.

With that new image in our minds, let's address what is, I think, the fundamental question here: How do we manage the economy intelligently? Particularly, the challenge is, how do we manage an economy—think of it in business terms—that is doing $7 trillion worth of business every year? Just think of this. If you were the chief executive officer of a business that was doing $7 trillion worth of business every year, how would you manage that challenge? You obviously would have to look at all four of the options I have outlined.

Well, in order to understand how to manage this economy, we start by asking ourselves, where are we? You cannot manage a business without accurate data, without accurate information and reports. In other words, we can't do the business of the country without accurate information.

I submit to you, Mr. President, that while this chart is enormously popular and enormously emotional in the message that it sends, like the vision of the family sitting around the kitchen table, it is not adequate. No, the numbers are not inaccurate; the numbers are correct. But the question is: Debt compared to what?

If I may repeat an example I have given on the Senate floor before to illustrate this point, I will take you back to my own business career. When I was hired as the chief executive officer of the Franklin Institute in Salt Lake City, that company had debt of $75,000. When I left, prior to my run for the U.S. Senate 6½ years later, the company had debt of $7.5 million. If you were to put that on a chart like this, your reaction would be: BENNETT is a really irresponsible executive. When he took over the company, the debt was way down here at $75,000, and when he left, it was way up here at $7.5 million. Aren't we glad to be rid of him? But you have to ask yourself "the debt compared to what?"

When I took over as CEO of the company, it had four employees, it had sales about $250,000 to $300,000 per year. At the $300,000 figure, the debt was 25 percent of sales. And we were not getting a margin of 25 percent of sales on our profit. The debt of $75,000 threatened the very existence of that company. When I left the company and the debt was $7.5 million, the sales were over $80 million. We had more than $7.5 million in cash on the balance sheet. The only reason we didn't pay the debt off is there were prepayment penalties built into some of the mortgages we had signed, and it was financially more beneficial to keep the cash than to pay the prepayment penalties. So the mere size of the debt had nothing to do with the measurement of my stewardship as CEO of that company.

I will say, as an aside, that since I have left the company, the sales have now gone to over $400 million. It is a very clear cause and effect that getting rid of me caused the company to more than triple.

Let us, therefore, in the Government context, take this chart down and put up another one relating to the example I have given from the business world—debt compared to the size of the company, or, in this case, the size of the country. What is the size of the country? Here we have a chart that shows gross domestic product, GDP, or the size of the Nation's economy. Back in the 1940's, the economy was about a trillion dollars in inflation-adjusted dollars, 1992 dollars. You can see the steady growth up, so that now, in 1996, as I say, we are a $7 trillion economy, headed toward $8 trillion by 2002.

Under those circumstances, this chart is suddenly going to look a little different when you compare it to gross domestic product. This is the result that you get on this chart. Federal debt, as a percentage of our gross domestic product, looks a little different than Federal debt in nominal dollars. We reached the highest point of debt in our history during the Second World War, at 130 percent of gross domestic

product. As soon as the war was over, it started coming down and continued to come down until it leveled off at around 30 percent of gross domestic product in the 1970's. It started back up in the mid-1970's and dramatically back up in the mid-1980's.

This is a comforting chart in that it says that the previous chart is not wholly accurate when you compare debt to GDP, and a discomforting chart when you realize that our debt is rising as a percent of our economy for the first time in peacetime in our history. Always before, the debt has been tied to a war. And when the war is over, debt as a percentage of GDP comes down. For the first time in our history, it has started to go up in peacetime; that is a very disturbing trend. I will deal with that in just a moment.

Now, the question is, why? Why is the debt starting to come up? There are those on the other side of the aisle who have a very quick answer, summarized in two words: Ronald Reagan. Ronald Reagan is the one who caused all of this to happen. Look how the debt exploded during the Reagan years; it is all because of the disastrous Reagan tax cuts. It seems to me that we cannot, in this body discuss the tax cut that happened in terms of the marginal rate in the 1980's, without automatically adding in front of the phrase "tax cut," the words "disastrous Ronald Reagan," as the words to describe it—as if it is all one word, a legal term of art.

I want to discuss whether or not the "disastrous Reagan tax cuts" are responsible for this rise in the national debt. Let's take a look at who pays the income taxes in this country and, also, what the history has been of the tax rate. Here is the history of Federal tax receipts and personal tax rates on this chart. The red line on the bottom is Federal tax receipts expressed, again, as a percentage of gross domestic product. This is what we are measuring everything against, this chart showing the lines going up.

Do you notice a clear trend, Mr. President? Virtually from the end of the Second World War until now, Federal tax receipts have remained rock solid, within a narrow band, no lower than 18.5 percent and no higher than 19.5 percent of gross domestic product, averaging around 19 percent year after year. That is where it was, 19 percent, when the top marginal rate under Harry Truman was 91 percent. Then we had a tax cut. The rates went down slightly. John F. Kennedy recommended that it come down to 70 percent, and many people in this body were scandalized, saying we can't afford that heavy a tax cut, we can't afford to lose the revenue. So it came down from 90 percent to 70 percent. What happened to the receipts? They didn't change.

Well, you had this one blip that Lyndon Johnson put through to help pay for the Vietnam war in the tax rate, and it showed up with an upward blip in the tax revenue. But quickly the tax revenue went back to the 19 percent line and the tax rate stayed at 70 percent until the time came to drop it to 50. When the tax rate dropped from 70 percent to 50, what happened to the tax revenues? They stayed solid. As a matter of fact, they went up a little when the drop of 70 percent to 50 percent happened as the marginal rate.

Then Ronald Reagan convinced the Congress to pass the "disastrous Reagan tax cuts." The marginal rate came all the way down to 28 percent. What happened to the revenues? They stayed right solid at 19 percent. Bill Clinton said, "We have to get more revenue to balance the budget," and he forced the marginal rate, with Congress' help, back up to close to 40 percent. Actually, when you add Medicare on top of it, it is more than 40 percent. What happened to the revenue? Nothing. It stayed around 19 percent.

You cannot blame the "disastrous Reagan tax cuts" for the increase in the debt as a percentage of gross domestic product, because they had little or no effect on the tax receipts as a percentage of gross domestic product. Those are the facts.

Now, I said in my example that the businessman will be asked both to raise prices and cut prices. One of the interesting debates we have around here is that Members of the Republican Party stand up and accuse Bill Clinton of pushing through the "largest tax increase in history." Then the Members of the Democratic Party stand up and say, "That's not true, the largest tax increase in history was put through by"—the same two words, Mr. President—"Ronald Reagan."

Who is right? Well, if you take nominal dollars, the Republicans are right. The Clinton tax increase was the largest in history. If you take constant dollars, adjusted for inflation, the Democrats are right. Ronald Reagan's tax increase was the largest in history. Now, he didn't call it a tax increase; he called it "revenue enhancements," which infuriated conservative groups around town that looked upon him as their hero.

Reagan did exactly the thing that the businessman in my example did. He both raised prices on some products and cut prices on others. He raised taxes on gasoline, for example, while cutting tax rates on incomes. And what happened to the economy in the Ronald Reagan years? Let's go back to this chart.

As I say, this chart is the inflation-adjusted gross domestic product. The reason for all the fancy colors is not just to help keep you awake, Mr. President, but to demonstrate the differences in the various administrations. Understand that something that is done in one President's administration doesn't necessarily produce a result in that administration. Many times, the effects are felt years later. Nonetheless, to give us some guidance, here we have the growth of the economy during President Eisenhower's administration. It started up more vigorously in John F. Kennedy's administration. Why is that? That is the period of time we came down from 90 to 70. I don't know whether there is a direct cause-and-effect correlation, but it is certainly a significant enough issue to look at. We dropped the top marginal rate, and the rate of growth in the country goes up through Kennedy and remains through Johnson. Then you get a recession. It is flat in the last year of Johnson's administration and in the first year of Nixon's administration. Incidentally, Mr. President, that is the only year on this chart where we had a balanced budget—1969. It is an interesting correlation. It was flat. Then it starts to go up. But you get a recession that hits you; Nixon-Ford. Here is this recession, and Jimmy Carter becomes President. As we come out of that recession and get the advantage of the recovery out of that recession in his first 2 years, hits the 3d year, and gets another recession, and it becomes flat again. Ronald Reagan was President while we had what the economists called the "double dip." The Carter recession; then they came out of it in 1981, and then the more serious recession that followed, and seriously it came down. But once that recession was over, the rate of growth that came out of those years for the balance of Reagan term in the first 2 years of Bush's term was historically one of the finest we have ever had. Is there any reason for that? Well, that just happens to coincide with "the disastrous Reagan tax cuts." This line that says percentage of GDP, unchanged by the change in tax rates and corresponds with the GDP that is going through the roof. Nineteen percent of this kind of growth produces a whole lot more revenue to the Government than 19 percent of a recession.

We cannot blame the tax policy relating to the top marginal rates for the deficit and our problems. It is very clear that the deficit is not driven by income tax policy.

If I might digress for just a moment, I would like to explain one of the reasons why the change in the income tax marginal rate does not produce a change in the percentage of income that comes in. This next chart demonstrates that because it tells us who pays the income taxes in this country.

The top 1 percent of households produce 13.8 percent of the income in this country. Many people say that is very unfair and they want to do something about it. But that is where we are. The top 1 percent of households produces 13.8 percent of the income. They pay 28.7 percent of the income

taxes, or more than twice the percentage of the income that they receive. If you go to the top 5 percent, they get 27.8 percent of the income and pay 47 percent of the income taxes. In other words, the taxes that are paid on this chart, nearly half of them are paid by people in the top 5 percent of our wage earners. If you go down to the top 10 percent, this goes to 60 percent of the income taxes. What that means is that when you change this rate, the people who earn the most income, over here, have options as to what they will do with their money, and they will change their investment pattern to adapt to the Tax Code, consequently avoiding things that are high tax and moving into areas that are low tax, the result being that the percentage that they pay remains constant as measured in terms of GDP.

So what you want to do, again back to this chart, is make sure that the GDP is going up as rapidly as it was during the Reagan years in order to maximize your income because your income is going to remain a constant percentage of that GDP by virtue of who it is that pays the income tax.

Back to this chart, briefly. The bottom 50 percent pay virtually no income taxes at all. The bottom 50 percent gets roughly 15 percent of the Nation's wealth and they pay less than 5 percent of the Nation's income taxes. They, however, pay payroll taxes. They don't pay income taxes, but their payroll tax burden is inordinately high.

At this point, Mr. President, I would call the Senate's attention to a piece that appeared in the Washington Post on the 15th of April written by our colleague from Nebraska, BOB KERREY, and ask unanimous consent that it appear at the end of my remarks.

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

(See exhibit 1.)

Mr. BENNETT. Senator KERREY has summarized the problem for the people in the bottom half of income earners superbly well, and pointing out that they actually pay a higher effective rate on their income than people who pay income taxes down in this particular area of the chart. They do it in the form of payroll taxes, and that, as I have said on this floor many times before, is just one of the reasons why a complete restructuring of the Tax Code is absolutely necessary. But this is not the time. I don't have the time today to discuss that issue all over again. I am sure I will have a speech on that subject when we get into that later on.

If the deficit is not caused by tax policy, the tax policy is producing roughly the same amount of income regardless of what we do with it, and indeed, if the tax policy causes the gross domestic product to increase rapidly, let's look at the spending side. That is the only other place that the deficit can come from.

There are those in the Chamber who say, "Well, it is all defense spending." Back to Reagan again, "He is the problem because of his runaway spending for defense."

Let's look at defense spending again by our same measure as a percentage of gross domestic product. The defense spending—we left these years out because this is the Second World War and the aftermath of the Second World War. Here is the Korean war. The green bars are Eisenhower, Kennedy, Johnson, and so on all at the way through different colors. Here is what we are spending in the defense budget in the Korean war. When the Korean war was over it dipped off, and then, starting here in the mid-1960's, the Vietnam war. Again there was a peak in 1968, the last year of Lyndon Johnson's Presidency. And then the spending tapered off and went down still further in the Carter years, and then Ronald Reagan did, indeed, call for a cold war buildup in his attack on the Soviet Union, and you got a bulge. But notice at the highest point of spending for the cold war buildup, it was substantially lower than at any time in the Vietnam war and less than half the spending in the highest year of the Korean war.

Now with the result of the cold war buildup having produced the destruction of the Soviet Union, we are reaping the peace dividend that people have been talking about for so many years. And the spending came down during President Bush's administration, and continues to come down during President Clinton's. It is now, as you go across the chart, at the lowest level it has been since 1940 as a percent of gross domestic spending.

Spending on defense even in the years of Ronald Reagan's buildup could not be responsible for the budget gap. It simply wasn't that significant. You put it in historic context and it is below historic levels in the other conflicts we have been examined. So, if it is not defense spending, it must be nondefense spending—nondefense discretionary spending—that has done this. Let's look at that.

Here is nondefense domestic discretionary spending from 1962, to 2002 projected. Notice where it hits its highest point. It hits its highest point during the Carter years. 1976 is the year Jimmy Carter is elected; 1977 his first year, 1978; the highest point in 1978 tapers off a little bit. If we go back in history, we find that this was a time of great domestic spending expansion. Again it started in the Nixon-Ford years, carried over into the Carter years, and then began to come down. It is back up—1992, 1993, 1994, 1995, the Clinton years. While not competing with the Carter years, his spending is coming back up after having gone down. But this is not the picture of disaster. This is a picture of some stability in spending in this area.

So if it is not defense spending, and it is not nondefense spending, what is it?

Now let us put up the chart that deals with entitlements. Here are entitlements as a percentage of GDP. The yellow portion of the chart shows actual entitlements. The pink portion is the baseline projected for the years ahead through the year 2007. You will notice there is a serious increase right here—late 1970's. This again was a period when Congress significantly expanded Social Security SSI and Medicaid. It was at the same time, a period of recession, when you come over to this chart and find that the GDP is shrinking.

So Congress is authorizing more spending while the economy is shrinking, and that produces these spikes. When the economy recovered, it starts to come down. But then you get another recession, and now it becomes even more serious in this recession that shows up in the first part of the Reagan term. Then the Reagan growth takes off, and you get that rapid growth period and you get a period where entitlement spending as a percent of GDP begins to come down.

But when the growth slows down and you get into the recession that hits in the end of the Bush Presidency, beginning of Clinton, what happens? Entitlement spending goes up. Then you realize what is built in, and what is happening to our demographics. And you see the baseline that the Congressional Budget Office says is going to occur from here on in, and you are into historic highs.

This is where the problem lies. It is not in defense spending. It is not in nondefense discretionary spending. It is in entitlements. And here is where it is showing up.

We will put up another chart that shows the contrast between discretionary spending as represented by the red line and entitlement spending as represented by the gray line. In this gray line, we have added another component that has not been in any of these figures up until now, and that is interest on the debt.

It is interesting. Here in the 1960's, John F. Kennedy is President. The amount of mandatory spending is substantially less than half the amount of discretionary spending. No big deal. The lines cross just about the time that we have been talking about in the mid-1970's when the debt started to go up as a percentage of gross domestic product. They stayed pretty much the same. And then with the recession that hit in the early 1980's, the gray line starts to take off, leaving the red line somewhat constant, going up but not all that much. Clearly the problem is in the gray line. Clearly the challenge that is creating the deficit is not on the tax side, not on the spending for normal Government activities represented by the red line, and clearly

the problem of the deficit is the gray line which is mandatory expenditures combined with interest which is in and of itself a mandatory expenditure.

So that is where we are. Our challenge is to get the economy growing as rapidly as it did during the Reagan years, and then on the other hand begin to turn that gray line down so it can become a little bit flat. And that combination can bring us a balanced budget.

How do we do that? Get the gross domestic product growing more rapidly, and get expenditures under control. Those are our twin challenges.

I take you back to the image that we had at the beginning of this presentation, back into the boardroom where the CEO is sitting with his experts and they are telling him what he can do to manage his company more intelligently and solve the company's deficit problem. Remember the first recommendation he had, "Raise prices." At the risk of offending some of the Members of my own party, I think there are places in this Government where we can raise prices. I think there are things we can do—if we want to use the Reagan euphemism, revenue enhancements—where we can charge more for the services we are rendering. That is heresy to people who say never ever raise taxes. I am one who says I won't ever vote for an increase in the marginal tax rate, but there are, all around the Government, things that could be raised, raised prices on those products that are not price sensitive and get a little more revenue into the Government.

Then, the second expert told the CEO, "Cut prices." We are being told, no, if you try that in the Government, that is dessert, not spinach. There is no nourishment to that. I think we have shown clearly that, properly done, cutting tax rates in the right places in the right way can do what we need to do to increase the revenue of the Government by increasing the gross domestic product. Where is the best place to start on that? Clearly, for me it is capital gains.

Oh, says somebody, if you cut the rate on capital gains, you are going to benefit the rich because only the rich have capital gains.

As I have shown you, Mr. President, the rich pay most of the income taxes, period. The issue is not: Are you going to benefit the rich? The issue is how are these people going to allocate their capital in the way that will produce the greatest benefit to the economy as a whole? I say to any Member of this body, go back home, gather the venture capitalists, the real estate investors, people who are involved with moving capital around in your home State, and ask them this question: Are there deals that should be done that would improve the economy in this State that are not being done because of the current capital gains tax rate? If you ask that question, as I have asked it in my State, the answer will be: Every day deals that should be done are not being done because of the capital gains tax rate.

You have capital locked into mature investments which, if the capital gains tax rate were to come down, would immediately flow into entrepreneurial investments, thus creating new jobs. Alan Greenspan, who has been praised by Members of both parties for his deft handling of the monetary policy in this country, has said repeatedly on the record that the best capital gains tax rate for maximum benefit to the economy is zero. I would be happy to see that, but I am not going to put that proposal on the floor because I realize it will not pass. But if we were to do something about the capital gains tax rate, we would see the proper allocation of capital into the economy to produce the kind of growth that we need.

People say, "Oh, no, the stock market is going crazy and a capital gains tax adjustment would simply drive the stock market still farther and still higher and the only people that get rich are the rich." Some portions of the stock market are going up. The Dow is going up. The Dow consists of 30 stocks. The NASDAQ, which consists of substantially more, is not going up nearly as rapidly as the Dow, and the Russell 2000, which consists of 2,000 companies down at the lower level, companies that are not in the Dow, they are not in the Standard & Poor's 500, they are down below that. The companies where the entrepreneurs are investing their money, and where the real new job growth in the future is going to come, is down substantially.

The Russell 2000 index, which hit its peak in January of this year at around 370, is now down to 340. If that drop were on the Dow rather than the Russell 2000, we would have financial analysts jumping out of windows, saying look how much trouble we are in. What that tells us is people are taking their money out of entrepreneurial activity and putting it into the huge stocks that they think can weather the coming storm. If we were to do something about the capital gains tax rate, people would be willing to put their money into the entrepreneurial sector of the economy and we would be building a base for future growth in the gross domestic product that would be enormously beneficial for us in the long run.

So back to my example. The first person said to the CEO, "Raise prices." I say yes, there are places where we can raise revenue in the Government even now. The second person said to the CEO, "Cut prices." I say yes, there are areas where we can cut tax rates and get benefit, where it is not dessert. It has just as much nourishment as spinach and probably tastes a good bit better. Then, of course, you will remember the third expert said to the CEO, "Increase your spending, because you have an aging plant and aging equipment." The fact is, we need to increase spending in the Government in some areas.

Our highways are in trouble; our airport and airway system could use some infrastructure spending. We are taking the money that is in the trust funds for both of those functions and we are spending it for something else. I think we need to take a long look at places where we are being penny-wise and pound-foolish in the long term, as far as some spending initiatives are concerned. I know that to some this sounds like heresy, coming from someone on the Republican side, but it is sound management and for the best of our country.

Finally, we come to the final recommendation that was given to our CEO and that we hear around here a great deal, "You have to cut spending." The answer is clearly, yes, we have to cut spending. Here is a chart that is not the past but the future, that demonstrates the challenge that we face. Like every estimate, it can be wrong, but it is the best estimate that we have. This is dealing with the two largest entitlement programs that we have, Medicare and Social Security. In the first 1996 set of bars, you see that Medicare, the red, is between 2 and 3 percent of gross domestic product; Social Security, the green, between 4 and 5. Ten years later, in 2005, Social Security remains stable, right about the same place. But Medicare, if nothing is done to deal with it, will have grown significantly. Then go out 10 years more. Social Security has now grown fairly significantly and Medicare has caught up with it. In 2025, Social Security has grown again very dramatically, but Medicare has outstripped it. And, in the year 2035, Social Security has grown some more and Medicare is going way past it.

This will not be of any concern to me. I will not be here in 2035. I may be here in 2025—my genes are such that I can expect to live to that year. But these young pages who are here on the floor will be in the height of their earning years in 2035, and they will be facing entitlements, in these two programs alone, which will eat up 15 percent of gross domestic product.

If you remember, what was the line on revenues on the previous chart? It was 19 percent of gross domestic product is all we get with our tax system. If 15 percent of gross domestic product goes to two programs alone, that means there will be nothing left for anything else. And, as the debt goes up as a percent of GDP, interest becomes an increasing problem and you quickly will be at the point in these years, the years when these pages will be looking

for jobs or hoping to support families, when the Government will not have any money for anything other than entitlements. That is the future if we do not do something to get this under control.

My time has almost expired. This was not a speech to lay out detailed solutions. It was an attempt to put the debate in the right context, get it out of the context of the family sitting around the kitchen table. It is to understand that this economy operates more like a business and that it is a major economic entity that has to be managed intelligently. But it is very clear that entitlements have to be managed, along with the tax problem, and the other spending problems. We must get entitlements under control or we cannot solve this puzzle.

I suggest I would be willing to vote for means testing of entitlements; changing the definition of an entitlement, if you will, to this: You are entitled to this money if you need it. Absolutely the Government has it there for you. They are holding it for you, and as soon as you need it, the Government will give it to you. Instead of saying, "You are entitled to Social Security payments, Ross Perot. You are entitled to Medicare, Donald Trump."

I say, "Ross Perot, if you ever fall on evil times, Medicare will be there for you. Donald Trump, if you ever go back into bankruptcy, you can draw your Social Security check, absolutely. You are entitled to it if you need it."

The other issue we have to face, of course, is the question of cost-of-living adjustments. Built into this projection is the assumption that the present cost-of-living adjustment formula is accurate and fair. The Boskin commission has looked at that and said, no, the cost-of-living adjustments are overstated by at least 1.1 percent. We are going to have a debate about that on this floor. There are many people on both sides of the aisle who say, politically it would be crazy to try to do something about the way cost-of-living adjustments are calculated, let us just leave it as it is. I say to you the numbers say we cannot leave it as it is. We have to deal with reality.

Social Security is a wonderful program. It was put in place in the 1930's. Medicare is a wonderful program. It was put in place in the 1960's. We now live in the 1990's in an entirely different economy facing an entirely different kind of future. I suggest that ultimately what we want to do, as we deal with the challenge of our budget and our Nation's fiscal sanity in the future, is take a clean sheet of paper and say, "The tax system that was designed 60 years ago no longer meets our needs. Let us write a new one. The retirement program that we put in place for our senior citizens 60 years ago no longer meets our needs. Let us write an entirely new one. The health care plan we put in place for our senior citizens 30 years ago no longer meets our needs. Let us write an entirely new one." And see if we cannot, as good managers, devise a system that will take care of the poor, take care of the elderly, deal with the challenges of the flow of capital in our country, and at the same time see to it that we get back to the rate of growth that we enjoyed during the Reagan years while holding the spending down.

All we need to do is see that the economy grows more rapidly than the Government does. That is all we need to do. That has to be our lodestar. We do not have to freeze the Government. We do not have to dismantle the Government. All we need to do is say we will follow policies that show that the economy will grow more rapidly than the Government will grow. When that happens—let's go back to the chart on debt as a percentage of GDP—we can see the bars start going in the right direction again. Once we get the discipline where the economy grows more rapidly than the Government, this trend will turn into this trend. The debt will start to come down as a percent of GDP in peacetime as it historically has, and our children can have confidence that we will have discharged our governmental stewardship intelligently.

Mr. President, I recognize that this has been lengthy. I do not apologize for the length because of the importance of the subject. I felt that all of this information which is counter to much that has been said on this floor on both sides of the aisle is important to put into this debate. I hope my colleagues who disagree with me will come to the floor and respond. But I hope the responses will be in terms of intellectual analysis and fact rather than political sloganeering on both sides. The issue is too important to be left to sloganeering. The issue is too important to be left to posturing for the 1998 elections, in which I have a rather strong personal interest myself. The issue has to do with generations yet to come of our children and our grandchildren. We owe it to them to do more than shout political slogans to each other but to see to it that we address this issue on the basis of the reality of where we are and where it is that we can go.

With that, Mr. President, I thank you for your time and attention and yield the floor.

EXHIBIT 1

[From the Washington Post, Apr. 15, 1997]

THE FORGOTTEN TAX

(By Bob Kerrey)

Today the income tax comes due for its annual flogging. April 15 is the day we reserve for outpourings of frustration about taxes. But the fact is that for average American families, the biggest tax burden is felt not on this day but on every single pay day, when 12.4 percent of their wages are taken to provide retirement income for senior citizens and operating revenue for government. This tax, known as FICA (the Federal Insurance Contributions Act), funds the most popular and successful government program in America today: Social Security.

FICA is forgotten when tax-cutting time arrives. But because of the way the income and the Social Security payroll taxes are structured FICA is often the biggest tax burden. A household is likely to pay 15 percent income tax, with large chunks of earnings shielded from it, but the 12.4 percent payroll tax applies flatly to all wages up to $65,400.

Consider: In 1995, the median U.S. household earned $34,076, placing it in the 15 percent tax bracket. Because standard exemptions and deductions shielded more than half its earnings, a family of four earning that amount paid just over $2,600 in income tax.

But because the payroll tax—6.2 percent paid by the employee and 6.2 percent more by the employer—was assessed against the family's entire income, it paid more than $4,200 in FICA. This disparity holds true for a family of four making as much as $56,600 or an individual making $30,000. I include the employer's share in those figures because that 6.2 percent represents lost potential earnings and bears at least partial responsibility for stagnating wages. But for a large number of Americans—particularly the self-employed—the payroll tax is larger even without an employer match.

The payroll tax to be sure, is collected for good purpose. By providing income for current retirees, Social Security has drastically reduced the rate of poverty among the elderly. It deserves its distinction at the most popular and successful government program in America.

But as tax policy, FICA also imposes serious burdens on working families. It is not just regressive, it's super-regressive. Because income above $65,400 is exempt, individuals earning more than that amount actually pay less as a percentage of income than those making less. It has economic flaws as well: All of FICA's proceeds go to consumption, either by current retirees or the government. None of the money is invested; to the contrary, the fact that these wages are being taxed means they are unavailable for families to invest for their own retirement and reap the benefits of the soaring value of capital in a global economy.

Most important, without reforms, the social contract on which Social Security rests—that each generation allows its wages to be taxed to provide retirement income, in return for a promise that it will receive retirement income from the next generation's taxes—is threatened by the program's looming insolvency.

There is a way to address each of these problems—Social Security's insolvency and the tax burden on working families—while strengthening the basic income-transfer premise of the program. I have proposed reform under which families would invest two percentage points of what they now pay into Social Security—2 percent of their total income—in Personal Investment Plans under their own control. These plans would provide a vehicle for building retirement wealth. By adjusting the age of eligibility for full benefits, correcting the consumer price index and other reforms, my proposal would shore up Social Security's solvency to ensure it continues to provide retirement income as well.

Because my proposal diverts income currently being paid in taxes to individual accounts owned by the taxpayer, it constitutes a tax cut that totals $300 billion over five

years—50 percent bigger than even the most lavish ambitions of the Republican leadership of Congress.

Under this proposal, the hypothetical four member family described above would see its payroll tax burden reduced from $4,200 to just over $3,500, with the difference invested for the family's retirement. At 8 percent return—which is less than the historical long-term performance of the stock market—over the course of a 45-year working life, the family would build more than $300,000 in wealth.

And it would build a stake in America's success in a global economy. It is often lamented that the principal beneficiary of the globalizing economy has been corporate wealth, which is more readily shared with shareholders than employees. Employees with advanced skills prosper, those who lack skills are left behind, and the gap between the two is growing.

Just as troubling—more bothersome is some ways—is the gap in wealth. Skilled workers prosper in a global economy. So do owners of capital. The millions of middle-class Americans who own mutual funds and whose wealth is growing as corporate America thrives know this.

But the gap between those who own capital—and therefore a stake in America's success in the world—and those who do not is fast becoming a chasm. to take just one measure, a recent survey found that among households earning $35,000 or less—51 percent of all households and those most likely to pay more in payroll tax than income tax—only 18 percent own mutual funds. This is compared with 41 percent of households earning $35,000 to $49,000, 58 percent of those making $50,000 to $74,000 and 73 percent of households earning $75,000 or more.

Thus some households not only lack a stake in America's global success; they are often the ones most threatened by it. These are the families that see their wages stagnate and their jobs downsized while corporate profits—and the wealth of those who own a stake—rise on each report of their misery. Part of the solution is ensuring they have the skills to climb the income ladder; another is ensuring laws are written so workers are treated fairly. The other part of the solution—just as vital—is ensuring those workers own a stake in America's success.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that privileges of the floor be extended to Maj. Gregg Kern, a congressional intern from the U.S. Air Force, during the pendency of the chemical weapons matter.

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

Mr. REID. 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. REID. 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. REID. Mr. President, I yield myself such time as I may consume of the time under the control of the minority leader.

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

RATIFICATION OF THE CHEMICAL WEAPONS CONVENTION

Mr. REID. Mr. President, I rise today to address this body on a most important issue, an issue which may affect our country and, of course, the citizens of our country. The Chemical Weapons Convention, when ratified by this body, will mark the beginning of a new arms control era.

I first stood before the Senate December 11, 1995, and urged that we bring the Chemical Weapons Convention to the floor for debate. I urged that this be done expeditiously and without partisanship. After many unsuccessful attempts, we are now in a position to debate the treaty on the Senate floor.

This treaty was negotiated and signed during the administration of President George Bush. The Clinton administration, after making its own assessment of the treaty, submitted it for the Senate's advice and consent pursuant to our Constitution in November of 1993. The Chemical Weapons Convention is truly a bipartisan effort and is now enjoying support from both sides of the aisle. The Chemical Weapons Convention has been signed by 161 countries and ratified by 68 of these countries and many more will ratify the convention once the United States does.

The Chemical Weapons Convention is not about eliminating our chemical weapons. The United States is already committed to eliminating our chemical weapons. We have done that unilaterally and have been doing that since 1985 because in 1985 we passed legislation requiring the unilateral destruction of all of our chemical weapons inventory. The only question since then has been how and where we do the destruction of the chemical weapons.

The convention will hold other nations to the same standards which we hold ourselves. How can this be viewed as anything but beneficial to the citizens of this country. The Chemical Weapons Convention requires signatory nations to destroy their chemical weapons inventory. The security of this Nation and our allies will be improved when the Chemical Weapons Convention enters into force on April 29 of this year.

Secretary Madeleine Albright, our Secretary of State, has said, among other things:

> The convention will make it less likely that our Armed Forces will ever again encounter chemical weapons on the battlefield, less likely that rogue states will have access to the material needed to build chemical arms, and less likely that such arms will fall into the hands of terrorists.

That is what our Secretary of State said, and I agree with her.

This treaty reduces the possibility that our Armed Forces will encounter chemical weapons on the battlefield by preventing signatory nations from producing and, also importantly, possessing chemical weapons.

Ratification does not prevent our military from preparing for chemical attacks, nor does the ratification diminish the ability of our military leaders to defend against a chemical attack. In fact, as I speak, our national laboratories are working on programs to test how we can defeat terrorist activities using chemical weapons. We need to have a program where we determine how we can eliminate rogue states that have these materials in their possession and terrorists obtain them. A lot of this will be going on at the Nevada test site in the deserts of Nevada.

Ratification does not prevent our military, as I have indicated, from preparing for chemical attacks. The Department of Defense is committed to maintaining a robust chemical defense capability. The defense capability will be supported by aggressive intelligence collection efforts and also the research and testing that I have indicated that will likely take place at the Nevada test site. The Department of Defense will continue to prepare for the eventual possibility of chemical attacks, and they will continue to train on systems which can be used to defend against such an attack.

The Chemical Weapons Convention requires other countries to destroy their weapons, I repeat, weapons that may someday threaten American citizens.

Gen. Norman Schwarzkopf, who became an American folk hero because of his activities during the Gulf war, has said:

> I'm very, very much in favor of ratification of the Chemical Weapons Convention. We don't need chemical weapons to fight our future wars. And frankly, by not ratifying that treaty, we align ourselves with nations like Libya and North Korea.

The 1925 Geneva Protocol does not—I repeat, does not—restrict possession and production of chemical weapons. The Chemical Weapons Convention fills that void by further rolling back the threat of chemical weapons.

The Chemical Weapons Convention prohibits the development, production, acquisition, stockpiling, retention, transfer and use of these weapons. It enforces these basic prohibitions through the use of a multinational economic and political sanction network.

I stress, the Chemical Weapons Convention makes it less likely that our Armed Forces will face these horrible instruments of power on the battlefield by prohibiting the production and the stockpiling of these chemical weapons. The convention also protects Americans at home from deadly terrorist attacks such as those that occurred at

the Tokyo subway. It does not eliminate them but it adds to the protection that we in America have.

The Chemical Weapons Convention not only prohibits development of chemical weapons, it also, importantly, limits access to chemical weapons precursors. I do not know for sure, and I guess no one can determine for certain, if this convention would have prevented the deadly attack in the Tokyo subway. It certainly would have made it less likely. But we do know that almost immediately after the attack in the Tokyo subway, where people were killed and injured for life, Japan ratified the Chemical Weapons Convention.

Terrorism is a real threat to this country. We only need look at what happened at the World Trade Center, Olympic Park, and, of course, Oklahoma City. Chemical weapons provide an avenue for terrorists to further their cause. The Chemical Weapons Convention, while not perfect, will minimize the opportunity for these groups to use chemical weapons. The convention enters into force this month on the 29th day. Refusal to ratify the treaty will not stop the treaty. It will only prevent our country from participating on the governing council of this convention.

The United States is the premier world leader today. That is without dispute. We provide leadership and direction in economic, military and political issues whether we want to or not. Delaying ratification of this treaty is counterproductive to our world leadership role and counterproductive to this Nation's security. Failure to ratify this treaty by the 29th of this month not only aligns us with nations like Iran, Iraq, and North Korea, it also prevents the United States from obtaining a seat on the executive council and the international inspection team. This executive council will decide how the treaty will be implemented. If we are to continue as world leaders in nonproliferation, which we are now, it is vital for us to be a part of the executive council and international inspection team. We not only, in my opinion, have the desire to do that but the expertise to do that.

The Department of Commerce estimated last year that only about 2,500 U.S. firms will be required to submit a data declaration form. Most of these firms will only be required to complete a two-page form. It is important to note that chemical companies support this convention. Leading U.S. chemical trade associations such as the Synthetic Organic Chemical Manufacturers and the Chemical Manufacturers Association participated in the negotiation of this treaty and strongly endorse this treaty.

The chemical industry of the United States uses and produces chemicals from medicinal and industrial applications. The Chemical Weapons Convention does not restrict the use of chemicals for these purposes. The Chemical Weapons Convention is designed to ensure that commercial facilities do not convert sensitive precursor chemicals into weapons agents.

The Chemical Weapons Convention, I suggest, does not end the chemical weapons threat. It is only a tool that we can use to reach that as an objective. That objective is eventual elimination of a very dangerous class of weapons. The convention establishes a global norm by which state behavior can be judged. Some would say it levels the playing field in games of weapons proliferation.

Make no mistake. The Chemical Weapons Convention is not without a flaw. However, for all its imperfections, it is in essence a fine treaty, one that will serve this Nation and this world well and will assist in stabilizing this all too volatile world. This convention is clearly in the best interests of our national security. It will assist in the leadership of our country. It will assist in the worldwide destruction of chemical weapons. Let us not imperil our global leadership position. It is time to ratify this convention.

Mr. President, I also want to extend a personal word of congratulations to the two leaders who enabled us to get to the point where we can have a say in whether or not this treaty will be approved. The Democratic leader, Senator DASCHLE, has worked personally, spending hours, days, and weeks to allow us to get to this position. And I have to say I think this shows the leadership qualities of the Republican leader in allowing us to have this treaty before the Senate. If it did not come before the Senate, I think it would show a lack of leadership. At this stage I hope I am not going to be disappointed. I hope it will come before this body in a fashion that will allow us to fully debate and ratify this convention.

The PRESIDING OFFICER (Mr. ALLARD). The Chair recognizes the Senator from Missouri.

Mr. ASHCROFT. I thank the Chair.

CONFLICTING VALUES

Mr. ASHCROFT. I appreciate the opportunity to spend a few moments speaking about two of America's values. They are values that are embraced by people across our Nation from sea to shining sea, but sometimes those values come into conflict. When they come into conflict, how we resolve that particular conflict will depend on how well we succeed in the next century, how capable we are of carrying on at the high level of performance that America has always expected and that the world has always admired.

I speak about two values, and I do not think there are two values that are more highly or intensely admired in America than these. The first one is the value we place on our families. We understand that more than anything else the family is an institution where important things are learned, not just knowledge imparted but wisdom is obtained and understood in a family which teaches us not just how to do something but teaches us how to live.

A second value which is a strong value in America and reflects our heritage is the value of work. Americans admire and respect work. We are a culture that says if you work well, you should be paid well. If you have merit, you should be rewarded. If you take risks and succeed, that is the engine that drives America forward.

When you have this value of family and the value of work both motivating a society, it is good news for the culture and I think America has a bright future. But sometimes these values collide. When the demands of work somehow get so intense that they impair our ability to do with our families what we ought to do, then we feel tension because we have these two important components of the American character that are bumping into each other.

Most of us as Americans know that we are working hard enough now that there are many times when we simply feel we are not spending the time we ought to with our families. If you will look at the data that has been assembled by the pollsters and everyone else who takes the temperature of the American public regularly, you will find out that most Americans would like to be able to spend more time with their families, and that most Americans are spending far less time with their families than they used to, and that most Americans are spending more time on the job than they used to. The number of hours we are devoting to our enterprises and our work is going up, and we feel a tension with the way in which we value our families. Sometimes we feel like we have been sacrificing our families.

So one of the things that faces us as a culture, as a community, as a country is, how are we going to resolve these tensions? I think that is one of the jobs, that we have to try and make sure we build a framework where people can resolve those tensions and where Government somehow does not have rules or interference that keeps people from resolving those tensions.

For example, there are a lot of times when an individual would say on Friday afternoon to his boss or her boss, "My daughter is getting an award at the high school assembly today. Can I have an extended lunch hour, maybe just 1 hour so that I can see my daughter get the award? I would like to reinforce, I would like to give her an 'atta girl,' I would like to hug her and say, 'You did a great job, this is the way

you ought to work and conduct yourself, it is going to mean a lot to yourself and our family and our country if you keep it up.'"

Right now, it is illegal for the boss to say, "I will let you take an hour on Friday and you can make it up on Monday," because it is in a different 40-hour week. You cannot trade 1 hour for 1 hour from one week to the next. That will make one week a 41-hour week and will go into overtime calculation. Since most bosses do not want to be involved in overtime, it just does not happen.

What we have is a situation where parents are in a bind. They want to deal with their family, they want to deal with them effectively. Lots of employers would like to help the parent do that, but here is the Government standing and saying, "That's illegal."

One of the reasons the Government says that is illegal is because we crafted our labor laws about what can be done and what cannot be done back in the 1930's. A lot of us cannot even remember the 1930's, but they were tough times. We did not have the commitment to flexibility in the 1930's that we have now. We thought the 40-hour week was something that had to be rigid. Only one out of six mothers of school-age children was in the work force in the 1930's—one out of six. That is about 18 percent. Now we have between 70 and 80 percent of the mothers of school-age children in the work force.

As a result, we live in a different culture. We live in an entirely different world, and these individuals, mothers and fathers, are feeling the stress of not being able to have an ability to accommodate the needs of the family and also pursue the value of work, which we valued so highly and reflected in this body last year when we had welfare reform. We said, "You don't get welfare if you are not willing to go to work," and we want to value work. But we want to have a way so when we have work as being a primary focus of this culture, it also allows us the flexibility to do well with our families because we understand that it is in families that people build the habits of success, that will ultimately carry ourself and our communities.

This tension between the workplace and the home place, juxtaposed or set in a framework of laws created in the 1930's that does not allow us flexibility, is a problem. For example, you might be asked to do overtime over and over and over again, and you do overtime, and then you are paid time and a half for your overtime. But at some point, most Americans come to the conclusion, my goodness, no matter how much pay I get, I still need some time, and I would like to take some time off, instead of getting time and a half in pay. I think it might be a good idea to say, if you want time and a half off some week in the future so you can spend time with your kids and make up for lost time, or go on a vacation or go to a parent-teacher conference, you might be able to say to your employer, "Instead of paying me time and a half in wages, you ought to let me take time and a half off sometime." If the employer agreed to it voluntarily—both parties—we ought to let that happen. It is against the law. The law passed in the 1930's, when we were more rigid and had different conditions in this country, says if you work overtime, you must be paid time and a half; you cannot take comp time or compensatory time off.

Some employers even want to go so far as to help their families by saying instead of doing 1 week for 40 hours, we would be willing, if you wanted to and on a voluntary basis, let the worker average 40 hours over a 2-week period regularly, so you would only work 9 days in the 2 weeks, but you would work 45 hours the first week and 35 hours the second week and have every other Friday off so you could take the kids to the dentist or drop by the department of motor vehicles and get the car licensed or visit the governmental offices that are not open on Saturday. It is against the law to do that now.

What I have described are three problems: One, the comp time problem that you can only get comp time in money not in time; two, flextime; sometimes you need to trade 1 hour one week for another hour the next week; and three, to schedule flexibly so you might be on a regular schedule that allowed you to take time off with regularity.

All three of these things are available in the Federal Government and for governmental entities. Since 1978, the Federal Government has said it is OK to swap comp time off instead of overtime pay. The Federal Government said it is OK to have a flextime bank so if you need to take time off you can take some time off if you put some extra hours in the bank. It is also said if you want to have some flexible scheduling so that every other Friday or every other Monday is off, that is something we can work with you on.

It is totally voluntary—voluntary for the worker, it is voluntary for the Federal Government employer or administrator. Neither can force the other because we do not want to force people to work overtime or take comp time, but we want to allow Americans to make choices which will help them resolve the tensions between the home place and the workplace, these two values that are in competition.

I tell you, it has worked so well in the Federal Government that it is almost unbelievable. When the General Accounting Office did one of its surveys, and the only survey really that has been done on the subject, 76 percent of the workers said they liked it. Only 7 percent said they did not like it. That is better than a 10-to-1 ratio. Frankly, you cannot interview people in Washington and get that much agreement on the fact that today is Thursday. That is an overwhelming endorsement, and I think it is high time that we gave to the American public generally what governmental workers have had for almost 20 years now, 19½ years. Since 1978, Federal workers have had this ability to say on a voluntary basis, "I would like to take some time off instead of getting the overtime pay," and the time off would come at time and a half. Or, "I would like to work an extra hour this week so I can take an hour off next week and put it in a flextime bank." Or, if the worker and employer could agree, "I sure would like to schedule it so I work 9 hours a day for 5 days this week and only work 35 hours next week so I can take off all of Friday, every other Friday."

These potentials, which exist for Federal workers, it occurs to me, ought to be able to be available to workers in the private sector as well, were we not to be locked into the hard and fast rules of the 1930's. That was a time when Henry Ford said, "You can have your Ford any color you want so long as it is black." Things were not quite as flexible then as they are now, and families did not need the flexibility then as they do now. With 70 to 80 percent of all mothers of school-age children now working and two parents working in all those settings, and the tension between work and home, I think we ought to have more flexibility at the option of both the employer and the worker, only when it is agreed to.

That is really the subject of the Family Friendly Workplace Act which I proposed this year and I believe we will be working on and actually voting on in the next 30 days. It is a way of saying we need to allow families to work out the conflict that exists between these important values that are crucial and so fundamental to the success of this culture in the next century, not just fundamental to the success of our culture, but fundamental to the success of our own families.

We were aware when we put this bill together that we did not want to allow any employer to be overbearing or coercive, either directly or indirectly, in this respect, so we put in tough penalties. We doubled the penalties that would attend any violation of overtime rules. Not only that, if a worker says, "I think I would like to have time off at time-and-a-half rates instead of being paid time and a half," and then the worker changes his or her mind, of course, before taking the time off, the worker would have the right to cash the time in at any time. The law provides that if at the end of the year the worker has not taken the time off, the employer has to pay time and a half anyhow. It is designed to make sure there is no coercion and voluntary for

both workers and employers, but it is designed as well to be flexible.

Some people thought having family and medical leave would be the answer. There is a law that says you can take time off to meet your family's needs, but you have to take it off without pay. I think that really is a tough situation, because the workers are put in a circumstance where, in order to relieve the family tension, he or she has to increase the financial tension. Well, the financial tension is what has driven people into the workplace in the first instance.

I believe we should not have to take a pay cut in order to be a good mom or dad in America. If we would allow for flexible working arrangements, a worker could have a bank of time they have earned in advance that they could use as flextime or they could take some of the time in your bank that you put in at time and a half for comp time and you could meet your family needs that way without taking a pay cut. Simply, the Family and Medical Leave Act says you can leave without pay. I think we ought to have the Family Friendly Workplace Act which says you do not have to take a pay cut in order to be a good mom or dad in America.

Well, this is the situation. I believe if you ask people, they will tell you they need this. President Clinton commissioned a study by the Labor Department. The report was entitled "Working Women Count," and that report, headed by the Clinton Labor Department, said the No. 1 thing we want is more ability to harmonize, to accommodate the needs of our families and workers. The President himself has recognized this. There was a small portion of Federal Government workers that have not been covered since 1978, and when he took office in the early nineties, he said, "I'll cover them," and he issued an Executive order which extended the benefits to these workers.

I think it is time for America to prepare for the next century, and perhaps it may be a little scary for some people to just loosen their grip a little bit on the 1930's, but we do not live that way anymore. The truth of the matter is, we need flexibility. As long as we have a framework of protections and we guard against abuse and we make it voluntary for both employers and employees, I think it is time we said to the American people generally, you can have the same benefits that the Federal Government employees have had since 1978, you can work to accommodate these competing needs that tug and pull you, the need to have a good work situation and the need to meet the needs of your family.

When we address these issues on the floor of the Senate, I hope we will have an overwhelming vote that sends the American work force into the next century with a sense of optimism and a sense of being able to accommodate these competing values, values of their families and home place and values of industry and the workplace.

Mr. President, I thank you very much.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, first let me compliment the Senator from Missouri. I have supported his efforts and continue to do so because of the important contribution that his legislation would make for flexibility for working families in this country. It is an important effort that I hope we can succeed in adopting before too long in the Senate of the United States. Again, I compliment him.

CHEMICAL WEAPONS CONVENTION

Mr. KYL. Mr. President, we are working toward developing a unanimous-consent agreement which I hope will permit us to vote yet today on an important piece of legislation that complements the efforts of the administration to proceed with the consideration of the Chemical Weapons Convention next week.

For those who support the Chemical Weapons Convention, it is a way of reiterating that support. For those who oppose the Chemical Weapons Convention, it is a way of declaring support for a wide range of very realistic and practical and constructive steps that the United States can take to help reduce the proliferation of weapons of mass destruction and, in particular, chemical and biological weapons here in the United States.

It is my hope that we will be able to call that bill up. It is a bill which I have sponsored with cosponsorships, including I believe all of the Members of the leadership of the Senate Republicans, including the distinguished majority leader, Senator LOTT; Senator NICKLES; Senator MACK; Senator COVERDELL; Senator HELMS; Senator SHELBY; Senator HUTCHISON; Senator ALLARD; Senator HUTCHINSON; Senator INHOFE; Senator SMITH; and myself.

It is a bill which would have, under the unanimous consent agreement being proposed, only 2 hours of debate before the vote. There would be a very limited amount of time to describe it, and, therefore, I would like to briefly describe the legislation at this time.

I think it should be noncontroversial, though the Chemical Weapons Convention itself is very controversial; and reasonable people can fall on either side of that debate. I think the legislation before us today should be supported by all Members of the United States Senate.

The title of the bill—or let me actually read the description of the title of the bill to begin this description:

To provide criminal and civil penalties for the unlawful acquisition, transfer, or use of any chemical weapon or biological weapon, and to reduce the threat of acts of terrorism or armed aggression involving the use of any such weapon against the United States, its citizens, or Armed Forces, or those of any allied country . . .

Mr. President, this legislation came about because of the focus on the Chemical Weapons Convention and the determination that there were a lot of things that the United States could and should do whether or not that convention is ratified.

For example, we found that while it is illegal in the United States to possess or manufacture biological weapons, there is no criminal prohibition upon the manufacture or possession of chemical weapons. Therefore, we combine the two sections of the statute which relate to chemical and biological weapons and provide that it is a criminal offense to manufacture them, to use them, to threaten to use them, to possess them. All of these things are criminalized with substantial penalties being provided for them.

We provide for the revocation of export privileges for those companies in the United States that might violate that law and, incidentally, for the forfeiture of assets to help pay victims of such crime. In effect, say, this was an attack such as in the Tokyo subway about a year ago. We would, under certain circumstances, be able to seize the assets of the criminals responsible for that for the purpose of compensating the victims of that terror.

This legislation provides for sanctions against the use of chemical and biological weapons. Under existing law there are sanctions, but we would provide more flexibility for the President. Under the existing law, the President has a limited range of 10 sanctions that he has to impose in two particular tiers if he makes a finding that there has been a violation of law. These are sanctions against another country.

What we would do is provide the President the flexibility to provide any combination of those sanctions. He is still required to impose five of them, as he is under current law, but this provides him some additional flexibility depending upon the circumstances of how he would impose sanctions against any particular country that has used or possesses or manufactures chemical or biological weapons.

There is also a continuation of the waiver for the President. Although that is strengthened somewhat, he would still be able to waive these provisions in the supreme national interest of the United States.

But importantly, also, this act would call the President to block transactions of any property that is owned by a country found to use chemical or biological weapons. So their property here in the United States should be seized, here again, for paying the victims of such crime.

Another thing this bill does is to call upon the President and the Secretary

of State to use their best efforts to maintain the Australia Group in force. That is the group of countries of the world that have agreed among ourselves not to trade in chemicals with countries we do not think should have those chemicals because they might be used to manufacture chemical or biological weapons.

We need to maintain the Australia Group. This provides the sense of the Senate and the policy of the United States to continue that Australia Group in force.

There are currently conditions on assisting Russia in the destruction of and the dismantling of their chemical and biological weapons. They have far and away the largest stocks of chemical and biological weapons in the world. What we have done is to provide assistance to them under what are called Nunn-Lugar funds. This continues the same kind of restrictions that existed in the past with respect to a certification by the President that Russia is in compliance with these requirements.

The four conditions in this legislation closely parallel those in the 1996 Defense Authorization Act in which both Houses of Congress agreed to fence the so-called Nunn-Lugar funds pending a certification by the President that either Russia was making progress toward achieving these goals or that the President could not so certify.

Mr. President, I ask unanimous consent just to speak for a couple more minutes to conclude my remarks.

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

Mr. KYL. Thank you.

I note the distinguished Senator from Texas is here. I will, therefore, try to stay within this limitation of time.

In any event, this is basically a continuation of previous policy, Mr. President, not something new, but we think it is important to continue.

Our legislation calls for a report on an annual basis on the state of chemical and biological weapons proliferation. It calls for the Secretary of State to work with other nations of the world to try to find ways to put teeth in the 1925 Geneva Protocol. That is the treaty we all signed that bans the use of chemical weapons and, by the way, includes such countries as Iran and Iraq and other countries that really ought to comply with the provisions of that treaty.

We restrict the use of funds until the United States is actually a member of the Organization for the Prohibition of Chemical Weapons.

Next to last, we make it the policy of the United States to continue to enhance our defense capabilities. The GAO came out with a report last year that frankly said our military was going the wrong way in providing defensive capability to our troops, that we need to spend more money and that we need to do a better job in equipping our troops to defend against the use of chemical weapons.

Because of that GAO report, we have included in this legislation instructions to the Secretary of Defense to get on with that job and, very specifically, by the way, to require that the primary facility which engages in this conduct to defend our troops is under the jurisdiction of a general officer of the United States.

We provide a sense of the Senate that the President reevaluate the current policy on negative assurances. And, finally, we provide that the policy begun in the Ford administration on the use of riot control agents be continued in force. This is a policy that says, for example, that notwithstanding any chemical weapons convention, if we have a downed pilot, for example, and there are civilians in the area, we can use riot control agents, tear gas, if you will, so we do not have to fire real bullets to extricate that pilot from that situation.

The bottom line is this act that will be introduced, and we hope voted on today, is an act that continues some very important policies and institutes some new, positive changes in the law, including filling some important gaps in the law relating to the manufacture and use of chemical weapons here in the United States. It ought to be supported by all Senators in this Chamber whether or not they intend to support the Chemical Weapons Convention. This bill is an important bill to support, and we will be calling on them later today for that support.

Thank you, Mr. President.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, are there any time limits on the amount of time that a Senator can speak at this time?

The PRESIDING OFFICER. Five minutes per Senator.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that I be able to speak for up to 15 minutes.

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

Mrs. HUTCHISON. Thank you, Mr. President.

First, I want to commend the distinguished junior Senator from Arizona for all of the efforts that he has made to educate Members of the Senate and members of the American public on the chemical weapons treaty that will be before the Senate at some point in the next week. He has shown so many of the problems with this treaty and some of the consequences that might occur if the treaty is put forward in the form that it is in.

I think his bill would correct some of the real problems, such as the concern over the ability to use tear gas. To unilaterally say we would not use tear gas is unimaginable when we know what an important tool it is to safely extricate a pilot that is down or to safely be able to control a group of prisoners, which was done with Iraqi prisoners of war in Desert Storm. The last thing you want to do is have to shoot with real bullets when you have other options that are not permanently harmful.

So, I thank the Senator from Arizona, and I am proud to be a cosponsor of his bill that I think would correct some of the problems in this treaty so that we would all be able to ratify it very happily and knowing that we have carried our responsibility to do what is right for our country.

THE 50TH ANNIVERSARY OF THE WORST INDUSTRIAL DISASTER IN THE HISTORY OF AMERICA

Mrs. HUTCHISON. Mr. President, I want to say that I had quite an experience yesterday. I went back to my home territory near Texas City, TX, and helped commemorate the 50th anniversary of the worst industrial disaster in the history of America. That was the explosions in Texas City on April 16, 1947.

I remember the incident personally because I was there as a 4-year-old. I remember the tremendous jolt that occurred at that time. I put a statement in the RECORD yesterday that talks about the incredible impact this had on the people of the area of Texas City.

Just to put it in perspective, this was a town of 17,000 that lost 600 of its citizens in one 24-hour period. It lost the entire fire department that was on duty at the time. It lost people who were trying to help victims. It was an incredible impact. But the impact that I witnessed yesterday on the faces of the residents of Texas City highlighted for me the rejuvenation of this city, now of 50,000 people.

Thanks to the leadership of its mayor, Chuck Doyle, there is a 3-day commemoration of this event, and it is having a strong, positive impact on the city. It is a city that has put itself back together and made itself stronger from the adversity.

I am very proud of Texas City, TX, and the sister city of La Marque where I grew up for healing this devastating event in its history and for emerging stronger than ever. The area is today one of the petrochemical centers of the world and a place that I am proud to have grown up in and to have known the wonderful people who live there and who have made this city what it is.

So I commend Mayor Doyle, the survivors of the Texas City explosion, the residents of Texas City, and the many other people who worked to make the commemoration of that disaster such a positive event for Texas City and for this Nation.

THE FAMILY FRIENDLY WORKPLACE ACT OF 1997

Mrs. HUTCHISON. Mr. President, I rise today to speak on the Family Friendly Workplace Act of 1997.

Mr. President, Senator JOHN ASHCROFT of Missouri is the key sponsor of this legislation. It is the Ashcroft-Hutchison legislation that I think is so important for the working people of our country. Senator ASHCROFT talked about it earlier this morning.

I am pleased to be able to talk about this incredible opportunity we have to bring hourly workers under the same laws that salaried, or exempt workers now have, and that all Federal employees now have.

Mr. President, every hourly Federal employee today is given the benefit of flexible work scheduling—a benefit which is unavailable to their private sector counterparts. Federal hourly employees can today go to their manager and say, "I would like to work 2 extra hours this week and get off at 3 o'clock next Friday to go to my child's soccer game," or to take off early on a camping trip, or for whatever reason they choose.

Right now the hourly workers of America are not able to do this because of the inflexibility of the Fair Labor Standards Act. This is unfortunate, because hourly workers, those who punch a time clock, are the most stressed of all American workers. They, more than any other sector of our workforce, would benefit from flexible work schedules. So the Family Friendly Workplace Act of 1997 is meant to give our hourly blue-collar workers the same opportunities that salaried workers and all Federal employees now have.

So what we are trying to do, Mr. President, is to end the inequity in labor laws in this country that artificially place barriers around hourly employees and deny them the freedom to sit down with their employers and work out a flexible schedule that best meets their personal, family, and community needs, in order to relieve some of the stress in their lives caused by time pressures.

Here is what the bill does. Where an employer requires an employee to work overtime, the bill would give that employee the option of choosing paid time and a half off in lieu of time-and-a-half pay. Now, if the employee says "No, I want the time-and-a-half pay," they are absolutely entitled to the time-and-a-half pay. But if they know that they are going to want some time off in the future, they would be able to say, "No, I would like an hour and a half of overtime that I can put in a bank to use when I need it to take my child to the doctor." So this is going to give them the option to earn paid time off for their overtime work.

The second thing the bill does is provide an additional option for those employees who do not typically work overtime, which includes over 90 percent of the hourly wage women who work in this country. These employees would be allowed to voluntarily work more than 40 hours in one week in order to take the same amount of paid time off later on. This will give hourly workers, including working mothers and fathers in our country a better chance to plan for the future and to get the option to go to their employer and say, "You know, I am working 40-hour weeks here but what I really need is flextime. What I need is the ability to start putting hours aside that would allow me to take time off later for a child's school event or some other purpose." For example, the employee could work 9-hour days and take every other Friday off, with pay, as many Federal employees now do. This is called flextime.

Finally, the bill will give employees and employers the option of establishing regular 2-week schedules to allow an employee to work additional hours in week one in order to work fewer hours in week two. Again, this time is paid, and could be taken for any reason the employee wishes.

Mr. President, according to the Bureau of Labor Statistics, both the mother and father work out of the home in two-thirds of the homes in our country. So, Mr. President, we know that mothers and fathers are stressed in two-thirds of the families in our country where both the mother and the father work outside the home.

This has come about because many women would like to work outside the home. That is their choice. It has come about because many women need to work outside the home in order to help pay the bills. In many instances the mother is working just to pay taxes. Now, we are trying to do something about that. We are trying to lower the tax burden on the American family because we think working people should keep more of what they work so hard to earn. Until we are able to do that, to give mothers the choices they want—whether it is to work outside the home or not—we want to give the working mothers of this country every possibility to spend the time with their children that they need.

A key element of our approach is that the time off employees would receive is paid time off. This is in contrast to other proposals, including an expansion of the Family and Medical Leave Act that the President and some others have advocated. They want to give American workers time off, but unpaid time off. Comptime and flextime are paid, because they have been earned by the workers themselves, not handed down from Washington as another unfunded mandate on employers and employees. We want people to be able to have flexible work schedules, without busting their budget.

So, Mr. President, we are trying to expand the options of the hourly workers in our country. That is the key point of this bill. We are not trying to let employers in any way tell an employee or pressure an employee to take comptime instead of comp pay. In fact, there are very stiff penalties if the employer tries to do this. We want the employee to have the option, in cooperation with the employer. We want the employee to be able to say, "It is the stress in my life that I need relief from, without busting my budget." That is what we want the employee to be able to say to the employer—"I am stressed. I want to be able to take 2 hours or 20 hours off next week, in exchange for working a little later this week, so that I can spend more time with my children."

All the polls show, Mr. President, if an employee feels comfortable that he or she has the time with his or her children, that employee is a happier, more productive employee, and it is a win-win situation for both employer and employee. In fact, upward of 75 percent of Federal employees say that they like comptime and flextime, and that it has improved their morale and performance as employees.

Mr. President, Congress cannot make more hours in the day. There are just 24, and there will always be just 24. But we can make those hours more productive and we can make lives less stressful if we give the hourly employees in our country the same opportunities that salaried workers have, that Federal employees have, that they say means a lot to them.

So we want these options to be available to the hourly workers as well. This is our goal. The Family Friendly Workplace Act that is sponsored by Senator ASHCROFT and myself is for the families of our country, it is for the blue-collar workers, the hourly employees that are working so hard, that need the stress relief more than any of us, that do not now have it, and we think they should. That is what we are working for.

I hope we will be able to take this bill to the floor very quickly. It has passed through the committee. It is a good bill. I think we can work together in a bipartisan way if the other side will work with us.

Until we in Congress can get around to giving American families the tax and regulatory relief they deserve, the least we can do is allow them a little more flexibility in their workweek. America's hourly workers want and deserve to choose the hours they work so they can take their children to the doctor, to the soccer game, to the Little League baseball game, or to the camping trip, or whatever they would like to do with their own time. We think it should be their choice.

Thank you, and I urge my colleagues to join Senator ASHCROFT and myself

in supporting this most important legislation.

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

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered. The Senator from North Dakota is recognized.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 605 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CONRAD. I thank the Chair and yield the floor. 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. SPECTER. 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. SPECTER. Mr. President, I ask unanimous consent that I may proceed in morning business for a period up to 7 minutes.

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

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 603 and S. 604 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

THE DRUG-FREE COMMUNITIES ACT OF 1997

Mr. DASCHLE. Mr. President, last week I introduced the Drug-Free Communities Act of 1997. This bill, which is strongly supported by Members from both sides of the aisle, rechannels existing Federal drug control resources into community, antidrug efforts that are already reducing teenage drug abuse in our towns.

We must act now on this issue, because teenage drug abuse is one of the worst problems in America today. Drug abuse encourages crime and gang violence, as well as higher rates of teenage pregnancy, and other social problems. Many of our schools are under siege from the onslaught of drugs.

What's more, teenage drug abuse is getting worse. After more than a decade of substantial progress in combating the problem, the trends have reversed since 1991. Marijuana use alone has tripled among 8th graders and more than doubled among 10th and 12th graders. Daily use has increased so dramatically during this period that one in 20 of today's high school seniors uses marijuana daily. And, the marijuana of today—because of the chemical THC content—can be 15 times stronger than the marijuana of the 1970's. Cocaine, crack cocaine, amphetamine stimulants, barbiturates, and heroin are increasingly popular among teenagers. The use of LSD has never been higher.

These nationwide statistics are extremely troubling. But, the problems of teenage drug abuse are experienced most vividly in each of our towns and communities. Our sons and daughters face this threat every day in school and on the playground. We need to target our drug reduction efforts to help these teenagers in their own communities. That is why we are introducing the Drug-Free Communities Act of 1997.

With little or no Federal funds, many local anti-drug coalitions are already helping some teenagers in their communities. This legislation targets assistance to these coalitions, so that they can reach out to and help more teenagers. In order to receive Federal support, a community must first demonstrate a comprehensive, long-term commitment to addressing teenage drug abuse. This commitment must include a focused mission, the implementation of strategies to reduce drug abuse, and the involvement of all parts of the community—including parents, youth, businesses, media, schools, law enforcement, religious leaders, and others. Moreover, a community must demonstrate that its antidrug effort is an on-going concern that has local support and is self-sustaining.

I also support the Drug-Free Communities Act because it is fiscally responsible. It does not increase Federal spending or the deficit. Instead, it simply rechannels existing funds from the $16 billion Federal drug control budget. Even more importantly, the bill requires a financial commitment from the communities involved. Under the bill, the Federal Government will not simply grant money to local communities that meet the criteria that I just mentioned. The qualifying communities must match the Government's funds with resources of their own—up to a cap of $100,000. These matching grants will force the communities to demonstrate an even greater commitment to fighting drug abuse before receiving Federal funds.

Finally, the legislation creates an Advisory Commission to oversee the antidrug program. This commission will consist of local community leaders and national and State experts on substance abuse. This composition ensures that the program draws upon national expertise in fighting drug abuse, while remaining responsive to local needs.

The Drug-Free Communities Act has attracted the support of more than 150 State and local law enforcement groups, churches, and other organizations. On the national level, it has been endorsed by groups as diverse as Mothers Against Drunk Drivers and William Bennett's Empower America. This bill represents a wonderful opportunity to provide meaningful help to community coalitions in South Dakota and nationwide, without expending additional Federal funds.

I strongly encourage my colleagues to support this important legislation.

NO CASH TO CONVICTS ACT

Mr. ABRAHAM. Mr. President, I rise today to cosponsor Senate bill 438, a bill that will help close a costly loophole in the current administration of Social Security benefits. I commend my colleague, Senator GRASSLEY, for introducing this important bill, the No Cash to Convicts Act. The bill will help the Federal Government identify incarcerated prisoners who are receiving Social Security disability benefits to which they are not entitled, and will provide that prisoners who are incarcerated for even short periods of time are not eligible for those cash benefits when they are in prison.

In the landmark welfare reform legislation enacted last Congress, Congress set up a voluntary program between local law enforcement and the Federal Government to assist in the identification of prisoners who are receiving supplemental security income or SSI benefits. While earlier versions of that legislation covered prisoners' receipt of Social Security disability benefits as well, the Social Security provisions had to be dropped from the final conference report because of Senate rules preventing changes to Social Security benefits in a reconciliation bill. We should finish the job this Congress and ensure that prisoners do not get those cash disability benefits, which would be better spent on our law-abiding elderly and disabled.

By precluding any defendant who is convicted of a criminal offense and who is incarcerated from receiving Social Security disability benefits, this bill removes an arbitrary and illogical requirement under current law that a defendant have been sentenced to at least a year in prison to be ineligible for benefits. There is no reason that an incarcerated prisoner should receive benefit checks intended to provide for necessities like food, shelter, and clothing when the prisoner is already receiving those at the expense of the Government.

The bill also creates financial incentives for State and local law enforcement authorities to provide timely information concerning prisoners to the Social Security Administration. This will permit the Federal Government to check the benefit rolls to see whether prisoners are receiving benefits. If the Federal Government identifies any instances in which inmates are illegally receiving Social Security disability checks, the local authority that provided the information will receive a cash payment.

I am glad that this provision is structured to provide an incentive system rather than an unfunded mandate, and am pleased to join my distinguished colleague from Iowa in sponsoring this much-needed bill.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 16, 1997, the Federal debt stood at $5,386,017,997,799.85. (Five trillion, three hundred eighty-six billion, seventeen million, nine hundred ninety-seven thousand, seven hundred ninety-nine dollars and eighty-five cents)

One year ago, April 16, 1996, the Federal debt stood at $5,142,251,000,000. (Five trillion, one hundred forty-two billion, two hundred fifty-one million)

Five years ago, April 16, 1992, the Federal debt stood at $3,882,706,000,000. (Three trillion, eight hundred eighty-two billion, seven hundred six million)

Ten years ago, April 16, 1987, the Federal debt stood at $2,269,312,000,000. (Two trillion, two hundred sixty-nine billion, three hundred twelve million)

Fifteen years ago, April 16, 1982, the Federal debt stood at $1,064,889,000,000 (One trillion, sixty-four billion, eight hundred eighty-nine million) which reflects a debt increase of more than $4 trillion—$4,321,128,997,799.85 (Four trillion, three hundred twenty-one billion, one hundred twenty-eight million, nine hundred ninety-seven thousand, seven hundred ninety-nine dollars and eighty-five cents) during the past 15 years.

LEADING THE WAY AGAINST CHEMICAL AND BIOLOGICAL WEAPONS

Mr. KYL. Mr. President, today the Senate will vote on the Chemical and Biological Weapons Threat Reduction Act which will, for the first time in U.S. history, provide criminal and civil penalties against those who produce, stockpile, or transfer chemical weapons in the United States. It will also legislate other practical and realistic reforms to reduce the spread of both chemical and biological weapons and improve the American military's defenses against them.

The impetus for this legislation was the realization that the Chemical Weapons Convention being promoted by the administration, though noble in aim, would have little practical effect, especially in the United States; and that there were important steps we could take to fill gaps in existing law regardless of what happens with the CWC.

That is why Senate Republicans have introduced the Chemical and Biological Weapons Threat Reduction Act, setting forth a comprehensive package of domestic and international steps to address chemical and biological threats. Importantly, the legislation reiterates our firm commitment to destroying the entire U.S. chemical weapons stockpile whether or not the CWC is ratified—a pledge no other chemical weapons state has matched.

Some may be skeptical of this bill because they see it is as an alternative to the CWC. To the contrary, S. 495 provides a sensible and effective action plan that CWC critics and proponents alike should support. By enacting the Chemical and Biological Weapons Threat Reduction Act, the United States will lead by example, and will underscore its commitment to bringing together like-minded friends and allies to make unthinkable the resort to chemical or biological weapons. This is not going it alone, this is leadership.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Georgia is recognized.

Mr. COVERDELL. 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. COVERDELL. 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. COVERDELL. Mr. President, it is my understanding that the next hour, 1 o'clock to 2, is under my control either for my own purposes or those that I might designate?

The PRESIDING OFFICER. The Senator is correct.

ABUSE OF EXECUTIVE ORDERS AND REGULATIONS

Mr. COVERDELL. Mr. President, a news flash to President Clinton: In America, you do not get to rule by Presidential decree.

President Clinton is prepared to provide the ultimate payoff to labor bosses, an Executive order that essentially mandates that Government contractors toe the union line. Too bad about the millions of American workers who choose not to belong to a union. Now they are to be second-class citizens.

The policy substance of the President's gambit is sufficiently bad, but we suggest there is an even larger issue, one that goes to the very heart of our constitutional form of government.

One of the great strengths of our Republic is a Constitution that reflects, and nicely balances, the tension between democratic representation in the legislative branch and the executive power of the President. The Founders established Congress in article I as the source of all legitimate authority, all legislative powers; that is, the authority granted by the people. The executive branch, at least in terms of domestic policy, is constrained by the requirement that the President take care that the laws be faithfully executed.

Fairly elementary stuff. But in reality, of course, there has been a continuous struggle among the branches over where the legislative power begins and ends. Normally, these tensions erupt at times of great crisis: Lincoln during the Civil War, Truman and the steel mills. Typically they are bound up in questions of war and peace and the President's foreign policy role.

What we face during the twilight of the Clinton era is something very different and much more worrisome. What we see now is a calculated strategy by the White House to ignore the unhappy reality that the President was reelected with less than a majority vote while the Republicans were reelected to a majority in Congress. Now, it appears his goal is to encourage gridlock in the Congress while issuing Executive orders and regulations that exceed his legal power to act.

There is perhaps no area of Federal policy more contentious than labor issues. This has been true in fact for most of this century. It is also clear that labor bosses and leaders faced continued loss of power and declining membership. They have been stymied time and again in their efforts to expand their powers over unwilling American workers.

So what has the President done here? He is issuing an Executive order that deprives nonunion employees of their right to choose whom they support in the political process. He attempted to bar, through an Executive order, any company that exercises its right to hire replacement workers during a strike, though the courts properly struck this down. He is now about to issue an Executive order that would allow agencies to bar—prohibit—Federal contractors if they do not use unionized labor.

Most recently, he is playing with a change in procurement regulations that would bar companies from Federal contracts unless they had satisfactory labor relations. Determined by whom? The President. Unions could have a field day with that. All they would have to do is initiate a lawsuit under the National Labor Relations Act and, presto, you have a company that has unsatisfactory labor relations. This would be laughable if the impact were not so grave. Hundreds of billions of dollars and hundreds of thousands of jobs are at stake.

In short, President Clinton's actions twist beyond recognition the role of the Presidency in the legislative process. The Framers were careful to ensure that the President's voice was a negative one by granting him the veto. They did not grant him the equal and opposite power—he did not get the

power of decree. A negative power like a veto is more easily used to avert harm. The decree smacks of autocracy.

But give the White House their due. The White House has carefully established precedents based on issues that are difficult to confront. Ironically, some of the most contentious issues are going to be the most difficult for the Congress to resolve. In some cases, perhaps a majority of Congress would agree, in others they will not. But we believe those are precisely the types of issues that are intended for legislative consideration and a majority vote. This is known as representative democracy. It might be messy. It might take longer than the pundits like. The results may not please everybody. But it is a process that is founded on the consent of our citizenry.

This is a time when there are many questions on whether various individuals in the White House have been engaged in unlawful activity. Only time will tell how that plays out. What we do know right now is that even more than all these financial and campaign issues, the President's abuse of Executive orders and regulations is a direct threat to the rule of law in America.

Mr. President, I now yield to my good colleague from New Hampshire 5 minutes of my time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. I thank the Senator from Georgia for his excellent statement, which sets the premise for this hour of discussion that has been reserved relative to the proposal by the administration and the President and the Vice President to unilaterally take control over what is clearly a legislative prerogative and determine, unilaterally, that 89 percent—89 percent—of the work force in this country which would participate in Federal jobs will no longer be able to participate in those jobs. That is the practical effect of this proposal which is being put forward by the President and which was announced by the Vice President, was announced by the Vice President at a convention of a building trades union.

One could be cynical and say, "Well, the building trades unions in the last campaigns spent $35 million reported"—we suspect maybe it may be closer to twice that unreported—"spent $35 million reported for the purposes of electing this President and that therefore this decision by the President to exceed his authority, as announced by the Vice President, is a return of that favor." One could be cynical and one would be accurate, I suspect, in making that statement.

But as the Senator from Georgia has pointed out, this goes well beyond the cynicism of this administration, which has already been displayed in a most significant way in a variety of other instances relative to campaign financing and fundraising and what will be done by this administration to benefit people who contribute to them. It goes well beyond that cynical approach and abuse of power which has become almost a hallmark of this administration. It goes to the essence of the separation of powers on which our Government is structured.

This Congress is the Congress of the people. It is the Congress which is elected by the people. You may agree with it. You may disagree with it. But the fact is that the membership of this Congress is sent here for the purpose of writing the laws which govern the people whom we represent.

As the Senator from Georgia has so adequately pointed out, the President's power in the legislative process is that of a negative, not of a creator of that law. In fact, ironically, the President does not even participate as a negative on some of the most significant laws that affect this country.

For example, the budget of the United States is not signed or vetoed or subject to signature or veto by the President of the United States. It is purely a law driven by the body of the people of this country, which is the Congress. When a decision is going to be made to disenfranchise 89 percent of the people who presently participate in working for the Federal Government as contractors, that cannot be unilaterally done by the executive branch. That is a decision of such weight and of such importance that it is reserved clearly to the House of the people and to the Senate of the United States. And yet, this President has decided to do that and to, by fiat, by an arbitrary decision, put together who knows what.

It certainly was not put together through the process of a legislative hearing. It was not put together through a process of a legislative debate. It was not put together through a process of a legislative vote in a committee, and a legislative vote on the floor of the Senate, and a legislative vote in the House, and a legislative conference, creating a bill which is sent to the President.

No, it was put together by somebody sitting in a back row, writing an idea which was given to the Vice President of the United States, who went to a labor union annual meeting and announced, "This will be the new law of the land." That is not the way we govern in a democracy.

For that reason, I strongly support the initiative today put forward by our leader in the Senate, Senator LOTT, which, said as I understand, the nomination of the Secretary of Labor shall not be brought before the body until this matter is cleared up, because that is our prerogative. That is our legal right as a representative of the people to advise and consent on the nominees for Cabinet positions. That is a legal and constitutional right. We have the legal and constitutional right to limit our advice and consent, and to not approve a member of this Cabinet, or to approve a member of the Cabinet.

In this instance, we certainly have a right to hold up that nomination until this arbitrary act of excess on the part of the executive branch, done for whatever reason, is clarified and withdrawn. And, in fact, it would be my view that we should hold up probably just about every nomination which the administration wants to proceed with, because if they are not going to proceed in good faith in governing, if they are going to proceed in a manner which clearly exceeds the bounds of authority of the executive branch, then it is incumbent upon us as the legislative branch, as the branch elected by the people, to govern and to legislate, to make it clear to the President that that type of action will not be tolerated and cannot be tolerated if we are to maintain a constitutional democracy, a democracy built on the concept of checks and balances, a democracy which was designed by Madison and has survived so well for so many years.

The issue has been laid out. The fight has been joined. I believe this Congress must assert its prerogative to retain its right as a legislative body of the people of this country.

I yield back the balance of my time.

Mr. COVERDELL. Mr. President, I thank the Senator from New Hampshire for his comments with regard to this very crucial and, in fact, constitutional issue.

We have been joined by my good colleague from Arkansas. I yield such time as the Senator from Arkansas desires to address this issue.

S. 606, THE OPEN COMPETITION ACT OF 1997

Mr. HUTCHINSON. Mr. President, I am pleased to introduce today an important piece of legislation which will guarantee to all Americans an equal opportunity to compete for the nearly $60 billion of Government contracts.

The Open Competition Act of 1997 ensures that no single special interest group will have an exclusive claim on Federal contracts, and would accomplish this by amending the National Labor Relations Act to simply prohibit discrimination in bidding for contracts funded by the Federal Government.

The Clinton administration, specifically the Vice President, recently announced their intent to issue an Executive order which would, in practice, create a union-only mandate for all Federal projects.

Upon closer examination, a disturbing connection exists between contributions made by big labor interests, the announcement of the proposed Executive order, and the individuals who actually drafted the language of this order.

For the American people to fully understand what prompted these actions

by the Clinton administration, it is essential to understand exactly what big labor did for them during the 1996 election.

As widely reported after the November election cycle, labor unions spent between $300-400 million on the 1996 elections—Wall Street Journal, April 11, 1997.

This amount is even more astonishing when you consider that it was financed in large part by dues-paying union members who were never asked by the union leadership if this was how they wanted their hard-earned wages spent.

I firmly believe in the constitutional right to donate money to the political candidate of your choice. However, the problem here is what is asked for in return for this money, and even worse, what is given.

The question must be asked—What did the labor unions get in return for the incredible amount of money they spent in the 1996 election?

On February 18 of this year, at the AFL-CIO convention in Los Angeles, the Vice President pledged the administration's support for organized labor and announced several initiatives the administration would be launching in coming months.

"How you treat your employees and how you treat unions counts with us," said the Vice President—White House Press Release, February 18, 1997. He told the executive council of the AFL-CIO that the administration would issue an Executive order which would require Federal agencies to consider using project labor agreements on all Federal contracts—Bureau of National Affairs, February 19, 1997.

These project labor agreements require all contracts for a particular job to be awarded only to contractors who agree to recognize designated unions as the representatives of their employees on that job.

In addition, these agreements would require all contractors to use only union hiring halls to obtain workers, pay union wages and benefits, and obey the union restrictive rules, job classifications and arbitration procedures. The Open Competition Act would do away with this requirement and restore fairness to the bidding process.

Just 3 days ago, on April 14, the Vice President announced that the administration was prepared to offer an Executive order encouraging Federal agencies to use project labor agreements—again, which generally require union representation—on Federal construction projects.

His announcement was greeted by thunderous applause by almost 3,000 AFL-CIO trade union officials in Washington, DC.

This Executive order becomes very interesting when you consider the parties who had a hand in drafting the language. The language in the draft was jointly developed by the AFL-CIO, the Clinton administration, and the Builders and Construction Trades Department.

I believe this is a clear indication that the money spent by big labor during the 1996 elections not only provided the catalyst for this Executive order, but also gave them a seat at the table when it was written.

Is this the way to build trust with the American worker?

The Clinton administration would have us believe their actions benefit the majority of the American work force. But when you consider the percentage of Americans who belong to labor unions, this is clearly not the case.

Of the total work force in America, only 14.5 percent belong to unions. When you consider just those workers in the construction industry, only 18.5 percent of those are union members.

The facts clearly show that if this Executive order is implemented, only a minority of American workers will benefit. The 81.5 percent of workers who do not belong to a labor union will be placed at a clear disadvantage to the 18.5 percent who do.

Essentially, this means 4 out of every 5 workers would face discrimination. This is clearly not the way to help the American worker.

I want to make it very clear to the American people the detrimental effect this action by the administration will have on the American work force.

The Open Competition Act which I am introducing today, will assure the vast majority of American workers that their government will not discriminate against them.

This proposed Executive order will have the effect of creating a union-only mandate for all Federal construction projects. In addition, it would directly attack the principle of open competition in Federal contracting by excluding from the bidding process four out of every five workers who have chosen not to be represented by unions.

The Federal Government should not be ordering discrimination against open shop companies which bid for federally-funded construction contracts. Rather, it should be encouraging competition for these contracts and promoting participation in the process by all companies who wish to bid.

The Open Competition Act of 1997 would make sure this occurs.

It would simply be unconscionable to institute a federal policy which would allow a special interest group to have an exclusive claim on Federal contracts based on their enormous political contributions to the current occupants of the White House.

This distinguished body has the obligation to insure that Federal contracts are awarded through full, open, and competitive procedures. The Open Competition Act which I am introducing today along with Senators LOTT, NICKLES, MACK, COVERDELL, CRAIG, THURMOND, JEFFORDS, COATS, GREGG, FRIST, ENZI, COLLINS, WARNER, MCCONNELL, ALLARD, BROWNBACK, HAGEL, KYL, and ROBERTS, guarantees that our constitutional prerogatives will not be infringed upon.

I ask my colleagues to join me in supporting this legislation and guarantee to the American worker that their own Government will not discriminate against them.

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. 606

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 "Open Competition Act of 1997".

SEC. 2. PROHIBITION REGARDING CONSIDERATION OF CERTAIN LABOR RELATIONS POLICIES OF OFFERORS ON FEDERALLY FUNDED CONTRACTS.

Section 8(e) of the National Labor Relations Act (29 U.S.C. 158(e)) is amended by adding at the end the following: "Notwithstanding any other provision of this Act, no person may be discriminated against when bidding on a prime contract, funded in whole or in part with funds provided by the Federal Government, where such discrimination is based in whole or in part on a requirement that such person enter into or adhere to a collective bargaining agreement or any similar agreement as a condition of performing work under the contract.".

SEC. 3. CONSTRUCTION.

The amendment made by section 2 shall not be construed—

(1) to apply to subcontractors, or

(2)(A) to prohibit a contractor from voluntarily entering into a lawful agreement with a labor organization; or

(B) to discourage contractors who have entered into such an agreement from bidding on Federal contracts.

SEC. 4. APPLICATION.

The amendment made by section 2 shall apply to contracts made directly with any agency of the Federal Government and to contracts made with any entity that is managing or operating a facility owned or controlled by the Federal Government on behalf of the Federal Government.

Mr. COVERDELL. Mr. President, I thank the Senator from Arkansas not only for his statement and understanding of the issue but for taking the initiative affirmatively to correct it. I only wish it had not been the case that the legislative branch has engaged in legislation to protect its constitutional rights.

If I might, I will take just a moment to describe by precedent the sequence of events that are occurring here. In the 1992 campaign for President, President Clinton took a position on striker replacement which had been in labor law since the mid-1930's, which, under certain circumstances, would allow a

company meeting certain criteria to replace strikers who were striking not over economic matters. This has been a contentious issue. The President said he would support legislation that would prohibit that, even though it has been in labor law for over three decades.

He was thwarted in that. Even though he controlled the Congress—he controlled the White House and he had a majority in the Senate and the House—and he could not secure consensus on that pledge that he had made. So the beginning of this new concept began to unfold, even in the early days of this administration. The President issued an Executive order on striker replacement because, as I said, he had promised this in his campaign, could not get the Congress to agree.

After wooing labor during the election with promises of a ban, President Clinton made good on his pledge on March 8, 1995, when he issued Executive Order 12954, titled, "Ensuring the Economical and Efficient Administration and Completion of Federal Government Contracts." The order authorized the Secretary of Labor to debar a contractor after finding that the contractor has permanently replaced lawfully striking employees, thus, making the contractor ineligible to receive Government contracts.

As I said, Congress had rejected this legislatively. So the President ignored the will of the people, ignored the Congress, and imposed it through an Executive order. Now, what happened? Well, back to the ingeniousness of the forefathers. There is an executive, legislative, and judicial branch. Quite properly—I repeat, properly—a Federal appeals court unanimously declared that the Executive order exceeded the President's authority. He had overreached. He was governing by decree. This is not a part of the American republic.

Now, here we come again, another Presidential campaign is carried out, commitments are made, but the President is finding a people's branch, the legislative branch, that will not accept an egregious command that excludes 80 percent of the work force. So according to the Bureau of National Affairs publication, it says, "The proposed Executive order would encourage Federal agencies to consider requiring the use of a project labor agreement for federally funded construction projects." This is interesting language in the draft: "The Executive order was jointly developed by the Building and Construction Trades Department, the AFL–CIO, and the Clinton administration," according to Robert A. Geogine, BCTD President, the President of that union.

Here we have this new Senate Chamber, opened in 1859, and the House on the other side, the House and the Senate and the legislative process; but one trade union drew this law that would be imposed on all the American people and that would exclude 80 percent of the work force from having an opportunity to engage in these contracts.

Mr. President, to add to this sequence of events, making it a little clearer—this is a new form of making laws in the American Republic, far from these hallowed Halls. This is a memo to the national and international union presidents from John J. Sweeney, president of the AFL–CIO. It says: "Support for a proworker Federal procurement reform * * *" dated March 25, 1997. What it doesn't say is it's support for 20 percent of the workers, in a very select category, and to the exclusion of the others. And it says: "As you may recall, the Clinton administration recently announced its intention to undertake several initiatives that will," in his words, "protect workers' rights and workplace standards * * *"—he is talking about the workers that belong to his union, not the rest of the workers—"* * * while improving Federal Government procurement and contracting practices * * *"—which means that the practices are designed to benefit his interest but not the other 80 percent. It says: "If properly implemented, these initiatives will affect the expenditure of * * *"—his words—"hundreds of billions of dollars every year." In any given year, Federal contracts total as much as $200 billion, and Federal contractors and subcontractors employ approximately one-fifth of the labor force.

He goes on in the memorandum to say, "The Government will be issuing proposed regulations that will accomplish three reforms. First, the Government will evaluate whether a bidder for a Government contract has a satisfactory record of labor relations."

Well, who makes that decision? I guess it would be made in the same room in which these procurement regulations were written, and that they would become the arbitrators of what is a satisfactory performance, just like they are the authors of this law that is being placed on the people of America, without any lawmaker ever voting on it.

He goes on to say: "Second, the Government will not reimburse Federal contractors for the costs they incur in unsuccessfully defending against an unfair labor practice suit."

This has been an argument in the Labor Relations Board for over 30 years, as I said.

"Third, the Government will not reimburse contractors for the money they spent to fight unionization." Perhaps, but this is where we make these decisions, not wherever this room was. This goes on to say—and this is a very pertinent paragraph in this memo of March 25: "President Clinton will also issue an Executive order directing all Federal departments to consider using a project labor agreement when they undertake Government-funded construction projects. This order is not subject to notice and comment, or other administrative steps." I repeat, "This order is not subject to notice and comment, or other administrative steps." In other words, fiat, decree, governance by decree. And then it goes on and meticulously points out how the recipients of this memorandum should begin building cases. Lawyers should provide citations to the National Labor Relations Board and copies of all decisions, settlement agreements, et cetera. Organizers should provide information about campaigns and work sites. And lobbyists should review their files where local unions and other internal bodies have requested intervention, et cetera, et cetera, et cetera.

Decree—written in some room between the Building Construction Trade Department, the AFL–CIO, and the President. It is a new way of writing law, Mr. President.

I yield up to 10 minutes to my good colleague from Idaho, Senator CRAIG.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, let me thank the Senator from Georgia for the time he has taken today to bring this critical issue to the floor and for an open discussion among Senators and, hopefully, the American people on a proposed Executive order that our President is at least talking about at this moment, and that the Vice President has pledged that the administration will act upon, which would significantly change the dynamics of Federal contracting.

Without doubt, open competition in a free enterprise environment is the only way the Government of this country and the taxpayers can expect fair treatment of the tax dollar when it comes to buying the goods of Government or the projects of Government for the citizens of this country. We spend hundreds of billions of dollars a year in this business of contracting.

As Government provides services and, of course, provides capital expenditures for construction of roads, bridges, and buildings, that are a part of what we think is necessary, for the President to suggest a whole new dynamics as to how that contracting ought to come about, significantly skewing it toward organized labor is, at best, not being responsible to the taxpayers and, at worst, if I can simply say it, paying off for the great service provided in the last election by organized labor to the Democrat party.

Is that a blunt and cold statement? Well, it is. But it falls on the heels of hundreds of millions of dollars worth of expenditures, targeted specifically at members of the Republican Party. And now I must say that it appears that union bosses were literally sitting inside the offices of this administration

to help craft what we believed would be a significant change in the way the bidding process of a fair and competitive market would work on Government contracts. "Require Federal departments and agencies to evaluate whether a bidder for a Government contract has a satisfactory record of labor relations and other employment practices, in determining whether or not the bidder is a responsible contractor, eligible to receive a particular Government contract."

This regulation, if it were to become regulation under Executive order, would require the companies bidding for Federal contracts to have a spotless record of compliance throughout the Federal regulatory spectrum, including collective bargaining, wages, benefits, equal opportunity, health, and safety.

In an era of regulatory overkill, when OSHA can issue a $13,200 fine to a roofing company for having a broken shovel in the back of a truck, my guess is there is hardly a potential contractor out there today that can meet all of this criteria. And now we have added dramatically to it a second possibility, "to prohibit Government reimbursement of Federal contracts for the costs they incur in unsuccessfully defending against or settling unfair labor practice complaints brought against them by the NLRB." "Prohibit Government reimbursement of contractors for money they spend to fight unionization of their employees," and so on and so forth.

Why is it significant that we talk about this today? The Executive order that we are concerned about has not yet been issued. Well, here is the reason why we talk about it and think it is extremely important. It wasn't very long ago that the Vice President went before organized labor and suggested to them that there would be an Executive order sent forward on worker replacement, and it was. It took a Federal court action to strike down this particular action on the part of the administration as simply being outside the law in relation to the National Labor Relations Board and its ability to make decisions. And, therefore, it was an illegal act, or certainly an act outside the law, and the decision was struck down.

Now, it is interesting that our Vice President would follow the same process. I think that we can suggest to the courts that this kind of an Executive order would fall under very similar kinds of guidelines that the one of a year ago did, because it probably falls under the Supreme Court's decision of 1986 of Wisconsin Department of Industries.

I think what concerns all of us is the use of Executive order and rule and regulation on the part of this administration, instead of coming to the Congress of the United States and saying this is good policy. Do you mean this policy can't be debated on the floor of the Senate and voted on as a part of the law for contracting of Government programs? It should be, if that is how we are going to make public policy instead of by Executive order of the kind and the nature that is being talked about in this potential Executive order. Union-only subject agreements clearly have an exclusive and an anticompetitive nature to them. It is not for me to give an anti-union speech. Clearly, companies that are unionized ought to have every right to bid. But other companies that meet reasonable standards can compete over good bids, and do it in a fair and responsible way and provide the service to the Government as expected. They ought to have a right in that same market. That is exactly what George Bush said when he said it very clearly in 1992 in an Executive order requiring all Federal agencies to use an open competitive process for all Federal contracts. President Clinton's executive order would revoke this basically. That was revoked in 1983, and this would go even further to narrow it and define who could bid. It just so happens that only a limited few could bid. Last year, if this Executive order, as we understand it, were in place—I guess it is a contract for fiscal year 1993—it would have been well over 13 percent more of them at about $182 billion.

In addition to contracts with major corporations, a study identified with contracts with Duke University, with Loyola University, and others, would fall subject to them and could well shut them off from their kind of contracts for research and development in the area of AIDS research in one and biomedical research in another.

Mr. President, what our President proposes and what the Vice President has openly talked about to be expected this next week is in itself, in my opinion, a travesty of the way Government works and the way the executive and the legislative branch come together to build good public policy. This is special interest group legislating in the worst form. It is very bold, and it is very open. But, then again, hundreds of millions of dollars worth of campaign contributions later, I guess they can figure they can be that bold and that open because, certainly, in the shadow of what has occurred in the last election, this appears to be a response to those kinds of levels of participation.

I thank my colleague and the Senator from Georgia for bringing this issue to the floor. It must be talked about. It must be understood openly by the American people. And, as I say, what the American people want for their tax dollar, its expenditure for and purchase of Government services and the need for capital expenditure within the Government is a fair and open bidding process and a good product in the end. Certainly, the President at this moment may well be accused of attempting to skew that into less competitive and most assuredly a less open process.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank the Senator from Idaho for his usual contribution. He has contributed substantively to this discussion.

PRIVILEGE OF THE FLOOR—S. 495

Mr. President, I ask unanimous consent that Jeanine Esperna, staff member, and David Stephens, fellow for Senator KYL, be granted privileges of the floor this afternoon during consideration of S. 495.

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

Mr. COVERDELL. Mr. President, I want to first make it clear—and I think Senator CRAIG alluded to this—that this is a constitutional confrontation. There is a growing propensity on the part of the administration, faced with a Congress that the people elected that are of a majority of the other party, to try to obviate the legislative branch through two courses: By Executive order or decree—and we have certainly seen the abuses of that throughout the world, which is why the Republic is so carefully constructed; and by regulation, which is something that has become unique in our own development in this country, where more and more regulators are lawmakers. You can't blame this administration alone for that kind of activity, but it has certainly accelerated.

I want to point out that I have already pointed out that the U.S. appellate court struck down the President's last attempt at this kind of reconstruction of the Republic. But there are other judicial precedents.

Mr. President, I am going to yield the remainder of my time in just a moment. I see my good friend from Alabama. They are dealing with the logistics of time here in terms of trying to deal with the Chemical Weapons Convention.

I will close by simply saying there is a growing outrage in the Congress with regard to these attempts to reconstruct lawmaking. Lawmaking in America cannot be done in an isolated room with just special interests. Obviously, all interests have a rising ability to contribute their thoughts so long as they are debated and aired ultimately in the people's body and not bypassed. This is a clear attempt to bypass the legislature, and I do not believe it will be successful. Perhaps the administration needs to take counsel with itself with regard to the suggestions they have put forward—that major labor law would be written somewhere other than the Congress of the United States.

Mr. President, I yield back all remaining time to the Senator from Alabama.

Mr. SHELBY addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

CHEMICAL AND BIOLOGICAL WEAPONS THREAT REDUCTION ACT

Mr. SHELBY. Mr. President, I rise in support of the Chemical and Biological Weapons Threat Reduction Act.

With the end of the cold war, we live in a much safer, but still unstable, world. Without the bi-polar domination of two superpowers, we now face a world comprised of many nations that have gained power on the world stage by producing a relatively inexpensive means of war.

Among the most deplorable methods of war-making known to the world, chemical and biological weapons are horrific tools of mass destruction.

Long ago, the United States discontinued and dismantled its biological weapons program and is currently unilaterally destroying its stockpile of poison gas. We would hope that other nations would follow suit, and destroy these weapons as well.

However, there are rogue States that are pursuing dangerous weapons programs contrary to international norms against the use and stockpiling of biological and chemical weapons.

Some countries are even suspected of pledging to ratify international agreements, while secretly continuing to develop and stockpile these lethal weapons.

One significant problem in the fight against chemical and biological weapons is the stunning lack of enforcement of existing international protocols.

International agreements, such as the 1925 Geneva Protocol and the 1972 Biological and Toxin Weapons Convention, ban the use of poison gas in war and prohibit the acquisition, development, production, and stockpiling of biological weapons. However, they have not been used as an effective deterrent.

For example, as the world watched with horror and disbelief when Iraq used poison gas against its own nationals, the community of nations failed to punish the perpetrators of this act.

In addition, there is currently no U.S. law which provides criminal or civil penalties relating to the use of these weapons in the United States.

Therefore, with the hope of reinforcing U.S. international leadership on chemical and biological weapons, I am proud to be a cosponsor of the Chemical and Biological Weapons Threat Reduction Act.

This legislation demonstrates our firm commitment to destroy U.S. chemical weapons, setting a strong example for other countries to follow.

Further, this initiative reinvigorates U.S. efforts to enforce existing international prohibitions against chemical weapons, provides strong deterrence, and sends a clear message to nations around the world that the United States will not tolerate the use of these weapons.

Specifically, the Chemical and Biological Weapons Threat Reduction Act sets out civil and criminal penalties for the acquisition, possession, transfer, and use of chemical and biological weapons.

This legislation mandates the death penalty where the use of these weapons leads to the loss of life and provides for a $100,000 penalty for civil violations.

The Chemical and Biological Weapons Threat Reduction Act requires enhancements to U.S. chemical and biological defenses to protect our military men and women. Further, it would require U.S. sanctions, termination of foreign assistance, and suspension of diplomatic relations against any country that uses chemical and biological weapons against another country or its own people.

The Chemical and Biological Weapons Threat Reduction Act provides concrete and achievable measures to reduce the threat of these abhorrent weapons. It is the best thing we can do to protect our country, our allies, and our world from any future atrocities caused by the use of chemical and biological weapons.

I yield the floor. 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. 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.

Mr. LOTT. Mr. President, first I want to go ahead and speak on the legislation, S. 495, the Chemical and Biological Weapons Threat Reduction Act of 1997, in the interest of time. I think this is very important legislation, and I wanted to comment on it. But while we are in the final efforts to get an agreement on the unanimous consent agreement on how to consider the completion of this legislation, then when and how to take up the Chemical Weapons Convention next week, and how issues that are still in disagreement would be handled and how the motions to strike would be ordered—all of that is in the final phases of negotiation at this time.

I would like to thank, at the beginning, Senator KYL for the work he has put into this legislation and for his effort to come up with a fair and reasonable unanimous consent agreement as to how we would proceed. I thank Senator HELMS for his cooperation and the highly respectable and respectful manner in which he has dealt with this issue in the very important hearings he had.

Also, Senator DASCHLE has been persistent, but he has been reasonable in allowing us to have time to work through all the details. I think with an agreement of this importance and with as many parts to it as there is, you never could get it worked out to where it would just be 100 percent what everybody wants. But I think we have gotten it now to where it is fair, and I hope we can go ahead and close the loop, complete consideration of the legislation and then be prepared next week to move to the treaty itself.

I see the Democratic leader is on the floor.

Mr. President, before I begin my remarks on the bill, in anticipation of entering into a unanimous-consent agreement, I will first observe the absence of a quorum.

I withhold. Does the Senator from Texas wish to proceed at this time?

Mrs. HUTCHISON. Mr. President, I was going to proceed if there was no business in the Chamber, subject to the Senator from Arizona saying I would not encroach on his time.

Apparently that is the case.

Mr. LOTT. I yield the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Texas will need to extend morning business for the time she wishes to speak.

Mrs. HUTCHISON. I thank the Chair.

I thank the Senator from Arizona because, in fact, I do want to talk about the bill that will be in the Chamber very shortly. The bill is sponsored by the junior Senator from Arizona, the Chemical and Biological Weapons Threat Reduction Act. I am an original cosponsor of this bill. I think it is very important that we pass this bill. This bill provides the most strength that we will ever be able to get to deal with the real chemical and biological weapons issues.

I like this bill because it has real teeth. It permits the U.S. military to use tear gas, for instance, when it is necessary to rescue a downed pilot or for the control of prisoners, which has been done, because tear gas is basically harmless. I would much prefer that we be able to use tear gas rather than shoot people. It would make more sense.

That is one of the problems, Mr. President, I have with the chemical weapons treaty. This bill deals with my concerns in a positive way by assuring that we are not going to unilaterally disarm ourselves from a weapon such as tear gas. So this solves one of the problems that I have with the Chemical Weapons Convention that we will have in the Chamber a few days from now.

This bill also preserves the Australia Group. The Australia Group is an effective international export control organization that really has done the most, the very most, to restrict the transfer

of biological and chemical materials and technology. It is the one thing that is working and would be vitiated by the chemical weapons treaty.

So I am very pleased that this preserves the Australia Group because this is the one thing we have that works. This will strengthen U.S. biological and chemical defense programs. It does require Russian cooperation and, of course, it is very important that we work together with Russia in the dismantling of their chemical and biological weapons. S. 495 has a requirement that we cooperate with Russia. So I think it is a very important, positive step that we must take. Frankly, if we can pass this bill, it will take away many of the fears that many of us have about the chemical weapons treaty.

What this bill does not do is require the sharing of chemical defense capabilities with countries like Iran. That is one of the concerns many people have with the Chemical Weapons Convention, the treaty we will be taking up toward the end of next week. S. 495 does not require such sharing. So we would not have to sit down with a country like Iran—knowing that they will not abide by the treaty as we do—and share our chemical weapons capabilities or secrets with them. We do not produce chemical weapons, but we certainly have the technologies to do so in this country. In that case, of course, we should know what is going on with chemical weapons in other countries.

This bill does not require the expansion of trade in chemicals. This is another concern that we have with the chemical weapons treaty that S. 495 addresses. We are not going to expand the trade.

We are not going to circumvent the United States Constitution with this bill. S. 495 will not take away the fourth amendment right against unreasonable searches and seizures, which many of us believe is inherent in the chemical weapons treaty. It certainly does not permit an intrusive inspection of U.S. businesses by international inspection teams, which is another concern that we have with the chemical weapons treaty. Small businesses that are making chemical-related products should not suddenly be faced with a surprise inspection by an international team of experts. And who knows for what kind of intelligence those groups would be looking? Who knows who would even be in the groups? What kind of protection would a small company making fertilizer or cleaning products have against unwarranted intrusion by an international group that might include someone from the Government of Iran or the Government of China? Who could really tell exactly who would be in those groups?

I think the Senator from Arizona has fashioned a very good bill. It is a positive bill. It does alleviate many of the concerns that others have expressed about the reliability, the verifiability and the negative impact of the chemical weapons treaty, but it also makes this country stronger in its ability to enforce restrictions against the actual export of products that could be used in producing chemical weapons. The Australia Group is the best avenue that we have, and S. 495 would preserve it.

So I commend the Senator from Arizona. I am very pleased to be an original cosponsor of this bill. I am pleased that he is gaining cosponsors by the minute. I think people are beginning to see that we do have an alternative to stiffen the penalties, to stiffen our resolve against chemical and biological weapons and at the same time, make sure that we have laws with real teeth that would disallow the export of products that could be used to produce chemical weapons from our country or other countries in the Australia Group. This is the kind of legislation that I think will help make America stronger and will help protect this great country even more from the future use of chemical or biological weapons.

I thank the Chair. I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. KYL. I thank the Senator from Texas for a brilliant statement. I really appreciate that very much.

I ask unanimous consent that Senator ASHCROFT be added as a cosponsor of S. 495.

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

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, on behalf of the Democratic leader and I, we just want to announce again that what we are about to do within the next 10 minutes or so is offer a unanimous-consent agreement on the Chemical Weapons Convention. We are still working to make sure we have a mutual understanding of exactly what is in it, and we want all Senators to be aware that we are preparing to do that.

I would be glad to yield at this point to the Senator.

Mr. DASCHLE. I appreciate the majority leader's yielding.

I heard him thank a number of people, and I want to express my gratitude as well to the majority leader and so many others who have brought us to this point. We have hot-lined this unanimous-consent request.

Let me just urge all of my Democratic colleagues to respond as favorably and as quickly as they possibly can. I have very closely examined once more this request, and I must say I think it is fair to all sides. It is not everything we would like, but it is not everything that the Republicans would like either. It is important for purposes of completing our work on time that we get this agreement today, this afternoon.

So I urge my Democratic colleagues to support the request and to allow us to enter into an agreement no later than 2:15 this afternoon. So again I thank the majority leader, all of those on our side of the aisle for their great work in bringing us to this point.

I yield the floor.

Mr. LOTT. I thank the Senator.

EXTENSION OF MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that morning business time be extended for an additional 15 minutes.

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

CHEMICAL AND BIOLOGICAL WEAPONS THREAT REDUCTION ACT

Mr. LOTT. Mr. President, I am pleased to speak in support of this legislation that has been drafted by Senator KYL and joined in with cosponsorship from Senators HELMS, NICKLES, MACK, COVERDELL, SHELBY, HUTCHISON, and myself, as well as others. We introduced this legislation on March 21. This is important legislation. I know there are a lot of people who are trying to assess will this legislation favorably or unfavorably affect the final vote on the Chemical Weapons Convention. I do not think you can really judge that. Senators that will vote on both sides of the issue on this bill and that bill will view it in different ways depending on their own personal perspective. The most important thing is this is a bill we should have passed. We should already have passed it irrespective of what might happen on the Chemical Weapons Convention.

As I have gotten into this issue and studied this bill, I am amazed that we do not already have laws on the books dealing with sanctions against any country that uses chemical and biological weapons against another country or its own nationals, that we do not allow a range of chemical and biological weapons within the United States. I cannot believe we have not already done it.

This is very good legislation. I hope action on this legislation will put one myth to rest once and for all: No one supports chemical weapons in the United States. Everyone is opposed to them. We all know they are terrible things. Whether they are used in a military situation or civilian situation like we have seen in recent instances in other parts of the world, they are a horrendous thing and they should be eliminated from the face of the Earth in any way we can do it.

As a matter of U.S law, our chemical weapons stockpile will be destroyed by 2004. No matter what happens on the chemical weapons treaty, we already made a commitment and in fact are in the process of destroying our own stockpiles by 2004. Whether or not we pass this bill or whether or not we ratify the Chemical Weapons Convention, the weapons in the United States are being destroyed.

Next week, when we get this UC agreement worked out, the Senate will debate and vote on the Chemical Weapons Convention. I have a number of key concerns about the convention which have not yet been resolved, but to the credit of the proponents and the administration, they have been working with us, I believe, in good faith. We have had a number of minor and some major improvements. We are still working on that language at this very moment. But fundamental issues exist, some of which have not been resolved.

I do think that requiring search warrants for involuntary searches is essential. Protecting United States intelligence information is vital; ensuring United States chemical defensive technology and equipment, making sure it is not shared with Iran or other countries that could possibly under this convention get access to United States information or information from other parts of the world in terms of how chemical technology can be utilized for chemical weapons or also how that technology or equipment could be used in defense capability. We do not want that kind of information spread throughout the globe to those rogue countries that in fact have already been using chemical weapons, have that capability and have indicated they either will be in the convention or may not.

But serious concerns remain. Whether the convention is verifiable enough, whether Russia is taking steps to perhaps violate the treaty and, most importantly, whether provisions in the convention actually increase the likelihood of chemical weapons proliferation, those are all very important questions and we will vote on those issues next week in one form or another through a motion to strike or on final passage. I know all Senators are weighing the information very seriously. To the credit of our committee, the Foreign Relations Committee, in the hearings they have been having, we have been hearing testimony from very distinguished Americans on both sides of the issue.

It is being analyzed and critiqued in articles and editorials. I believe the Senate now is focusing on this issue, and that is as it should be. This bill will help to do that.

Today, though, the Senate will have an opportunity to take real enforceable and effective action to address the threat of chemical weapons. The Chemical and Biological Weapons Threat Reduction Act includes comprehensive domestic and international steps to act against these horrible weapons.

Domestically, this bill provides for civil and criminal penalties for the acquisition, possession, transfer or use of chemical or biological weapons. Again, it is amazing we do not already have this on the books.

It designates the FBI as the lead domestic agency to address chemical weapons threats.

Our bill provides for a Federal death penalty in cases when the use of weapons results in the loss of life. Swift and certain punishment can help ensure that terrorists do not use chemical weapons against America, and ending bureaucratic struggles can help ensure any terrorists get caught quickly.

Internationally, this legislation directs the administration to add enforcement provisions to existing international bans on the use of chemical weapons. Use of chemical weapons has been banned since 1925 in the Geneva Protocol, but the world knows this ban has not been effective. In fact, in the 1980's, after clear evidence—clear evidence—of Iraq's use of chemical weapons against its own people, the international community did nothing—did nothing. It is time to add enforcement mechanisms to that Geneva Protocol.

S. 495 includes a number of provisions to stem chemical and biological weapons proliferation around the world. It requires mandatory sanctions on countries which use these weapons.

It mandates enhancements to our chemical and biological defenses.

It requires the administration to name names in an annual report to identify the people and the countries which are aiming for and aiding the chemical weapons programs of rogue states.

I believe these provisions make good common sense. I believe the American people would want us to upgrade our chemical defenses and to impose sanctions on countries that use weapons of mass destruction.

Much has been said about another provision of the legislation requiring certain minimum criteria be met before United States taxpayers send dollars to Russia. Our legislation calls on Russia to implement and comply with the bilateral destruction agreement it signed 5 years ago to present accurate information about its chemical weapons program and to comply with the Biological Weapons Convention signed more than 20 years ago.

I cannot understand why anyone would oppose this provision. U.S. aid is not an entitlement to be given no matter how recipients behave. If Russia complies with its agreements, Russia should get assistance as it moves toward more free enterprise and more toward democracy. If they do not comply, why in the world should they get aid? But there have been concerns about the impact this legislation might have on the so-called Nunn-Lugar legislation.

Senator KYL from Arizona has heard those concerns, and, as I understand it, he has a modification that has addressed that problem.

We have heard much over the past few weeks about what the Senate should do to prevent the spread of chemical weapons and related technologies and equipment. Many people say the Chemical Weapons Convention will do that. I have my doubts. I am not sure that the day after that vote—if, in fact, it should pass—that we will have fewer chemical weapons in the world. I fear that without further action, we could have more. That is a basic, fundamental part of the concerns that I have and that I have enumerated over the past few days and weeks to the proponents of the legislation.

Today, though, the Senate can vote for the Kyl bill and take serious steps for enforcement of effective and achievable chemical weapons arms control.

Once we enter into this unanimous consent request and, hopefully, its agreement, we will begin the actual debate under a time arrangement that we have worked out, I believe, and go to completion of this bill, hopefully, by a relatively early hour this afternoon. Hopefully, we can get it done between 4 and 5 o'clock. We will be prepared to make that request shortly.

Mr. President, we have another 5 minutes, I believe, remaining in morning business.

The PRESIDING OFFICER. That is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. 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. KYL. Mr. President, we are still in the process of trying to work out the details of a unanimous-consent agreement. Part of the question is whether we can get to a vote on this matter by 3:45, or thereabouts, this afternoon. We are trying to leap to that conclusion, and in order to allow people to continue to talk about that and perhaps reach that point, I am going to begin discussing this bill now as if it were before us, so I will not have to speak later and, therefore, we will not have to use more time, hoping to be helpful in that regard.

What we are talking about doing here this afternoon is having a couple hours of debate on a bill called the Chemical and Biological Weapons Threat Reduction Act. The bill is S. 495. This legislation is before us because in the process

of leading up to the debate on the Chemical Weapons Convention itself—which, if there is a unanimous-consent agreement, will be taken up next week—we discovered there were several things actually we could do right now, very practical, realistic steps we could take to help ameliorate the threat. Senator HUTCHISON from Texas has already spoken to it. Let me detail what those things are.

It, basically, involves closing some loopholes in existing law and ensuring that the administration and the Congress work together in those ways that we can, right here at home, irrespective of whether the Chemical Weapons Convention passes or does not pass, to actually reduce this threat. One example of the kind of thing we are talking about is the fact that existing U.S. law does not make it a crime to manufacture or possess chemical weapons in the United States. If we are going to have this big debate about the chemical weapons treaty, the first thing you want to do is make sure that kind of activity is outlawed here at home. It is a provision of the law we add as a result of S. 495.

There are several things like that in this bill, and I will go through them briefly. I want to assure my colleagues, whether you are for the Chemical Weapons Convention or opposed to the Chemical Weapons Convention, this legislation is legislation you can support. If you are against the convention, you can see this as an alternative. If you are for it, you can see it as a supplement. I am not trying to sell it as either one. I am saying these are good, practical steps we can take right now, and we should do it.

Let me quickly go through the specifics of the provisions of the legislation. I think my colleagues will see it is exactly as we have said that it is.

For the first time in history, we would be criminalizing the entire range of chemical weapons activities. The current law only prohibits the use or attempt or conspiracy to use chemical weapons. It does outlaw, with respect to biological weapons, the possession or manufacture. We combine the two and say that it is against the law to manufacture, to possess, to use or to conspire to use either chemical or biological weapons. So, for the first time, we contain all of those things in our criminal code, and that is against the law in the United States. That is the first thing this bill would do.

The second thing it would do is to revoke certain export privileges of companies that violate the law. That is a commonsense proposition, and it has the additional benefit, by the way, of helping us to prevent American companies from assisting countries who we believe should not have chemicals, the precursors to making their biological or chemical weapons.

The third section deals with sanctions against the use of chemical or biological weapons. Mr. President, today under existing law, the President of the United States is obligated to impose sanctions against countries that use chemical or biological weapons, and he is given a list of 10 sanctions that he is to impose. They are in two different tiers—five in one tier and five in another tier. He also has a waiver authority.

What we do in this legislation is to grant him more flexibility, to keep the same sanctions, but not to have the one tier and two tier. So he can actually decide, based upon the circumstances at the time, exactly how he wants to proceed. The price for that flexibility is that we reduce somewhat his flexibility on the waiver, but he still has the ability, under the supreme-national-interest-waiver clause to waive the imposition of those sanctions should he deem it appropriate.

Obviously, that waiver would not likely be used by a President if a country actually used chemical or biological weapons. He would, under the law today, under the law as we have it written today, want to impose sanctions. As I said, we provide more flexibility in those sanctions.

In addition, in this section, we call on the President to block transactions of any property that is owned by a country found to have used chemical or biological weapons. In other words, just to use a hypothetical, country A uses biological or chemical weapons, and they have assets in banks in the United States. The President could block any transaction of that property, basically freeze those assets as a way of preparing to indemnify victims of the use of that chemical weapon. This is a way we can provide real, meaningful relief. This is new in law. This does not exist today. We would have a way, therefore, at least of providing a fund should we be able to indemnify victims of such a horrible, horrible crime.

Another thing we do is have a section on continuation and enhancement of multilateral control regimes, which is really a fancy way of saying that we are expressing the sense of the Senate and establishing United States policy that the President continue to maintain our role in the Australia group, that group of countries that has agreed among itself not to trade chemicals to countries we believe might want to use them to create a biological or chemical weapon with them.

We establish the policy that the President will attempt to block any attempt to substantially weaken the controls established by the Australia group. I believe that as a general proposition—this is the administration's policy anyway—I do not think that this is particularly new, but it puts into statute our policy expressing this strong position. It should, therefore, assist the President in the advocacy of that position in the Australia group meetings.

There is another section dealing with assistance to Russia. A year ago, in the 1996 Defense Authorization Act, the Congress actually fenced, meaning it set aside the expenditure of funds under the so-called Nunn-Lugar provision for chemical- and biological-related activities. We did this because we felt there was some question about whether Russia was actually proceeding in good faith to dismantle their chemical and biological capability. As a result of the compromise that was struck by Senators Nunn and LUGAR, there was actually a provision for four conditions in that legislation that had to be certified by the President prior to the release of part of these funds.

What we have done in this legislation is to reinstate—essentially the same language that was in that 1996 defense authorization bill—and to reestablish those four conditions for certification by the President. Those conditions, as I said, are essentially the same conditions that existed before and would be certified by the President or, as was done in that defense authorization bill, the President could also release the funds if he formally certifies that he is unable to make the certification.

So the President has total flexibility here, but at least it focuses attention on the degree of cooperation by the Russians with respect to the dismantlement of their CW and BW programs.

The next section calls for reports on the state of chemical and biological weapons proliferation. It asks the administration to provide us an annual classified report that will enable us to better understand the threat that is out there.

The next section would strengthen the 1925 Geneva Protocol. It is a sense of the Senate, but what it does do is urge and direct the Secretary of State to work to convene an international negotiating forum for the purpose of putting some teeth into this 1925 Geneva Protocol, which is the agreement that actually prevents or prohibits the use of chemical weapons, not just the manufacture or possession of them. We provide $5 million for the State Department to begin this process.

We think this would be useful because countries of greatest concern to us, like Iran and Iraq, North Korea, Russia, China, Syria, and Libya, are all signatories to the 1925 Geneva Protocol. If we could make an international agreement that puts some teeth into that, it would be clearly useful. As I say, it is a sense of the Senate, but we believe it is useful nonetheless.

Next it says, until the United States has developed its resolution of ratification of the Chemical Weapons Convention—if it does—we would not be providing funding for that organization.

The next section is that it is the sense of the Senate that we actually do

some things to beef up our military defenses against the use of chemical or biological weapons.

The General Accounting Office, in 1996, issued a report that was very distressing in that it reported that U.S. forces are inadequately equipped, organized, trained and exercised for operations in battlefields in which chemical and biological weapons are being used.

So this bill recommends three specific corrective steps to deal with that and, as a result, we think, will help to actually improve and enhance our defensive capability should our forces ever be confronted with the use of these weapons.

The last two sections, Mr. President.

The first is relating to negative security assurances. It is a sense of the Senate that calls on the President to reevaluate the current policy of the United States on negative assurances and its impact on deterrent strategy.

In effect, what this is all about is the following. In return for a nation's decision to join the nuclear nonproliferation treaty as a nonnuclear weapons state, the United States pledges never to threaten or use nuclear weapons against that state unless it was allied with a nuclear weapons state in aggression against the United States.

So today, when chemical and biological threats seem like the larger concern, this negative security assurance could undermine our effective deterrence against such an attack. Would Saddam Hussein, for example, feel free to use chemical weapons if he did not think we would possibly retaliate with nuclear weapons? As a result, that is in here.

Finally, we have the riot control agent provision which has been much spoken of. We think it is important for the rescue of downed pilots or in a situation where civilians are present that riot control agents be used. And our act provides for that.

These are all, I would say, very helpful, very specific, very realistic provisions that constructively deal with the proliferation of this threat. As a result, we think this legislation is important. Again, as I say, whether you are pro or con on the treaty, this legislation enhances the security of the United States. I certainly request my colleagues to consider it and to support the vote, assuming we have the vote here before long.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, again, I want to thank the Senator from Arizona, Senator KYL, for his work on this legislation.

We do have a unanimous-consent request ready to offer now.

UNANIMOUS-CONSENT AGREEMENT—S. 495 AND THE CHEMICAL WEAPONS CONVENTION

Mr. LOTT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 495, entitled the Chemical and Biological Weapons Threat Reduction Act of 1997 on Thursday, April 17, and the Senate proceed to its immediate consideration on Thursday, April 17, at a time to be determined by the majority leader after notification of the Democratic leader under the following agreement: 30 minutes under the control of Senator KYL, 30 minutes under the control of Senator LEAHY, and 15 minutes each for Senators LEVIN and BIDEN, or their designees, on the bill and no amendments or motions be in order, other than a modification of the bill to be offered by Senator KYL and submitted for the RECORD at the time of this agreement.

I further ask unanimous consent that following the use or yielding back of the time, the Senate proceed to third reading and final passage of the bill, all without further action or debate.

I further ask unanimous consent as if in executive session that on Wednesday, April 23, the Foreign Relations Committee be immediately discharged from further consideration of treaty document No. 103–21 and the document be placed on the Executive Calendar.

I further ask unanimous consent that the Senate proceed to executive session to consider treaty document No. 103–21 at 10 a.m. on Wednesday, April 23, and the treaty be advanced through its various parliamentary stages, up to and including the presentation of the resolution of ratification, and the Senate Foreign Relations Committee be discharged of Executive Resolution 75—that is the text of the Helms negotiations—and that it be immediately substituted for the resolution of ratification.

I further ask unanimous consent the resolution be considered under the following time restraints: 10 hours of debate on the resolution of ratification, to be equally divided between the chairman and ranking minority member or their designees.

Mr. DASCHLE. Would the majority leader yield at that point?

Mr. LOTT. Yes.

Mr. DASCHLE. At that point I would add 1 hour under the control of Senator LEAHY.

Mr. LOTT. Mr. President, I further ask unanimous consent that Senator LEAHY be recognized then for up to 1 hour on Wednesday, April 23. I ask that additional request be placed at this point in the unanimous-consent request.

I ask unanimous consent that the first 28 conditions, declarations, statements, and understandings shall be identified as being agreed to between the chairman and ranking minority member, that these 28 conditions, declarations, statements, or understandings not be subject to further amendments or motions, and it be in order for the Senate to vote on the agreed-upon items, and if agreed to, the motion to reconsider be laid upon the table.

I further ask unanimous consent that the final 5 of the 33 conditions, declarations, statements, or understandings shall be identified as not being agreed to between the chairman and ranking minority member, that it be in order for the Democratic leader or his designee to offer one motion to strike each of the conditions, declarations, statements, or understandings, as listed below, and the motion be limited to 1 hour to be equally divided.

The conditions, declarations, statements, or understandings subject to motions to strike are as follows:

First, Russian elimination of chemical weapons;

Second, chemical weapons in countries other than Russia;

Third, designation of inspectors and inspection assistants;

Fourth, stemming the proliferation of chemical weapons; and

Fifth, essential verifiability.

The full text by title is appended hereto. I send it to the desk and 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:

(29) RUSSIAN ELIMINATION OF CHEMICAL WEAPONS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Congress that—

(A) Russia is making reasonable progress in the implementation of the Agreement between the United States of America and the Union of Soviet Socialist Republics on Destruction and Nonproduction of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, signed on June 1, 1990 (in this resolution referred to as the "1990 Bilateral Destruction Agreement");

(B) the United States and Russia have resolved, to the satisfaction of the United States, outstanding compliance issues under the Memorandum of Understanding Between the Government of the United States of America and the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989, also known as the "1989 Wyoming Memorandum of Understanding", and the 1990 Bilateral Destruction Agreement;

(C) Russia has deposited the Russian instrument of ratification for the Convention and is in compliance with its obligations under the Convention; and

(D) Russia is committed to forgoing any chemical weapons capability, chemical weapons modernization program, production mobilization capability, or any other activity contrary to the object and purpose of the Convention.

(30) CHEMICAL WEAPONS IN OTHER STATES.—

(A) CERTIFICATION REQUIREMENT.—Prior to the deposit of the United States instrument

of ratification the President, in consultation with the Director of Central Intelligence, shall certify to the Congress that countries which have been determined to have offensive chemical weapons programs, including Iran, Iraq, Syria, Libya, the Democratic People's Republic of Korea, China, and all other countries determined to be state sponsors of international terrorism, have ratified or otherwise acceded to the Convention.

(31) EXERCISE OF RIGHT TO BAR CERTAIN INSPECTORS.—

(i) IN GENERAL.—The President shall exercise United States rights under paragraphs 2 and 4 of Part II of the Verification Annex to indicate United States non-acceptance of all inspectors and inspection assistants who are nationals of countries designated by the Secretary of State as supporters of international terrorism under section 40(d) of the Arms Export Control Act, or nationals of countries that have been determined by the President, in the last five years, to have violated United States nonproliferation law, including—

(I) chapters 7, 8, and 10 of the Arms Export Control Act;

(II) sections 821 and 824 of the Nuclear Proliferation Prevention Act of 1994;

(III) sections 11b and 11c of the Export Administration Act of 1979;

(IV) the Export-Import Bank Act of 1945; and

(V) sections 1604 and 1605 of the Iran-Iraq Nonproliferation Act of 1992.

(ii) OTHER GROUNDS OF EXCLUSION.—The President shall also bar such nationals from entering United States territory for the purpose of conducting any activity associated with the Convention, notwithstanding paragraph 7 of Part II of the Verification Annex.

(32) STEMMING THE PROLIFERATION OF CHEMICAL WEAPONS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(A) the State Parties have concluded an agreement amending the Convention—

(i) by striking Article X; and

(ii) by amending Article XI to strike any provision that states or implies disapproval of trade restrictions in the field of chemical activities, including paragraphs 2(b), 2(c), 2(d), and 2(e); and

(B) no provision has been added to the Convention or to any of its annexes, and no statement, written or oral, has been issued by the Organization, stating or implying the right or obligation of States Parties to share or facilitate the exchange among themselves of chemical weapons defense technology, chemicals, equipment, or scientific and technical information.

(33) EFFECTIVE VERIFICATION.—

(A) CERTIFICATION.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that compliance with the Convention is effectively verifiable.

(B) DEFINITIONS.—In this paragraph:

(i) EFFECTIVELY VERIFIABLE.—The term "effectively verifiable" means that the Director of Central Intelligence has certified to the President that the United States intelligence community (as defined in section 3(4) of the National Security Act of 1947) has a high degree of confidence in its ability to detect militarily significant violations of the Convention, including the production, possession, or storage of militarily significant quantities of lethal chemicals, in a timely fashion, and to detect patterns of marginal violation over time.

(ii) MILITARILY SIGNIFICANT.—The term "militarily significant" means one metric ton or more of chemical weapons agent.

(iii) TIMELY FASHION.—The term "timely fashion" means detection within one year of the violation having occurred.

Mr. LOTT. Mr. President, I further ask unanimous consent no substitute or second-degree amendments be in order and no other reservations, conditions, declarations, statements, or understandings be in order to the resolution of ratification.

I further ask unanimous consent that it be in order for the majority leader, after notification of the Democratic leader, to call for a closed session of the Senate, to be held in the Old Senate Chamber, to hear confidential debate regarding the Chemical Weapons Convention, not to exceed 2 hours, to be equally divided, again, between the two leaders or their designees, and 48 hours before moving to the closed session all classified material to be used during the debate by any Senator be given to both leaders.

Further, I ask unanimous consent that following the disposition of the above-listed amendments, closed session, and the use or yielding back of time, the Senate proceed to vote on adoption of the resolution of ratification, as amended, all without further action or debate, and following the vote the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action or, if the resolution is defeated, the resolution to return to the President be deemed agreed to and the Senate resume legislative session.

Further, I ask unanimous consent, Mr. President, that prior to the Memorial Day recess the majority leader, after notification of the Democratic leader, shall turn to the consideration of the implementing legislation, and it be considered under a time agreement of 2 hours to be equally divided, again, between the chairman and the ranking minority member, and there be only one amendment in order to be offered by the majority leader or his designee, and one amendment only to be offered by the Democratic leader or his designee, and limited to 1 hour each, to be equally divided in the usual form, and each amendment must be relevant to the implementing legislation.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Reserving the right to object, I just want to clarify that the amendments we will offer to strike will be in order Thursday regardless of whether the 10 hours of debate has been completed and that the vote on the agreed-on reservations will occur prior to consideration of the reservations in this agreement.

Mr. LOTT. Mr. President, let me ask you to state that again—that the motions to strike would be in order on Thursday, the 24th, whether or not the 10 hours has been completed?

Reserving the right to object, Mr. President, if I could address this question to the Democratic leader.

I do not see any reason why we should not have completed at that time, but you are just saying if the time is not agreed to, you want to delay the actions on the motions to strike.

Mr. President, that would be my intent. I think that is what the agreement indicates. That is what we will do. I believe we will be able to get our time in on Wednesday or we will have an agreement to take part of the time Thursday morning and move immediately to a motion to strike, because we want to make sure that that time and those motions to strike are in order. And the time is required. There is about 6 hours or so. We will make sure that time is there.

Mr. DASCHLE. Reserving the right to object, I just only clarify this because that is the understanding. I appreciate very much the distinguished majority leader's assurances in that regard.

Mr. President, as I said a moment ago, this is the product of several days' worth of work. I thank the majority leader for his leadership and the cooperation he has shown in bringing us to this point.

I also thank Senators BIDEN, LEAHY, LEVIN, KERRY, BINGAMAN, and many others who had so much to do on our side with this effort. I think it's a very good agreement and appreciate the cooperation from all of our colleagues.

I have no objection.

Mr. KYL. Mr. President, reserving the right to object, may I inquire? This agreement would provide for a separate vote on the so-called 28 items in agreement; is that correct? If that is correct, I will have to object because that was never my understanding of the agreement.

Mr. LOTT. Mr. President, let me put in a quorum call at this point so we can make sure we understand the question to make sure we go over the history of why that language would be in there.

I must say this is the longest and the most complicated unanimous-consent agreement that I have worked on since I have been majority leader. I know that the Senator from West Virginia has probably entered in some much longer, more complicated than this. But as I was reading through it, I even hesitated, to go back and reread at least one section there, to make sure it was accurate. I understood exactly what it meant. But we do need to clarify this particular point.

I would like to suggest the absence of a quorum so I can get a proper explanation.

Mr. BYRD addressed the Chair.

Mr. LOTT. Mr. President, I will be glad to withhold that and yield to the Senator.

Mr. BYRD. Will the distinguished majority leader yield for a question or perhaps a brief statement before he asks for a quorum?

Mr. LOTT. Yes.

Mr. BYRD. Mr. President, I have been informed that our offices were notified 20 minutes ago, roughly, about this agreement. I assume that it was thought that if there were no objections registered within 15, 20 minutes, whatever it was, there were none and therefore we would go ahead with the agreement.

It seems to me that at times certainly that is not in the best interest of the Senate. I am not complaining. Here is a very lengthy unanimous-consent agreement. I have not seen it. I am not one of the principal players in this situation. I probably am going to vote for the treaty.

But the approval of resolutions of ratification of treaties is one of the unique reasons for the Senate's raison d'etre. Consequently, to just, at first blush, come up here to the floor and hear this long agreement read and then go along without objecting, at least for a little while until I can read it, it seems to me I am not doing my duty to the Senate, my duty under the Constitution, my duty to my people.

Twenty minutes. If a hotline goes to the office on a lengthy agreement like this and I am out doing other things—and we do have other important duties that are part of the people's business—nobody in the office is in a position to approve or to object.

Mr. DASCHLE. Mr. President, would the distinguished—I do not know who has the floor.

Mr. LOTT. I would be happy to yield.

Mr. DASCHLE. I would like to respond, if I could, to the distinguished Senator from West Virginia.

There were four notifications, I would explain to my dear colleague, the senior Senator from West Virginia.

First, we had sent out the substance of this agreement about 48 hours ago. So staffs have had this now for the better part of 2 days.

Second, we discussed it in the caucus on Tuesday.

Third, we had the opportunity to talk to all relevant committee staff and then, of course, to those who had a particular interest in it over the last 24 hours.

Then, finally, of course, we have explained it again in a policy committee just about 2½ hours ago.

So I really think that in this case there ought not be any surprises for any of our colleagues if they had an interest.

We have really made the effort as this has evolved to bring people along with the understanding of where we are. This is simply a confirmation of what I have been explaining to our caucus now for the better part of a week.

Mr. LOTT. If I could say to the distinguished Senator from West Virginia, we have been working on both sides of the aisle to make sure that this was a very carefully and fairly drawn unanimous-consent agreement. There has been give-and-take on both sides. I am sure the way it is set up would not be the first choice for some of our colleagues that are proponents of the treaty. Let me assure you there are some things in here that the distinguished chairman of the Foreign Relations Committee, Senator HELMS, had to swallow hard to agree to. But we have been talking to Senator BIDEN, Senator HELMS, Senator KYL, Senator MCCAIN, and I am sure that Senator LUGAR and Senator LEAHY have been following closely. In fact, let me assure everyone they have been following closely, because Senator LEAHY got another bite of the apple at the end.

I believe we have set it up in a way that is fair. We set it up in a way, sir, where Senators like yourself will actually take the time to read the statements and conditionalities, will have time today and over the weekend and Monday and Tuesday, and even during the debate. We set it up carefully so there is adequate time for full debate. With a motion to strike, and hours of debate, we will have, I believe, and I certainly hope, the time to fully discharge our responsibilities.

This is a very, very difficult issue for me. I have people I respect dearly, ultimately, on both sides of this treaty. It is a very important treaty dealing with a very important issue. I certainly have wanted to be careful about how we set it up, to have the time, have the hearings that are necessary so we hear from some of the opponents that we have not heard from, and give the proponents opportunities.

I think the leadership always at the end tries to pull it together before one more cork pops loose, and we try to push it at the conclusion, at the end. If we missed a Senator or two, it certainly has just not been our intention, and we will work with you in every way we can to make sure you have the time to consider it, sir.

Mr. BYRD. The only thing I am accusing my leaders of is that they always act with the very best of intentions and they are very sincere.

I was at the caucus on Tuesday. I never heard this agreement discussed. Am I wrong?

Mr. DASCHLE. I do not know if you were there. If the distinguished Senator will yield again, I do not know that he was there when this segment of it was discussed, but we brought it up at the end of the caucus. I think the Senator may have already left the caucus.

Mr. BYRD. I am talking about the details of this agreement.

Mr. DASCHLE. That is right. We talked about the timeframe—which is what this agreement addresses—within which all of the legislation affecting the agreement will be considered. I spoke at some length in describing what the scenario would be, and again repeated it, as I said, at the policy committee this afternoon.

Mr. BYRD. I was not at the policy committee this afternoon. That is not the leader's fault. I have had some other things that demand my attention, one of them being the election challenge to MARY LANDRIEU, which took some time, at least before noon.

Mr. DASCHLE. Again, I reiterate, we also had the text of this agreement. The substantive portions of this agreement have all been transmitted to every Democratic office now for some time. It should be in the office of every Senator. Every Democratic Senator and staff should have been well aware of it. We then faxed the specific agreement about an hour ago.

Mr. BYRD. I have not seen that. That is not the leader's fault. That may have been my office. It has not been called to my attention. I will discuss that with my staff. The leader knows we are very short in our staffs—shorthanded. I will go back and take a look at that.

There is one thing I thought I had clearly understood, and that was when we have an agreement and we go to third reading and part of the agreement is to the effect that we go immediately after third reading without further action or debate to final passage, I objected to that last year, but I see that the agreements that are being proposed now go back to that same kind of phraseology. I am a little troubled by that.

Mr. DASCHLE. If I could say, the distinguished Senator from West Virginia has made himself very clear on this point. I agree with him.

I think that we ought to use the language that will allow for consideration of final passage after reaching the third reading, which is what the Senator has suggested.

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. 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.

Mr. LOTT. Mr. President, I renew my previous unanimous-consent request, which I read into the RECORD in its entirety, with two changes. On the second page, I would make this change:

That the first 28 conditions, declarations, statements, and understandings shall be identified as being agreed to between the chairman and the ranking minority member, that these 28 conditions, declarations, statements, or understandings not be subject to further amendments or motions, and a vote occur on adoption of Executive Resolution 75 to be followed by a vote on the agreed-upon 28 items, and, if agreed to, the motion or motions to reconsider be laid upon the table.

Basically what that is saying is that there would be a voice vote on the underlying resolution and on the 28 conditions and declarations.

Also, at the end of the unanimous-consent request, I would make this request:

I further ask that Senator LEAHY be recognized for up to 1 hour on Wednesday, April 23, and that prior to the adoption of the resolution or ratification there be an additional 10 minutes equally divided between the two leaders at that time.

Mr. DASCHLE. Mr. President, reserving the right to object, let me just say that I think this has again addressed all of the concerns raised. And I appreciate very much everyone's cooperation here. The clock is ticking. We are losing time. We need to get on with consideration of the Kyl bill. And I hope now that we can enter into this unanimous-consent agreement.

I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. Is there objection?

No objection is heard.

Mr. KYL. Mr. President, reserving the right to object, I want to clarify that this will be a voice vote on both of the two matters indicated in the unanimous-consent request.

Mr. LOTT. Mr. President, I absolutely confirm that that is the case.

Mr. LEAHY. Reserving the right to object, I shall not object, the voice vote on the which?

Mr. LOTT. On the underlying resolution of the committee and on the 28 conditions that have been agreed to.

The PRESIDING OFFICER. No objection is heard.

Without objection, it is so ordered.

CHEMICAL AND BIOLOGICAL WEAPONS THREAT REDUCTION ACT OF 1997

Mr. LOTT. I ask unanimous consent that the Senate now proceed to the consideration of S. 495, under the previous order.

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

The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 495) to provide criminal and civil penalties for the unlawful acquisition, transfer, or use of any chemical weapon or biological weapon, and to reduce the threat of acts of terrorism or armed aggression involving the use of any such weapon against the United States, its citizens, or Armed Forces, or those of any allied country, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, first of all, I understand that the amendment which was referred to in the unanimous-consent agreement as the modified bill is at the desk.

The PRESIDING OFFICER. The modification is at the desk.

The modification follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Chemical and Biological Weapons Threat Reduction Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Policy.
Sec. 4. Definitions.
TITLE I—PENALTIES FOR UNLAWFUL ACTIVITIES SUBJECT TO THE JURISDICTION OF THE UNITED STATES
Subtitle A—Criminal and Civil Penalties
Sec. 101. Criminal and civil provisions.
Subtitle B—Revocations of Export Privileges
Sec. 111. Revocations of export privileges.
TITLE II—FOREIGN RELATIONS AND DEFENSE-RELATED PROVISIONS
Sec. 201. Sanctions for use of chemical or biological weapons.
Sec. 202. Continuation and enhancement of multilateral control regimes.
Sec. 203. Criteria for United States assistance to Russia relating to the elimination of chemical and biological weapons.
Sec. 204. Report on the state of chemical and biological weapons proliferation.
Sec. 205. International conference to strengthen the 1925 Geneva Protocol.
Sec. 206. Restriction on use of funds for the Organization for the Prohibition of Chemical Weapons.
Sec. 207. Enhancements to robust chemical and biological defenses.
Sec. 208. Negative security assurances.
Sec. 209. Riot control agents.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the United States eliminated its stockpile of biological weapons pursuant to the 1972 Biological Weapons Convention and has pledged to destroy its entire inventory of chemical weapons by 2004, independent of the Chemical Weapons Convention entering into force;

(2) the use of chemical or biological weapons in contravention of international law is abhorrent and should trigger immediate and effective sanctions;

(3) United Nations Security Council Resolution 620, adopted on August 26, 1988, states the intention of the Security Council to consider immediately "appropriate and effective" sanctions against any nation using chemical and biological weapons in violation of international law;

(4) the General Agreement on Tariffs and Trade recognizes that national security concerns may serve as legitimate grounds for limiting trade; title XXI of the General Agreement on Tariffs and Trade states that "nothing in this Agreement shall be construed . . . to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests. . .";

(5) on September 30, 1993, the President declared by Executive Order No. 12868 a national emergency to deal with "the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States" posed by the proliferation of nuclear, biological and chemical weapons, and of the means for delivering such weapons;

(6) Russia has not implemented the 1990 United States-Russian Bilateral Agreement on Destruction and Non-Production of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, known as the "BDA", nor has the United States and Russia resolved, to the satisfaction of the United States, the outstanding compliance issues under the Memorandum of Understanding Between the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related To Prohibition on Chemical Weapons, known as the "1989 Wyoming MOU";

(7) the Intelligence Community has stated that a number of countries, among them China, Egypt, Iran, Iraq, Libya, North Korea, Syria, and Russia, possess chemical and biological weapons and the means to deliver them;

(8) four countries in the Middle East—Iran, Iraq, Libya, and Syria—have, as a national policy, supported international terrorism;

(9) chemical and biological weapons have been used by states in the past for intimidation and military aggression, most recently during the Iran-Iraq war and by Iraq against its Kurdish minority;

(10) the grave new threat of chemical and biological terrorism has been demonstrated by the 1995 nerve gas attack on the Tokyo subway by the Japanese cult Aum Shinrikyo;

(11) the urgent need to improve domestic preparedness to protect against chemical and biological threats was underscored by enactment of the 1997 Defense Against Weapons of Mass Destruction Act;

(12) the Department of Defense, in light of growing chemical and biological threats in regions of key concern, including Northeast Asia, and the Middle East, has stated that United States forces must be properly trained and equipped for all missions, including those in which opponents might threaten use of chemical or biological weapons; and

(13) Australia Group controls on the exports of chemical and biological agents, and related equipment, and the Missile Technology Control Regime, together provide an indispensable foundation for international and national efforts to curb the spread of chemical and biological weapons, and their delivery means.

SEC. 3. POLICY.

It should be the policy of the United States to take all appropriate measures to—

(1) prevent and deter the threat or use of chemical and biological weapons against the citizens, Armed Forces, and territory of the United States and its allies, and to protect against, and manage the consequences of, such use should it occur;

(2) discourage the proliferation of chemical and biological weapons, their means of delivery, and related equipment, material, and technology;

(3) prohibit within the United States the development, production, acquisition, stockpiling, possession, and transfer to third parties of chemical or biological weapons, their precursors and related technology; and

(4) impose unilateral sanctions, and seek immediately international sanctions, against any nation using chemical and biological weapons in violation of international law.

SEC. 4. DEFINITIONS.

In this Act:

(1) AUSTRALIA GROUP.—The term "Australia Group" refers to the informal forum of countries, formed in 1984 and chaired by Australia, whose goal is to discourage and impede chemical and biological weapons proliferation by harmonizing national export controls on precursor chemicals for chemical weapons, biological weapons pathogens, and dual-use equipment, sharing information on target countries, and seeking other ways to curb the use of chemical weapons and biological weapons.

(2) BIOLOGICAL WEAPON.—The term "biological weapon" means the following, together or separately:

(A) Any micro-organism (including bacteria, viruses, fungi, rickettsiae or protozoa), pathogen, or infectious substance, or any naturally occurring, bio-engineered or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, capable of causing—

(i) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

(ii) deterioration of food, water, equipment, supplies, or materials of any kind; or

(iii) deleterious alteration of the environment.

(B) Any munition or device specifically designed to cause death or other harm through the release, dissemination, or impact of the toxic or poisonous properties of those biological weapons specified in subparagraph (A).

(C) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B).

(D) Any living organism specifically designed to carry a biological weapon specified in subparagraph (A) to a host.

(3) CHEMICAL WEAPON.—The term "chemical weapon" means the following, together or separately:

(A) Any of the following chemical agents: tabun, Sarin, Soman, GF, VX, sulfur mustard, nitrogen mustard, phosgene oxime, lewisite, phenyldichloroarsine, ethyldichloroarsine, methyldichloroarsine, phosgene, diphosgene, hydrogen cyanide, cyanogen chloride, and arsine.

(B) Any of the 54 chemicals other than a riot control agent that is controlled by the Australia Group as of the date of the enactment of this Act.

(C) Any other chemical agent that may be developed if the use of the agent would be intended to produce an effect consistent with that of a chemical agent or other chemical described in subparagraph (A) or (B).

(D) Any munition or device specifically designed to cause death or other harm through the release, dissemination, or impact of the toxic or poisonous properties of a chemical weapon specified in subparagraph (A), (B), or (C).

(E) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (D).

(4) KNOWINGLY.—The term "knowingly" is used within the meaning of "knowing" as that term is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2).

(5) NATIONAL OF THE UNITED STATES.—The term "national of the United States" has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(6) PERSON.—The term "person" means any individual, corporation, partnership, firm, association, or other legal entity.

(7) RIOT CONTROL AGENT.—The term "riot control agent" means any substance, including diphenylchloroarsine, diphenylcyanoarsine, adamsite, chloroacetophenone, chloropicrin, bromobenzyl cyanide, 0-chlorobenzylidene malononitrile, or 3-Quinuclidinyl benzilate, that is designed or used to produce rapidly in humans any nonlethal sensory irritation or disabling physical effect that disappears within a short time following termination of exposure.

(8) UNITED STATES.—The term "United States" means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

(A) any of the places within the provisions of paragraph (41) of section 40102 of title 49, United States Code;

(B) any civil aircraft or public aircraft of the United States, as such terms are defined in paragraphs (18) and (36) of section 40102 of title 49, United States Code; and

(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Enforcement Act, as amended (46 U.S.C., App. sec. 1903(b)).

TITLE I—PENALTIES FOR UNLAWFUL ACTIVITIES SUBJECT TO THE JURISDICTION OF THE UNITED STATES

Subtitle A—Criminal and Civil Penalties

SEC. 101. CRIMINAL AND CIVIL PROVISIONS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by inserting after chapter 11A the following new chapter:

"CHAPTER 11B—CHEMICAL AND BIOLOGICAL WEAPONS

"Sec.
"229. Prohibited activities.
"229A. Penalties.
"229B. Criminal forfeitures; destruction of weapons.
"229C. Other prohibitions.
"229D. Injunctions.
"229E. Requests for military assistance to enforce prohibition in certain emergencies.
"229F. Definitions.

"§ 229. Prohibited activities.

"(a) UNLAWFUL CONDUCT.—Except as provided in subsections (b) and (c), it shall be unlawful for any person knowingly—

"(1) to develop, produce, otherwise acquire, transfer, directly or indirectly, receive, stockpile, retain, own, possess, or use, or threaten to use, any chemical weapon or any biological weapon; or

"(2) to assist or induce, in any way, any person to violate paragraph (1), or to attempt or conspire to violate paragraph (1).

"(b) EXEMPTED CONDUCT.—Subsection (a) does not apply to conduct that satisfies the following requirements of both paragraphs (1) and (2):

"(1) LAWFUL PURPOSE.—The chemical weapon or biological weapon is intended for any of the following purposes:

"(A) PEACEFUL PURPOSES.—Any peaceful purpose related to an industrial, agricultural, research, medical, or pharmaceutical activity or other activity.

"(B) PROTECTIVE PURPOSES.—Any purpose directly related to protection against a chemical or biological weapon.

"(C) UNRELATED MILITARY PURPOSES.—Any military purpose of the United States that is not connected with the use of a chemical weapon or biological weapon or that is not dependent on the use of the toxic or poisonous properties of the chemical weapon or biological weapon to cause death or other harm.

"(D) LAW ENFORCEMENT PURPOSES.—Any law enforcement purpose, including any domestic riot control purpose.

"(E) INDIVIDUAL SELF-DEFENSE PURPOSES.—Any individual self-defense purpose involving a pepper spray or chemical mace.

"(2) LIMITATION ON TYPE AND QUANTITY.—

"(A) IN GENERAL.—The type and quantity of the chemical weapon or biological weapon is strictly limited to the type and quantity that can be justified for the purpose intended under paragraph (1).

"(B) EXCESSIVE QUANTITIES PER PERSON.—The requirement of this paragraph is not satisfied if the quantity per person at any given time is, under the circumstances, inconsistent with the purpose intended under paragraph (1).

"(c) EXEMPTED AGENCIES AND PERSONS.—

"(1) IN GENERAL.—Subsection (a) does not apply to the retention, ownership, possession, transfer, or receipt of a chemical weapon or a biological weapon by a department, agency, or other entity of the United States, or by a person described in paragraph (2), pending destruction of the weapon.

"(2) EXEMPTED PERSONS.—A person referred to in paragraph (1) is—

"(A) a member of the Armed Forces of the United States or any other person that is authorized by law or by an appropriate officer of the United States to retain, own, possess, transfer, or receive the chemical or biological weapon; or

"(B) in an emergency situation, any other person if the person is attempting to destroy or seize the weapon or if the person is a victim of the use of the weapon.

"(d) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if the prohibited conduct—

"(1) takes place in the United States;

"(2) takes place outside of the United States and is committed by a national of the United States;

"(3) is committed against a national of the United States while the national is outside the United States; or

"(4) is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States.

"§ 229A. Penalties

"(a) CRIMINAL PENALTIES.—

"(1) IN GENERAL.—Any person who violates section 229 of this title shall be fined under this title, or imprisoned for any term of years, or both.

"(2) DEATH PENALTY.—Any person who violates section 229 of this title and by whose action the death of another person is the result shall be punished by death or imprisoned for life.

"(b) CIVIL PENALTIES.—

"(1) IN GENERAL.—The Attorney General may bring a civil action in the appropriate United States district court against any person who violates section 229 of this title and, upon proof of such violation by a preponderance of the evidence, such person shall be subject to pay a civil penalty in an amount not to exceed $100,000 for each such violation.

"(2) RELATION TO OTHER PROCEEDINGS.—The imposition of a civil penalty under this subsection does not preclude any other criminal or civil statutory, common law, or administrative remedy, which is available by law to the United States or any other person.

"(c) REIMBURSEMENT OF COSTS.—The court shall order any person convicted of an offense under subsection (a) to reimburse the

United States for any expenses incurred by the United States incident to the seizure, storage, handling, transportation, and destruction or other disposition of any property that was seized in connection with an investigation of the commission of the offense by that person. A person ordered to reimburse the United States for expenses under this subsection shall be jointly and severally liable for such expenses with each other person, if any, who is ordered under this subsection to reimburse the United States for the same expenses.

"§ 229B. Criminal forfeitures; destruction of weapons

"(a) PROPERTY SUBJECT TO CRIMINAL FORFEITURE.—Any person convicted under section 229A(a) shall forfeit to the United States irrespective of any provision of State law—

"(1) any property, real or personal, involved in the offense, including any chemical weapon or biological weapon;

"(2) any property constituting, or derived from, and proceeds the person obtained, directly or indirectly, as the result of such violation; and

"(3) any of the person's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

The court, in imposing sentence on such person, shall order, in addition to any other sentence imposed pursuant to section 229A(a), that the person forfeit to the United States all property described in this subsection. In lieu of a fine otherwise authorized by section 229A(a), a defendant who derived profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.

"(b) PROCEDURES.—Property subject to forfeiture under this section, any seizure and disposition thereof, and any administrative or judicial proceeding in relation thereto, shall be governed by subsections (b) through (p) of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except that any reference under those subsections to—

"(1) 'this subchapter or subchapter II' shall be deemed to be a reference to section 229A(a); and

"(2) 'subsection (a)' shall be deemed to be a reference to subsection (a) of this section.

"(c) DESTRUCTION OR OTHER DISPOSITION.—The Attorney General shall provide for the destruction or other appropriate disposition of any chemical or biological weapon seized and forfeited pursuant to this section.

"(d) ASSISTANCE.—The Attorney General may request the head of any agency of the United States to assist in the handling, storage, transportation, or destruction of property seized under this section.

"§ 229C. Other prohibitions

"(a) IN GENERAL.—Whoever knowingly uses riot control agents as an act of terrorism, or knowingly assists any person to do so, shall be fined under this title or imprisoned for a term of not more than 10 years, or both.

"(b) JURISDICTION.—Conduct prohibited by this section is within the jurisdiction of the United States if the prohibited conduct—

"(1) takes place in the United States;

"(2) takes place outside of the United States and is committed by a national of the United States;

"(3) is committed against a national of the United States while the national is outside the United States; or

"(4) is committed against any property that is owned, leased, or used by the United States or by any department or agency of the United States, whether the property is within or outside the United States.

"§ 229D. Injunctions

"The United States may obtain in a civil action an injunction against—

"(1) the conduct prohibited under section 229 or 229C of this title; or

"(2) the preparation or solicitation to engage in conduct prohibited under section 229 or 229C of this title.

"§ 229E. Requests for military assistance to enforce prohibition in certain emergencies

"The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 229 of this title in an emergency situation involving a biological weapon or chemical weapon. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.

"§ 229F. Definitions

"In this chapter:

"(1) AUSTRALIA GROUP.—The term 'Australia Group' refers to the informal forum of countries, formed in 1984 and chaired by Australia, whose goal is to discourage and impede chemical and biological weapons proliferation by harmonizing national export controls on precursor chemicals for chemical weapons, biological weapons pathogens, and dual-use equipment, sharing information on target countries, and seeking other ways to curb the use of chemical and biological weapons.

"(2) BIOLOGICAL WEAPON.—The term 'biological weapon' means the following, together or separately:

"(A) Any micro-organism (including bacteria, viruses, fungi, rickettsiae or protozoa), pathogen, or infectious substance, or any naturally occurring, bio-engineered or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, capable of causing—

"(i) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

"(ii) deterioration of food, water, equipment, supplies, or materials of any kind; or

"(iii) deleterious alteration of the environment.

"(B) Any munition or device specifically designed to cause death or other harm through the release, dissemination, or impact of the toxic or poisonous properties of those biological weapons specified in subparagraph (A).

"(C) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B).

"(D) Any living organism specifically designed to carry a biological weapon specified in subparagraph (A) to a host.

"(3) CHEMICAL WEAPON.—The term 'chemical weapon' means the following, together or separately:

"(A) Any of the following chemical agents: tabun, Sarin, Soman, GF, VX, sulfur mustard, nitrogen mustard, phosgene oxime, lewisite, phenyldichloroarsine, ethyldichloroarsine, methyldichloroarsine, phosgene, diphosgene, hydrogen cyanide, cyanogen chloride, and arsine.

"(B) Any of the 54 chemicals, other than a riot control agent, controlled by the Australia Group as of the date of the enactment of this Act.

"(C) Any other chemical agent that may be developed if the use of the agent would be intended to produce an effect consistent with that of a chemical agent or other chemical described in subparagraph (A) or (B).

"(D) Any munition or device specifically designed to cause death or other harm through the release, dissemination, or impact of the toxic or poisonous properties of a chemical weapon specified in subparagraph (A), (B), or (C).

"(E) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (D).

"(4) KNOWINGLY.—The term 'knowingly' is used within the meaning of 'knowing' as that term is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2).

"(5) NATIONAL OF THE UNITED STATES.—The term 'national of the United States' has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

"(6) PERSON.—The term 'person' means any individual, corporation, partnership, firm, association, or other legal entity.

"(7) RIOT CONTROL AGENT.—The term 'riot control agent' means any substance, including diphenylchloroarsine, diphenylcyanoarsine, adamsite, chloroacetophenone, chloropicrin, bromobenzyl cyanide, 0-chlorobenzylidene malononitrile, or 3-Quinuclidinyl benzilate that is designed or used to produce rapidly in humans any nonlethal sensory irritation or disabling physical effect that disappears within a short time following termination of exposure.

"(8) TERRORISM.—The term 'terrorism' means activities that—

"(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; and

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by assassination or kidnapping.

"(9) UNITED STATES.—The term 'United States' means the several States of the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States and includes all places under the jurisdiction or control of the United States, including—

"(A) any of the places within the provisions of section 40102(41) of title 49, United States Code;

"(B) any civil aircraft or public aircraft of the United States, as such terms are defined in paragraphs (16) and (37), respectively, of section 40102 of title 49, United States Code; and

"(C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1903(b)).".

(b) CONFORMING AMENDMENTS.—

(1) WEAPONS OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

(A) by striking "**§ 2332a. Use of weapons of mass destruction**" and inserting "**§ 2332a. Use of certain weapons of mass destruction**";

(B) in subsection (a), by striking ", including any biological agent, toxin, or vector (as those terms are defined in section 178)" and inserting "other than a chemical weapon or biological weapon (as those terms are defined in section 229F)"; and

(C) in subsection (b), by inserting "(other than a chemical weapon or biological weapon (as those terms are defined in section 229F))" after "weapon of mass destruction".

(2) TABLE OF CHAPTERS.—The table of chapters for part I of title 18, United States Code, is amended—

(A) by striking the item relating to chapter 10; and

(B) by inserting after the item for chapter 11A the following new item:

"11B. Chemical and Biological Weapons ..... 229".

(c) REPEALS.—The following provisions of law are repealed:

(1) Chapter 10 of title 18, United States Code, relating to biological weapons.

(2) Section 2332c of title 18, United States Code, relating to chemical weapons.

(3) In the table of sections for chapter 113B of title 18, United States Code, the item relating to section 2332c.

Subtitle B—Revocations of Export Privileges

SEC. 111. REVOCATIONS OF EXPORT PRIVILEGES.

If the President determines, after notice and an opportunity for a hearing in accordance with section 554 of title 5, United States Code, that any person within the United States, or any national of the United States located outside the United States, has committed any violation of section 229 of title 18, United States Code, the President may issue an order for the suspension or revocation of the authority of the person to export from the United States any goods or technology (as such terms are defined in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415)).

TITLE II—FOREIGN RELATIONS AND DEFENSE-RELATED PROVISIONS

SEC. 201. SANCTIONS FOR USE OF CHEMICAL OR BIOLOGICAL WEAPONS.

Title III of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (title III of Public Law 102-182) is amended—

(1) by redesignating section 309 as section 312; and

(2) by striking sections 306 through 308 and inserting the following new sections:

"SEC. 306. PURPOSE.

"The purpose of sections 306 through 311 is—

"(1) to provide for the imposition of sanctions against any foreign government—

"(A) that has used chemical or biological weapons in violation of international law; or

"(B) that has used chemical or biological weapons against its own nationals; and

"(2) to ensure that the victims of the use of chemical or biological weapons shall be compensated and awarded punitive damages, as may be determined.

"SEC. 307. PRESIDENTIAL DETERMINATION.

"(a) BILATERAL SANCTIONS.—Except as provided in subsections (c) and (d), the President shall, after the consultation with Congress, impose the sanctions described in subsections (a) and (b) of section 308 if the President determines that any foreign government—

"(1) has used a chemical weapon or biological weapon in violation of international law; or

"(2) has used a chemical weapon or biological weapon against its own nationals.

"(b) MULTILATERAL SANCTIONS.—The sanctions imposed pursuant to subsection (a) are in addition to any multilateral sanction or measure that may be otherwise agreed.

"(c) PRESIDENTIAL WAIVER.—The President may waive the application of any of the sanctions imposed pursuant to subsection (a) if the President determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that implementing such measures would have a substantial negative impact upon the supreme national interests of the United States.

"(d) SANCTIONS NOT APPLIED TO CERTAIN EXISTING CONTRACTS.—A sanction described in section 308 shall not apply to any activity pursuant to a contract or international agreement entered into before the date of the Presidential determination under subsection (a) if the President determines that performance of the activity would reduce the potential for the use of a chemical weapon or biological weapon by the sanctioned country.

"SEC. 308. MANDATORY SANCTIONS.

"(a) MINIMUM NUMBER OF SANCTIONS.—After consultation with Congress and making a determination under section 307 with respect to the actions of a foreign government, the President shall impose not less than 5 of the following sanctions against that government for a period of three years:

"(1) FOREIGN ASSISTANCE.—The United States Government shall terminate assistance under the Foreign Assistance Act of 1961, except for urgent humanitarian assistance and food or other agricultural commodities or products.

"(2) ARMS SALES.—The United States Government shall not sell any item on the United States Munitions List and shall terminate sales to that country under this Act of any defense articles, defense services, or design and construction services. Licenses shall not be issued for the export to the sanctioned country of any item on the United States Munitions List, or for commercial satellites.

"(3) ARMS SALE FINANCING.—The United States Government shall terminate all foreign military financing under this Act.

"(4) DENIAL OF UNITED STATES GOVERNMENT CREDIT OR OTHER FINANCIAL ASSISTANCE.—The United States Government shall deny any credit, credit guarantees, or other financial assistance by any department, agency, or instrumentality of the United States Government, including the Export-Import Bank of the United States.

"(5) EXPORT CONTROLS.—The authorities of section 6 of the Export Administration Act of 1979 shall be used to prohibit the export of any goods or technology on that part of the control list established under section 5(c)(1) of that Act, and all other goods and technology under this Act (excluding food and other agricultural commodities and products) as the President may determine to be appropriate.

"(6) MULTILATERAL BANK ASSISTANCE.—The United States shall oppose, in accordance with section 701 of the International Financial Institutions Act, the extension of any loan or financial or technical assistance by international financial institutions.

"(7) BANK LOANS.—The United States Government shall prohibit any United States bank from making any loan or providing any credit, including to any agency or instrumentality of the government, except for loans or credits for the purpose of purchasing food or other agricultural commodities or products.

"(8) AVIATION RIGHTS.—

"(A) IN GENERAL.—

"(i) NOTIFICATION.—The President is authorized to notify the government of a country with respect to which the President has made a determination pursuant to section 307(a) of his intention to suspend the authority of foreign air carriers owned or controlled by the government of that country to engage in foreign air transportation to or from the United States.

"(ii) SUSPENSION OF AVIATION RIGHTS.—Within 10 days after the date of notification of a government under subclause (I), the Secretary of Transportation shall take all steps necessary to suspend at the earliest possible date the authority of any foreign air carrier owned or controlled, directly or indirectly, by that government to engage in foreign air transportation to or from the United States, notwithstanding any agreement relating to air services.

"(B) TERMINATION OF AIR SERVICE AGREEMENTS.—

"(i) IN GENERAL.—The President may direct the Secretary of State to terminate any air service agreement between the United States and a country with respect to which the President has made a determination pursuant to section 307(a), in accordance with the provisions of that agreement.

"(ii) TERMINATION OF AVIATION RIGHTS.—Upon termination of an agreement under this clause, the Secretary of Transportation shall take such steps as may be necessary to revoke at the earliest possible date the right of any foreign air carrier owned, or controlled, directly or indirectly, by the government of that country to engage in foreign air transportation to or from the United States.

"(C) EXCEPTION.—The Secretary of Transportation may provide for such exceptions from the sanction contained in subparagraph (A) as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

"(D) DEFINITIONS.—For purposes of this paragraph, the terms 'aircraft', 'air transportation', and 'foreign air carrier' have the meanings given those terms in section 40102 of title 49, United States Code.

"(9) DIPLOMATIC RELATIONS.—The President shall use his constitutional authorities to downgrade or suspend diplomatic privileges between the United States and that country.

"(b) BLOCKING OF ASSETS.—Upon making a determination under section 307, the President shall take all steps necessary to block any transactions in any property subject to the jurisdiction of the United States in which the foreign country or any national thereof has any interest whatsoever, for the purpose of compensating the victims of the chemical or biological weapons use and for punitive damages as may be assessed.

"(c) STATUTORY CONSTRUCTION.—Nothing in this section limits the authority of the President to impose a sanction that is not specified in this section.

"SEC. 309. REMOVAL OF SANCTIONS.

"(a) CERTIFICATION REQUIREMENT.—The President shall remove the sanctions imposed with respect to a foreign government pursuant to this section if the President determines and so certifies to the Congress, after the end of the three-year period beginning on the date on which sanctions were initially imposed on that country pursuant to section 307, that—

"(1) the government of that country has provided reliable assurances that it will not use any chemical weapon or biological weapon in violation of international law and will not use any chemical weapon or biological weapon against its own nationals;

"(2) the government of the country is willing to accept onsite inspections or other reliable measures to verify that the government is not making preparations to use any chemical weapon or biological weapon in violation

of international law or to use any chemical weapon or biological weapon against its own nationals; and

"(3) the government of the country is making restitution to those affected by any use of any chemical weapon or biological weapon in violation of international law or against its own nationals.

"(b) REASONS FOR DETERMINATION.—The certification made under this subsection shall set forth the reasons supporting such determination in each particular case.

"(c) EFFECTIVE DATE.—The certification made under this subsection shall take effect on the date on which the certification is received by the Congress.

"SEC. 310. NOTIFICATIONS AND REPORTS OF CHEMICAL OR BIOLOGICAL WEAPONS USE AND APPLICATION OF SANCTIONS.

"(a) NOTIFICATION.—Not later than 30 days after persuasive information becomes available to the executive branch of Government indicating the substantial possibility of the use of chemical or biological weapons by any person or government, the President shall so notify Congress in writing.

"(b) REPORT.—Not later than 60 days after making a notification under subsection (a), the President shall submit a report to Congress that contains—

"(1) an assessment by the President in both classified and unclassified form of the circumstances of the suspected use of chemical or biological weapons, including any determination by the President made under section 307 with respect to a foreign government; and

"(2) a description of the actions the President intends to take pursuant to the assessment, including the imposition of any sanctions or other measures pursuant to section 307.

"(c) PROGRESS REPORT.—Not later than 60 days after submission of a report under subsection (b), the President shall submit a progress report to Congress describing actions undertaken by the President under sections 306 through 311, including the imposition of unilateral and multilateral sanctions and other punitive measures, in response to the use of any chemical weapon or biological weapon described in the report.

"(d) RECIPIENTS OF NOTIFICATIONS AND REPORTS.—Any notification or report required by this section shall be submitted to the following:

"(1) The Majority Leader of the Senate and the Speaker of the House of Representatives.

"(2) The Committee on Foreign Relations and the Select Committee on Intelligence of the Senate.

"(3) The Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

"SEC. 311. DEFINITIONS.

"In sections 306 through 310:

"(1) BIOLOGICAL WEAPON.—The term 'biological weapon' means the following, together or separately:

"(A) Any micro-organism (including bacteria, viruses, fungi, rickettsiae or protozoa), pathogen, or infectious substance, or any naturally occurring, bio-engineered or synthesized component of any such micro-organism, pathogen, or infectious substance, whatever its origin or method of production, capable of causing—

"(i) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;

"(ii) deterioration of food, water, equipment, supplies, or materials of any kind; or

"(iii) deleterious alteration of the environment.

"(B) Any munition or device specifically designed to cause death or other harm through the release, dissemination, or impact of the toxic or poisonous properties of those biological weapons specified in subparagraph (A).

"(C) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B).

"(D) Any living organism specifically designed to carry a biological weapon specified in subparagraph (A) to a host.

"(2) CHEMICAL WEAPON.—The term 'chemical weapon' means the following, together or separately:

"(A) Any of the following chemical agents: tabun, Sarin, Soman, GF, VX, sulfur mustard, nitrogen mustard, phosgene oxime, lewisite, phenyldichloroarsine, ethyldichloroarsine, methyldichloroarsine, phosgene, diphosgene, hydrogen cyanide, cyanogen chloride, and arsine.

"(B) Any of the 54 chemicals, other than a riot control agent, controlled by the Australia Group as of the date of the enactment of this Act.

"(C) Any other chemical agent that may be developed if the use of the agent would be intended to produce an effect consistent with that of a chemical agent or other chemical described in subparagraph (A) or (B).

"(D) Any munition or device specifically designed to cause death or other harm through the release, dissemination, or impact of the toxic or poisonous properties of a chemical weapon specified in subparagraph (A), (B), or (C).

"(E) Any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (D).

"(3) PERSON.—The term 'person' means any individual, corporation, partnership, firm, association, or other legal entity.".

SEC. 202. CONTINUATION AND ENHANCEMENT OF MULTILATERAL CONTROL REGIMES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that any collapse of the informal forum of states known as the "Australia Group", either through changes in membership or lack of compliance with common export controls, or any substantial weakening of common Australia Group export controls and nonproliferation measures in force as of the date of enactment of this Act, would seriously undermine international and national efforts to curb the spread of chemical and biological weapons and related equipment.

(b) POLICY.—It shall be the policy of the United States—

(1) to continue close cooperation with other countries in the Australia Group in support of its current efforts and in devising additional means to monitor and control the supply of chemicals and biological agents applicable to weapons production;

(2) to maintain an equivalent or more comprehensive level of control over the export of toxic chemicals and their precursors, dual-use processing equipment, human, animal and plant pathogens and toxins with potential biological weapons application, and dual-use biological equipment, as that afforded by the Australia Group as of the date of enactment of this Act;

(3) to block any effort by any Australia Group member to achieve Australia Group consensus on any action that would substantially weaken existing common Australia Group export controls and nonproliferation measures or otherwise undermine the effectiveness of the Australia Group; and

(4) to work closely with other countries also capable of supplying equipment, materials, and technology with particular applicability to the production of chemical or biological weapons in order to devise and harmonize the most effective national controls possible on the transfer of such materials, equipment, and technology.

(c) CERTIFICATION.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall determine and certify to Congress whether—

(1) the Australia Group continues to maintain an equivalent or more comprehensive level of control over the export of toxic chemicals and their precursors, dual-use processing equipment, human, animal, and plant pathogens and toxins with potential biological weapons application, and dual-use biological equipment, as that afforded by the Australia Group as of the date of the last certification under this subsection, or, in the case of the first certification, the level of control maintained as of the date of enactment of this Act; and

(2) the Australia Group remains a viable mechanism for curtailing the spread of chemical and biological weapons-related materials and technology, and whether the effectiveness of the Australia Group has been undermined by changes in membership, lack of compliance with common export controls, or any weakening of common controls and measures that are in effect as of the date of enactment of this Act.

(d) CONSULTATIONS.—

(1) IN GENERAL.—The President shall consult periodically, but not less frequently than twice a year, with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, on Australia Group export controls and nonproliferation measures.

(2) RESULTING FROM PRESIDENTIAL CERTIFICATION.—If the President certifies that either of the conditions in subsection (c) are not met, the President shall consult within 60 days of such certification with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on steps the United States should take to maintain effective international controls on chemical and biological weapons-related materials and technology.

SEC. 203. CRITERIA FOR UNITED STATES ASSISTANCE TO RUSSIA RELATING TO THE ELIMINATION OF CHEMICAL AND BIOLOGICAL WEAPONS.

(a) IN GENERAL.—Notwithstanding any other provision of law, United States assistance described in subsection (d) may not be obligated or expended unless a certification by the President is in effect under subsection (b) or subsection (c).

(b) CERTIFICATION WITH RESPECT TO RUSSIAN CHEMICAL AND BIOLOGICAL PROGRAM.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall certify that—

(1) Russia is making reasonable progress toward the implementation of the Bilateral Destruction Agreement;

(2) the United States and Russia have made substantial progress toward resolution, to the satisfaction of the United States, of outstanding compliance issues under the Wyoming Memorandum of Understanding and the Bilateral Destruction Agreement;

(3) Russia has fully and accurately declared all information regarding its unitary and binary chemical weapons, chemical

weapons production facilities, and other facilities associated with the development of chemical weapons; and

(4) Russia is in compliance with its obligations under the Biological Weapons Convention.

(c) ALTERNATIVE CERTIFICATION.—A certification under this subsection is a certification by the President that the President is unable to make a certification under subsection (b).

(d) PERIOD OF EFFECTIVENESS OF CERTIFICATIONS.—Each certification made under this section shall not be effective for a period of more than one year.

(e) UNITED STATES ASSISTANCE COVERED.—United States assistance described in this subsection is United States assistance out of funds made available for fiscal year 1998 or any fiscal year thereafter that is provided with respect to Russia only for the purposes of—

(1) facilitating the transport, storage, safeguarding, and elimination of any chemical weapon or biological weapon or its delivery vehicle;

(2) planning, designing, or construction of any destruction facility for a chemical weapon or biological weapon; or

(3) supporting any international science and technology center.

(f) DEFINITIONS.—

(1) BILATERAL DESTRUCTION AGREEMENT.—The term "Bilateral Destruction Agreement" means Agreement Between the United States of America and the Union of Soviet Socialist Republics on Destruction and Nonproduction of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, signed on June 1, 1990.

(2) BIOLOGICAL WEAPONS CONVENTION.—The term "Biological Weapons Convention" means the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, done at Washington, London, and Moscow on April 10, 1972.

(3) WYOMING MEMORANDUM OF UNDERSTANDING.—The term "Wyoming Memorandum of Understanding" means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

(4) UNITED STATES ASSISTANCE.—The term "United States assistance" has the meaning given the term in section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)).

SEC. 204. REPORT ON THE STATE OF CHEMICAL AND BIOLOGICAL WEAPONS PROLIFERATION.

Not later than 180 days after the date of enactment of this Act, and every year thereafter, the President shall submit to the Speaker of the House of Representatives and the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate a report containing the following:

(1) PROLIFERATION BY FOREIGN COUNTRIES.—A description of any efforts by China, Egypt, India, Iran, Iraq, Libya, North Korea, Pakistan, Russia, and Syria, and any country that has, during the five years prior to submission of the report, used any chemical weapon or biological weapon or attempted to acquire the material and technology to produce and deliver chemical or biological agents, together with an assessment of the present and future capability of the country to produce and deliver such agents.

(2) FOREIGN PERSONS ASSISTING IN PROLIFERATION.—An identification of—

(A) those persons that in the past have assisted the government of any country described in paragraph (1) in that effort; and

(B) those persons that continue to assist the government of the country described in paragraph (1) in that effort as of the date of the report.

(3) THIRD COUNTRY ASSISTANCE IN PROLIFERATION.—An assessment of whether and to what degree other countries have assisted any government or country described in paragraph (1) in its effort to acquire the material and technology described in that paragraph.

(4) INTELLIGENCE INFORMATION ON THIRD COUNTRY ASSISTANCE.—A description of any confirmed or credible intelligence or other information that any country has assisted the government of any country described in paragraph (1) in that effort, either directly or by facilitating the activities of the persons identified in subparagraph (A) or (B) of paragraph (3) or had knowledge of the activities of the persons identified in subparagraph (A) or (B) of paragraph (3), but took no action to halt or discourage such activities.

(5) INTELLIGENCE INFORMATION ON SUBNATIONAL GROUPS.—A description of any confirmed or credible intelligence or other information of the development, production, stockpiling, or use, of any chemical weapon or biological weapon by subnational groups, including any terrorist or paramilitary organization.

(6) FUNDING PRIORITIES FOR DETECTION AND MONITORING CAPABILITIES.—An identification of the priorities of the executive branch of Government for the development of new resources relating to detection and monitoring capabilities with respect to chemical weapons and biological weapons.

SEC. 205. INTERNATIONAL CONFERENCE TO STRENGTHEN THE 1925 GENEVA PROTOCOL.

(a) DEFINITION.—In this section, the term "1925 Geneva Protocol" means the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, done at Geneva June 17, 1925 (26 UST 71; TIAS 8061).

(b) POLICY.—It shall be the policy of the United States—

(1) to work to obtain multilateral agreement to effective, international enforcement mechanisms to existing international agreements that prohibit the use of chemical and biological weapons, to which the United States is a state party; and

(2) pursuant to paragraph (1), to work to obtain multilateral agreement regarding the collective imposition of sanctions and other measures described in title III of the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, as amended by this Act.

(c) RESPONSIBILITY.—The Secretary of State shall, as a priority matter, take steps necessary to achieve United States objectives, as set forth in this section.

(d) SENSE OF THE SENATE.—The Senate urges and directs the Secretary of State to work to convene an international negotiating forum for the purpose of concluding an international agreement on enforcement of the 1925 Geneva Protocol.

(e) ALLOCATION OF FUNDS.—Of the amount authorized to be appropriated to the Department of State for fiscal year 1998 under the appropriations account entitled "International Conferences and Contingencies", $5,000,000 shall be available only for payment of salaries and expenses in connection with efforts of the Secretary of State to conclude an international agreement described in subsection (d).

SEC. 206. RESTRICTION ON USE OF FUNDS FOR THE ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS.

(a) PROHIBITION.—None of the funds appropriated pursuant to any provision of law, including previously appropriated funds, may be available to make any voluntary or assessed contribution to the Organization for the Prohibition of Chemical Weapons, or to reimburse any account for the transfer of in-kind items to the Organization, unless or until the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature at Paris January 13, 1993, enters into force for the United States.

(b) STATUTORY CONSTRUCTION.—Nothing in subsection (a) may be construed to apply to the Preliminary Commission for the establishment of the Organization for the Prohibition of Chemical Weapons.

SEC. 207. ENHANCEMENTS TO ROBUST CHEMICAL AND BIOLOGICAL DEFENSES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the threats posed by chemical and biological weapons to United States Armed Forces deployed in regions of concern will continue to grow and will undermine United States strategies for the projection of United States military power and the forward deployment of United States Armed Forces;

(2) the use of chemical or biological weapons will be a likely condition of future conflicts in regions of concern;

(3) it is essential for the United States and key regional allies of the United States to preserve and further develop robust chemical and biological defenses;

(4) the United States Armed Forces, both active and nonactive duty, are inadequately equipped, organized, trained, and exercised for operations in chemically and biologically contaminated environments;

(5) the lack of readiness stems from a deemphasis by the executive branch of Government and the United States Armed Forces on chemical and biological defense;

(6) the armed forces of key regional allies and likely coalition partners, as well as civilians necessary to support United States military operations, are inadequately prepared and equipped to carry out essential missions in chemically and biologically contaminated environments;

(7) congressional direction contained in the 1997 Defense Against Weapons of Mass Destruction Act is intended to lead to enhanced domestic preparedness to protect against the use of chemical and biological weapons; and

(8) the United States Armed Forces should place increased emphasis on potential threats to deployed United States Armed Forces and, in particular, should make countering the use of chemical and biological weapons an organizing principle for United States defense strategy and for the development of force structure, doctrine, planning, training, and exercising policies of the United States Armed Forces.

(b) DEFENSE READINESS TRAINING.—The Secretary of Defense shall take those actions that are necessary to ensure that the United States Armed Forces are capable of carrying out required military missions in United States regional contingency plans despite the threat or use of chemical or biological weapons. In particular, the Secretary of Defense shall ensure that the United States

Armed Forces are effectively equipped, organized, trained, and exercised (including at the large unit and theater level) to conduct operations in chemically and biologically contaminated environments that are critical to the success of United States military plans in regional conflicts, including—

(1) deployment, logistics, and reinforcement operations at key ports and airfields;

(2) sustained combat aircraft sortie generation at critical regional airbases; and

(3) ground force maneuvers of large units and divisions.

(c) DISCUSSIONS WITH ALLIED COUNTRIES ON READINESS.—

(1) HIGH-PRIORITY JOINT RESPONSIBILITY OF SECRETARIES OF DEFENSE AND STATE.—The Secretary of Defense and the Secretary of State shall give a high priority to discussions with key regional allies and likely regional coalition partners, including those countries where the United States currently deploys forces, where United States forces would likely operate during regional conflicts, or which would provide civilians necessary to support United States military operations, to determine what steps are necessary to ensure that allied and coalition forces and other critical civilians are adequately equipped and prepared to operate in chemically and biologically contaminated environments.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the Committee on Foreign Relations and the Committee on Armed Services of the Senate and to the Speaker of the House of Representatives a report describing—

(A) the results of the discussions held under paragraph (1) and plans for future discussions;

(B) the measures agreed to improve the preparedness of foreign armed forces and civilians; and

(C) any proposals for increased military assistance, including assistance provided through—

(i) the sale of defense articles and defense services under the Arms Export Control Act;

(ii) the Foreign Military Financing program under section 23 of that Act; and

(iii) chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training).

(d) UNITED STATES ARMY CHEMICAL SCHOOL.—

(1) COMMAND OF SCHOOL.—The Secretary of Defense shall take those actions that are necessary to ensure that the United States Army Chemical School remains under the oversight of a general officer of the United States Army.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) the transfer, consolidation, and reorganization of the United States Army Chemical School should not disrupt or diminish the training and readiness of the United States Armed Forces to fight in a chemical-biological warfare environment; and

(B) the Army should continue to operate the Chemical Defense Training Facility at Fort McClellan until such time as the replacement facility at Fort Leonard Wood is functional.

(e) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, and on January 1 every year thereafter, the President shall submit a report to the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate and the Committee on International Relations, the Committee on National Security, and the Committee on Appropriations of the House of Representatives, and the Speaker of the House of Representatives on previous, current, and planned chemical and biological weapons defense activities of the United States Armed Forces.

(2) CONTENT OF REPORT.—Each report required by paragraph (1) shall include the following information for the previous fiscal year and for the next three fiscal years:

(A) ENHANCEMENT OF DEFENSE AND READINESS.—Proposed solutions to each of the deficiencies in chemical and biological warfare defenses identified in the March 1996 General Accounting Office Report, titled "Chemical and Biological Defense: Emphasis Remains Insufficient to Resolve Continuing Problems", and steps being taken pursuant to subsection (b) to ensure that the United States Armed Forces are capable of conducting required military operations to ensure the success of United States regional contingency plans despite the threat or use of chemical or biological weapons.

(B) PRIORITIES.—An identification of priorities of the executive branch of Government in the development of both active and passive defenses against the use of chemical and biological weapons.

(C) RDT&E AND PROCUREMENT OF DEFENSES.—A detailed summary of all budget activities associated with the research, development, testing, and evaluation, and procurement of chemical and biological defenses, set forth by fiscal year, program, department, and agency.

(D) VACCINE PRODUCTION AND STOCKS.—A detailed assessment of current and projected vaccine production capabilities and vaccine stocks, including progress in researching and developing a multivalent vaccine.

(E) DECONTAMINATION OF INFRASTRUCTURE AND INSTALLATIONS.—A detailed assessment of procedures and capabilities necessary to protect and decontaminate infrastructure and installations that support the ability of the United States to project power through the use of its Armed Forces, including progress in developing a nonaqueous chemical decontamination capability.

(F) PROTECTIVE GEAR.—A description of the progress made in procuring lightweight personal protective gear and steps being taken to ensure that programmed procurement quantities are sufficient to replace expiring battledress overgarments and chemical protective overgarments to maintain required wartime inventory levels.

(G) DETECTION AND IDENTIFICATION CAPABILITIES.—A description of the progress made in developing long-range standoff detection and identification capabilities and other battlefield surveillance capabilities for biological and chemical weapons, including progress on developing a multichemical agent detector, unmanned aerial vehicles, and unmanned ground sensors.

(H) THEATER MISSILE DEFENSES.—A description of the progress made in developing and deploying layered theater missile defenses for deployed United States Armed Forces which will provide greater geographic coverage against current and expected ballistic missile threats and will assist the mitigation of chemical and biological contamination through higher altitude intercepts and boost-phase intercepts.

(I) TRAINING AND READINESS.—An assessment of the training and readiness of the United States Armed Forces to operate in chemically and biologically contaminated environments and actions taken to sustain training and readiness, including at national combat training centers.

(J) MILITARY EXERCISES.—A description of the progress made in incorporating consideration about the threat or use of chemical and biological weapons into service and joint exercises as well as simulations, models, and wargames, together with the conclusions drawn from these efforts about the United States capability to carry out required missions, including with coalition partners, in military contingencies.

(K) MILITARY DOCTRINE.—A description of the progress made in developing and implementing service and joint doctrine for combat and noncombat operations involving adversaries armed with chemical or biological weapons, including efforts to update the range of service and joint doctrine to better address the wide range of military activities, including deployment, reinforcement, and logistics operations in support of combat operations, and for the conduct of such operations in concert with coalition forces.

(L) DEFENSE OF CIVILIAN POPULATION.—A description of the progress made in resolving issues relating to the protection of United States population centers from chemical and biological attack and from the consequences of such an attack, including plans for inoculation of populations, consequence management, and progress made in developing and deploying effective cruise missile defenses and a national ballistic missile defense.

SEC. 208. NEGATIVE SECURITY ASSURANCES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that in order to achieve an effective deterrence against attacks of the United States and United States Armed Forces by chemical weapons, the President should reevaluate the extension of negative security assurances by the United States to nonnuclear-weapon states in the context of the Treaty on the Non-Proliferation of Nuclear Weapons.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives a report, both in classified and unclassified forms, setting forth—

(1) the findings of a detailed review of United States policy on negative security assurances as a deterrence strategy; and

(2) a determination by the President of the appropriate range of nuclear and conventional responses to the use of chemical or biological weapons against the United States Armed Forces, United States citizens, allies, and third parties.

(c) DEFINITIONS.—In this section:

(1) NEGATIVE SECURITY ASSURANCES.—The term "negative security assurances" means the assurances provided by the United States to nonnuclear-weapon states in the context of the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) that the United States will forswear the use of certain weapons unless the United States is attacked by that nonnuclear-weapon state in alliance with a nuclear-weapon state.

(2) NONNUCLEAR-WEAPON STATES.—The term "nonnuclear-weapon states" means states that are not nuclear-weapon states, as defined in Article IX(3) of the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968 (21 UST 483).

SEC. 209. RIOT CONTROL AGENTS.

(a) PROHIBITION.—The President shall not issue any order or directive that diminishes,

abridges, or alters the right of the United States to use riot control agents—

(1) in any circumstance not involving international armed conflict; or

(2) in a defensive military mode to save lives in an international armed conflict, as provided for in Executive Order No. 11850 of April 9, 1975.

(b) CIRCUMSTANCES NOT INVOLVING INTERNATIONAL ARMED CONFLICT.—The use of riot control agents under subsection (a)(1) includes the use of such agents in—

(1) peacekeeping or peace support operations;

(2) humanitarian or disaster relief operations;

(3) noncombatant evacuation operations;

(4) counterterrorist operations and the rescue of hostages; and

(5) law enforcement operations and other internal conflicts.

(c) DEFENSIVE MILITARY MODE.—The use of riot control agents under subsection (a)(2) may include the use of such agents—

(1) in areas under direct and distinct United States military control, including the use of such agents for the purposes of controlling rioting or escaping enemy prisoners of war;

(2) to protect personnel or material from civil disturbances, terrorists, and paramilitary organizations;

(3) to minimize casualties during rescue missions of downed air crews and passengers, prisoners of war, or hostages;

(4) in situations where combatants and noncombatants are intermingled; and

(5) in support of base defense, rear area operations, noncombatant evacuation operations, and operations to protect or recover nuclear weapons.

(d) SENSE OF CONGRESS.—It is the sense of Congress that international law permits the United States to use herbicides, under regulations applicable to their domestic use, for control of vegetation within United States bases and installations or around their immediate defensive perimeters.

(e) AUTHORITY OF THE PRESIDENT.—The President shall take all necessary measures, and prescribe such rules and regulations as may be necessary, to ensure that the policy contained in this section is observed by the Armed Forces of the United States.

Mr. KYL. Mr. President, I ask unanimous consent that Senator ABRAHAM be added as cosponsor to S. 495.

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

Mr. KYL. Mr. President, let me say for the benefit of my colleagues, to whom we had indicated that we would try to ensure that we would have a vote on this matter at about 3:45, that even though, under the unanimous-consent agreement, we have a half-hour to discuss this legislation in order to try to accommodate my colleagues, to set an example for those on the other side who may wish not to take their full compliment of time, that at this time I am going to express a willingness to discuss this bill no further but just take a couple of minutes to close and to relinquish the floor to those who may be in opposition, again with the plea to them that since we had earlier advised colleagues that a vote would occur on this matter at about 3:45 that anyone who can possibly do so truncate their remarks in order to accommodate our colleagues.

Mr. BYRD. Mr. President, reserving the right to object, has the unanimous-consent agreement not yet been agreed to?

The PRESIDING OFFICER. Yes. The unanimous-consent agreement has been reached.

Mr. BYRD. Mr. President, I was in my office. I still have not had an opportunity—I am not blaming anyone for that—to read this agreement. But in listening to what was said, I thought I heard that a part of the agreement was to the effect that certain votes would occur by voice. Am I correct?

Mr. DASCHLE. Mr. President, if the distinguished Senator will yield, the agreement calls for a vote on the Helms amendments, and on the 28 amendments in agreement. It was stated by at least one of our colleagues that it was his hope that these votes would be voice votes, and the majority leader indicated that it was his desire to have a voice vote. But no one is precluded, of course, from calling for a rollcall as is his constitutional right.

So the distinguished Senator from West Virginia makes a good point. A Senator is not precluded. It is my hope, working with the majority leader, that we can have voice votes on these matters and that we can move ahead as the agreement anticipates. But certainly it is anyone's right to call for a rollcall on this or any other vote.

Mr. BYRD. Mr. President, my concerns have been allayed, and I thank the distinguished leader.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I understand the concern of the Senator from Arizona and others in wanting to move forward with S. 495.

Frankly, Mr. President, we may be seeking a greater good here on the chemical weapons treaty. Those who are opposed to it will feel that it isn't important that they have a chance to vote against it; but those who are for it, as am I, will feel it is important to have a chance to vote for it.

But S. 495 in my mind does not have such urgency.

In an effort to cooperate with the Democratic leader, and with the Republican leader, who is seeking to fulfill, I think, a responsible commitment to the President of the United States to have this bill up here, or to have the treaty up here, I did not object to S. 495, the Kyl bill, coming up. But, Mr. President, I would point out that this is a bill that was introduced—the first version of it was introduced and referred to the Senate Judiciary Committee a day or two before our last recess. There has never been a hearing on it. There has not been 21 seconds of debate on it in the Senate Judiciary Committee, and today we have before us a 70-page and a 70-page substitute for it. We are going to be asked sometime in the next few minutes to vote on a substitute for S. 495. We are going to be asked to vote on a bill that has had no hearings, no debate in committee, no markups, no votes, no report, and no discussion.

I am willing to wager that there will not be more than five Senators who can walk off the floor and tell people honestly, looking them straight in the eye, and say they read it and understood what is in it.

In fact, I would make this challenge to the press. I would make this challenge to the press of every one of the 50 States. I would ask, if the press really wants to do their job, to do this: Call each of the Senators. All it requires is for the press in each State to call up only two people immediately after the vote on S. 495, and say, "Did you read this bill that you just voted on? Did you understand what was in this bill you just voted on? Could you explain this bill to me that you just voted on?" And if somebody says they voted for a major issue like this, then I think it is reasonable to ask, "Did you read it? Did you understand it? Do you know what is in it?"

There may be some very good things in the bill. I have heard that it borrows much from the administration's proposals for implementation legislation. I understand that there are some aspects of it that are very similar to legislation that I introduced. And that may very well be so. There may well be some parts of this bill that I would eagerly support and vote for. But the fact of the matter is I do not know and am not being given an opportunity to find out, let alone have hearings or an opportunity to seek to improve the bill.

We have not had an opportunity or the benefit of discussion. We have not had the opportunity or the benefit of debate—and we will not have debate on it today.

The sole reason it is up here under this expedited procedure is to give some kind of cover one way or the other to bring up the chemical weapons treaty. What we have is the majority insisting that we consider, without review, a revised substitute version of a bill that was not made available to us until this afternoon.

Nobody has said in the Senate Judiciary Committee this could not have a prompt hearing. Certainly I would support the chairman of the Senate Judiciary Committee, Senator HATCH, if he wanted to have a prompt hearing on it.

The principal sponsor of the bill, the distinguished Senator from Arizona, would certainly pursue it strongly through the committee, and I have no doubts that he would be able to explain it very, very well in the committee and answer any questions that might come up. He is a diligent and hard-working Senator who would be able to do that. But under this procedure, we will never know. This committee has a majority

of Republicans, as all Senate committees do, but yet the committee will never vote on it.

The majority leader, who is my good friend, has always described himself as one who seeks regular order. I think the Washington Post had a front-page story on December 3, 1996, in which they quote the Senator describing himself as an "order" kind of guy.

I recall when our distinguished majority leader came to the floor and said:

> There is a way to do things around here. You bring up a bill reported by a committee, have debate, offer amendments, you vote, and win or lose, and you move on, and then it goes to conference.

Well, we are not bringing up a bill reported by a committee. We are really not going to have debate. We are not going to offer amendments. We will vote. And that is about the only reflection of order.

If we were considering a resolution to commend the cherry blossom princess or to say we will open the doors of the Senate 5 minutes early or something like that, I could understand. Instead, we are talking about a 70-page bill which is to provide criminal and civil penalties for acquisition, transfer, or use of any chemical weapon or biological weapon, to reduce the threats of acts of terrorism, armed aggression, and so on. This bill refers to patent law, to chemical and biological weapons, to aircraft, and to continuation and enhancements of multilateral control regimes. It refers to the Australia group—I would like to have five Senators stand up and tell me what the Australia group is, to the Wyoming Memorandum of Understanding and the 1990 Bilateral Destruction Agreement. These are major things. Vaccine production and stocks, decontamination of infrastructure are also serious matters and we have not had any hearing, any debate, any discussion of it. The bill refers to owner or possessor liability and warrantless seizures and seizures on warrants and reimbursement of costs, saying how people will have to pay the United States certain amounts of money under certain circumstances and all. This may be heady stuff, Mr. President, very heady stuff.

Now, we have had the Chemical Weapons Convention before us since November 1993. It has been bottled up in committee. We have the April 28, 1997, deadline approaching after which our lack of ratification risks economic sanctions against our chemical industry. This could cost U.S. chemical companies hundreds of millions of dollars. We are talking about thousands of jobs and hundreds of millions of dollars on something that has been stalled, stalled for years.

Now but all of a sudden, whoop-de-do, we have a bill and a substitute bill and the Senate is to take 12 minutes and go ahead with it.

I am afraid that without proper review of the domestic law changes in criminal laws against chemical and biological weapons, we may inadvertently weaken protections already in the law. I know my friend from Arizona does not intend to weaken our laws, but that could be the effect of this bill.

There is no need for this irregular procedure. We ought to be able to take a look at S. 495. I would have no objection to its coming up in regular order after hearings, but it is not a substitute for the Chemical Weapons Convention. It is not a substitute or alternative to implementing legislation.

After we delayed something that President Reagan had negotiated, something that President Bush had negotiated, something that President Clinton had negotiated, the Chemical Weapons Convention, after we delayed it for year after year after year, now we are going to take up in less than 3 hours and pass this 70-page bill that nobody has read. We delay something that has been debated, argued, considered, we delay that for years, but then we take a major piece of legislation that nobody has seen and do not even debate it and it is out the door. Something has gone wrong here.

On April 15, every American had to file their taxes or the IRS comes after them. That is the law. We also have a law that says that the House and the Senate shall pass a budget by April 15. With all due respect to my friends on the Republican side, they control the Speaker of the House, they control the majority in the House, they control the majority leader and a majority in the Senate, but we have not had one second of debate on a budget resolution even though the law requires them to pass it by April 15.

April 15 comes and goes. Can you imagine, Mr. President, if you took that same attitude in filing your taxes and said well, you know, I am busy, I cannot do it. You would hear the doorbell ring and there would be the IRS after you. But nobody comes after us for doing the same thing.

We have nearly 100 vacancies on the Federal bench, and we cannot get a quorum in the Judiciary Committee to report them out.

Yet this 70-page major piece of legislation suddenly comes zipping forth. There are a lot of problems in it. As I said, there may be some things I like. But it says, for example, the bill would prohibit the production of 16 specific chemicals and 54 more already controlled by the Australia group. Do we know what chemicals are in this bill that would be criminalized? I doubt that any one of us could even pronounce the chemicals. We do not know what we are voting to ban?

The bill prohibits any other chemical that may be developed that produces the same effect as the other listed chemicals. I take it this means chemicals developed in the future. But what about other terrible weapons that now exist? Would chemical weapons that exist now but not listed in the bill be OK? What deadly chemicals that are prohibited under current law, which has a far broader definition of chemical weapons, would be freed from criminal penalties?

We have had no answer. This bill repeals the two major chapters of the Federal Criminal Code dealing with biological weapons and with chemical weapons. The ink is barely dry on the chemical weapons law that this legislation would repeal. The chemical weapons statute became law as part of the Antiterrorism and Effective Death Penalty Act of 1996. It was enacted April 14, 1996. It is barely 1 year old and we are going to repeal it without a single hearing, single expert comment about what might be wrong with a bill that we passed a year ago. Do we replace it with a stronger law? No.

First, the definition of chemical weapons that will be banned under this bill is far more limited than the chemical weapons banned under current law.

The bill has a number of exemptions to the overall prohibitions on chemical and biological weapons that are far broader in scope than what are in current law. For example, current law bars chemical weapons for anything but lawful authority. This bill replaces that limited, circumscribed rule with five extensive exemptions including for any peaceful purpose related to any activity.

What does that mean? Is that an exemption any enterprising terrorist or criminal caught with a chemical weapon could use to great advantage? Someone could make a strong argument that way.

While there are parts of the bill I may well like, there are a lot of other parts that raise unanswered questions. Again, any Senator who votes for this, I would challenge the press in his or her State to ask: You voted for it, do you know what was in it? Did you read the bill? Did you understand the bill? Were all your questions answered? Did you feel you repealed any criminal laws we now have that we should have kept?

Mr. President, we spent far, far, far more time this week in quorum calls when we did nothing than we have on hearings on this bill. We spent more time voting on a 100-to-0 resolution on assisted suicide to make us all feel good. We spent far more time on that than we have hearings on this bill. Mr. President, we spent more time with the Chaplain's prayer this morning than we spent on hearings on this 70-page bill. We spent more time saying good morning to each other this morning than we have had in hearings on this 70-page bill. It takes more time for the elevator to go from the second floor to the first than we have had in hearings on this 70-page bill.

I do not fault the Senator from Arizona for this. The leadership is willing to bring it forward, and if it is his legislation, then he is obviously going to go for it.

But before the Senate becomes irrelevant, if we do not have time and will not even follow the law, which requires us to have a budget by April 15, if we only had time to confirm two Federal judges in 4 months and we have a 100-judge vacancy, if we do not have time to have 18 seconds of debate on the budget, if we can bottle up the chemical weapons treaty for years, following the support of President Reagan, President Bush and President Clinton, why in Heaven's name do we suddenly have to come rushing forth with something we do not need now and we do not have to have now?

If we are going to have an expedited process, I think the emergency should be the leadership bringing forward the budget that the law requires. If we have urgency for something, fill some of those judgeships. After all, the Chief Justice has said that is a judicial crisis. If we have urgency for something, let us take something that has actually had a hearing.

So with all due respect to the sponsors of this bill and knowing there are parts of the bill as I have read them that I like, there are a lot of other parts that raise far more questions than are answered in my mind. I will oppose it. I would find extremely interesting the explanations of those who vote for it.

I see the distinguished sponsor of the bill, and I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I just want to respond to a couple of things my distinguished colleague has raised. He is certainly correct to point out the fact that in my view there has been inadequate attention paid to this entire subject. I wish we could spend a lot more time debating the Chemical Weapons Convention, as a matter of fact, but in an effort to meet the deadline imposed or that the administration has indicated it needs to meet, we have had to accordion a great deal of debate and consideration of items into a very small period of time.

I desperately wanted to spend more time on the Chemical Weapons Convention, but in order to agree to get that done on time, we have all made some compromise agreements of how much time to take on things. That is why there is not much time taken on this legislation. The one thing I did want to assure my colleague of, and that is the portions where he sees sections having been repealed, those sections were picked up in a new title under title I, section 101, chapter 11(B) and the following.

Essentially what was done, I assure my colleague, is the chemical and biological provisions of the code were combined and the same activities that are illegal as to one are now illegal as to both with the same penalties. So nothing was dropped from the law; it was merely consolidated in a different place. The definition of chemicals, incidentally, is the same definition that is contemplated by the Chemical Weapons Convention.

I might also note, the subject matter here has been debated and was the subject of hearings really for the last 3 years in the Senate Foreign Relations Committee, by and large, and the exact language of this legislation has been aided by the FBI and others in the administration as well.

My colleague is correct, it would be better to have more time to spend not only on this bill but on the Chemical Weapons Convention itself. In an effort to try to get all of this done under the timeframe the administration is working under, we have all made compromises. I would like a lot more time to brag about what is in this bill, but I agreed to keep my remarks to a couple minutes.

I will not take more time at this point. I appreciate the spirit in which the comments of the Senator from Vermont were made.

The PRESIDING OFFICER. Who yields time?

Mr. LEAHY. Mr. President, what is the time situation?

The PRESIDING OFFICER. The Senator from Vermont controls 10 minutes 35 seconds. The Senator from Arizona controls 25 minutes 33 seconds.

Mr. LEAHY. Mr. President, the opposition will soon be led by the ranking member of the Foreign Relations Committee. I guess I will yield my time to him. I will speak 1 more minute until he arrives, and then I will yield the floor.

I understand what my friend from Arizona says about wanting to vote for it now, but we do not need S. 495 now. The clock is ticking on the chemical weapons treaty. It was ticking on it last year, the year before, and the year before that. It ticks right up until midnight April 28. If there is anything we have to vote on and should vote on as responsible Senators, either vote up or down, it is the chemical weapons treaty. S. 495 can wait for the normal hearing route.

When you have the merger of current chemical and biological weapons chapters in the criminal code but with different definitions and different exemptions for lawful conduct, this is a matter we ought to at least debate.

Again, I urge everybody to ask and whether members can look their constituents in the eye and say in this 70-page major piece of legislation on chemical weapons, can they say they read it, they understood it, and they are prepared to vote on it?

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KYL. 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. KYL. 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. KYL. Mr. President, I have time remaining, and I am perfectly happy to yield back almost all of that time in an effort to get this matter to a vote. I urge my colleagues on the other side, if they have opposition, to please make their arguments in opposition so we can bring this to a vote and our colleagues can try to catch their airplanes, which I know they are trying to do.

Until someone is here to speak, I will reiterate the basic point of the legislation. I do urge my colleagues who may be in opposition to please come to the floor to make their arguments to try to accommodate our colleagues.

This legislation, again, Mr. President, is simply designed to complement the provisions of existing law and is also complementary to the Chemical Weapons Convention. It does not create a great deal that is new, but rather plugs loopholes in existing law. We noted, for example, that while it is illegal for one to manufacture and possess and use biological weapons in the United States, we have overlooked passing a law that makes it illegal to manufacture or possess chemical weapons. If we are going to be serious about the chemical weapons business and trying to prevent proliferation, obviously we need to make that conduct illegal as well. We do that in this legislation.

It is not anything Members should have concern about. In fact, they should want that. Who would be against providing the President a little more flexibility and imposing sanctions on countries that violate international law by using chemical or biological weapons?

Who could be against asking the President of the United States to do his best to keep the Australia group together, working as a group of countries in the world that do not sell chemicals, precursor chemicals, to nations that might make chemical weapons of them? It is the policy of the United States, and a sense of the Senate, that the President should ensure that the Australia group restrictions are not weakened in any way. That is consistent totally with the Chemical Weapons Convention. Again, I cannot imagine anyone objecting to that.

We continue the conditions that were imposed in the 1996 defense authorization bill on aid to Russia, which is designed to help them dismantle their

chemical weapons. We say they have to demonstrate reasonable progress toward that dismantlement. We pick the same language that was the subject of the Nunn-Lugar compromise in the 1996 defense authorization bill. What we have done is simply to continue that same requirement of Presidential certification of compliance by Russia, or, if all else fails, the President can certify that he cannot certify, and we still send the money to them. So it is not a condition I can imagine anyone would object to. If anything, we would want to make it stronger.

Our legislation calls for an annual report on the state of proliferation of chemical and biological weapons, something that the Congress needs in order to work with the President in doing everything we can to stop the proliferation of these weapons.

We ask the President to convene a group of nations to try to put some teeth into the Geneva protocol, which is the treaty that currently bans the use of chemical weapons. Like the Chemical Weapons Convention, it does not have strong teeth in it. So we are urging the President to try to get a group of nations together to try to do that. Again, I cannot imagine any opposition to that.

We provide our military be better protected against chemical warfare. The GAO issued a report last year that found grave deficiencies in the way that our troops were being equipped and trained to deal with chemical warfare and biological warfare. That needs to be remedied, and we have three specific things in here that we think will help the Defense Department in ensuring that our troops are adequately protected.

One of the things that we recommend, for example, is that the U.S. Army Chemical School remain under the oversight of a general officer, just to make our point that we think this is an important matter, and certainly at least a one-star general ought to be in charge of that facility and that operation.

We provide for a fixed riot-control agent problem, Mr. President. This is the problem that has arisen because this administration has signaled an intention to change the understanding that has been in existence since President Ford's days when the opportunity to use riot-control agents, or tear gas, was said to be permitted in certain instances where it would help to save lives. For example, where we have a downed pilot that is being held by a group of hostile civilians, we can rescue that downed pilot, not by shooting civilians but by the use of tear gas. Where you have a group of civilians protecting someone that you want to get out, or you want to control a group of hostile prisoners of war, that kind of thing, you do not want to shoot anybody, you can do it with riot-control agents, tear gas. We want to assure that is possible under the law.

These are the things that are the key elements of S. 495, Mr. President, and there should not be anything controversial here. It should be provisions that all of us can support. We simply identified each of these items in the course of all of the hearings and all of the debate about the Chemical Weapons Convention and found there were a lot of practical things we could do in legislation.

Bear in mind, this legislation has to go over to the House, it has to pass the House, it has to go to the President. Therefore, there are plenty of scrubs on it, even though the Senate has not had a great deal of opportunity to debate it.

I hope that our colleagues, if there is anyone else in opposition, will say so and we can get on with a vote on this matter pursuant to the unanimous-consent agreement.

Mr. President, I ask unanimous consent that if there are any more quorum calls, that the time be subtracted equally from both sides.

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

Mr. DASCHLE. Mr. President, I would like to begin my comments on S. 495 with two observations. First, if the United States desires to be an original member of the Chemical Weapons Convention, this body must act to ratify this treaty within the next 7 days. Second, the whole world is watching what we say and do on the CWC—a treaty that I believe is one of the most important arms control agreements this body will consider for many years to come.

Having made these observations, one would think the Senate would be moving to immediate consideration of the Chemical Weapons Convention. Instead, the Senate unfortunately finds itself debating S. 495—a bill that its most ardent supporters have characterized in recent days as the conservatives' substitute to the Chemical Weapons Convention.

I must tell the Senate that despite these claims, S. 495 is not the Chemical Weapons Convention. In fact, I think it's safe to say S. 495 is not even a distant relative of the Chemical Weapons Convention. And, as former Democratic leader George Mitchell was fond of reminding many of his colleagues at moments like this, saying something repeatedly does not make it so.

Mr. President, the Chemical Weapons Convention offers this Nation an oasis of security in an increasingly threatening world. S. 495 offers us a mirage—a mirage, that if pursued, would jeopardize our national security and our economy.

First, Mr. President, S. 495 only requires the United States to do what it is already doing under an existing law signed by President Reagan in 1986—destroy our stockpile of chemical weapons. S. 495 does absolutely nothing to force other nations to eliminate their stocks of these deadly materials.

Second, the supporters of S. 495 act as if the CWC does not exist at all. S. 495 directs the Secretary of State to negotiate a whole new agreement. The purpose of this new agreement would be to enhance enforcement of an old agreement—the 1925 Geneva protocol. The Geneva protocol merely prohibits the use of chemical weapons. If you care about getting tough on chemical weapons, CWC is the only real answer. CWC bans the development, production, and stockpiling of chemical weapons as well as their use.

Third, S. 495 does nothing to address the trade sanctions that would hit the American chemical industry if we fail to ratify the CWC. Everyone needs to understand that this treaty will take effect with or without us on April 29. Without U.S. ratification of the CWC, U.S. firms will immediately have to secure end-user certificates for the export of chemicals. The implications for U.S. business will be as swift as they are costly.

Finally, I must note with a bit of irony that, according to legal experts who have examined this bill, S. 495, the so-called Chemical and Biological Weapons Threat Reduction Act of 1997, may actually weaken existing law in the very same areas it seeks to toughen them up. As a result of exemption clauses in this bill, passage of S. 495 could undercut the very purpose of the bill itself.

In closing, Mr. President, I ask the Senate not to pursue this mirage. S. 495 is not a real substitute for the Chemical Weapons Convention. I ask that the Senate reject this false vision and that we then get on with the real debate—consideration of the Chemical Weapons Convention.

Mr. CRAIG. Mr. President, the Chemical Weapons Convention has such far-reaching domestic and national security implications that it deserves the most thorough and thoughtful examination by the Senate. I have given this matter a careful review and now rise to discuss some of the conclusions I have reached.

If I thought supporting this treaty would make chemical weapons disappear, and give us all greater security from these heinous weapons, I would not hesitate in giving my support. Unfortunately, the facts do not demonstrate this; indeed, implementing this treaty may actually create opportunities for security breaches.

The Convention has been signed by 160 nations and ratified by only 70—less than 50 percent. Five countries who are thought to have chemical weapons are not even signatories of the Convention: Egypt, Iraq, Libya, North Korea, and Syria. Another six nations have signed,

but not ratified the Convention: China, India, Iran, Pakistan, Israel, and Russia. In short, this Convention is not global in scale.

Mr. President, even if it were true that this treaty had been signed and ratified by 160 nations, serious problems would remain. Compliance with the Chemical Weapons Convention is not verifiable. I think it is timely and appropriate to remember the principle President Reagan insisted upon when negotiating an arms control treaty—trust, but verify. Unlike nuclear weapons which require a large, specialized industrial base, chemical weapons can be manufactured almost anywhere. Moreover, many lethal chemicals are common and have peaceful uses. Chemicals help us to manufacture products such as pesticides, pharmaceuticals, plastics, and paints. With such a broad spectrum of uses, it would be difficult to discern the legitimate from the illicit.

Even if verification of compliance were not a concern, this treaty would be difficult to enforce. In a sound arms control treaty, the United States must be able to punish other countries caught in violation of the agreement. The Chemical Weapons Convention provides only vague, unspecified sanctions to be imposed on a country found in breach of the Convention. Ultimately, the Chemical Weapons Convention leaves the U.N. Security Council to impose penalties severe enough to change behavior out an outlaw nation. Since any one of the five members of the Security Council can veto any enforcement resolution lodged against them or their friends, China and Russia, for example, could simply veto resolutions imposing sanctions if they disagreed with other Security Council members. In sum, Mr. President, it does not appear that this agreement is verifiable or enforceable.

Appropriate questions have also been raised about the treaty's compatibility with our Constitution. The Convention creates an international monitoring regime called the Organization for the Prohibition of Chemical Weapons, or OPCW. The OPCW will be granted the most extensive and intrusive monitoring power of any arms control treaty ever because it extends coverage to governmental and civilian facilities.

The intrusive nature of this treaty brings up important issues in regards to our citizens' constitutional protection against unreasonable search and seizure of private property. Mr. John Yoo, an acting professor of law at the University of California at Berkeley wrote yesterday in a Wall Street Journal op-ed that "Under the CWC, a drug dealer running a crack house will have more constitutional rights than the law-abiding operator of a chemical plant." Proponents of the Chemical Weapons Convention have suggested that there are a wide variety of solutions to the constitutional problem. However, the Chemical Weapons Convention states that it is "unlawful to disrupt, delay, impede an inspection or refuse entry of an inspection team." It appears as though this treaty is incompatible with our Constitution.

Furthermore, Mr. President, I do not want to look for ways to get around the so-called constitutional problem. If the treaty flies in the face of rights protected under the fourth and fifth amendments, we cannot and should not ratify.

The authority of the international monitoring regime also raises concern about foreign nationals having such broad authority to obtain access to property held by private U.S. citizens. The U.S. chemical industry is known to be one of the top industries targeted for espionage by foreign companies and governments. There is legitimate worry that international inspections could jeopardize confidential business information, trade secrets, and other proprietary data. Since the United States will be expected to pay 25 percent, or approximately $50 million, of the OPCW's operating costs, American tax dollars could be subsidizing increased risk for U.S. business interests. And even though we would pay the lion's share of the OPCW's budget, the United States would have no special status over other signatory nations, no veto power, and no assurance of being a member of the executive council.

Despite my objections to ratification of the Chemical Weapons Convention, I believe Senator KYL's Chemical and Biological Threat Reduction Act will help protect our citizens and troops from the threat of chemical and biological weapons. This bill would establish workable national policies for confronting the chemical and biological weapons threats, while not jeopardizing our national security like the CWC.

Currently, there exists no U.S. law providing comprehensive criminal, civil, and other penalties for the acquisition, possession, transfer, or use of chemical or biological weapons. Senator KYL's bill would impose stiff criminal and civil penalties for illegal possession of chemical weapons. The death penalty could be a punishment for an individual who causes the death of another through this bill.

The Chemical and Biological Threat Reduction Act also imposes mandatory sanctions against nations that use biological and chemical weapons against other countries or their own citizens. Unlike the Chemical Weapons Convention that only vaguely defines sanctions which could be thwarted by the U.N. Security Council, this bill would automatically terminate foreign assistance, suspend arms sales, impose import and export restrictions, and end financial assistance from multilateral banks. This act also would improve the readiness of U.S. military forces against chemical weapons attacks by improving troop preparedness.

In view of some of the contacts I've had from Idahoans concerning Senator KYL's bill, I think it's important to point out that this bill does not ratify the flawed Chemical Weapons Convention. It would enhance our own methods to deal with chemical terrorism without making us vulnerable to the defects of the Chemical Weapons Convention.

Mr. President, making the production and possession of chemical weapons illegal according to international law will not make them disappear. Use of such weapons has been prohibited since 1907, yet we have seen the results of their use. We all know about the tens of thousands of deaths from poison gas in World War I, and no one could forget the tragic photographs of the Iranian children killed during the 1980's by the Iraqi Government. Illegal? Yes, but still in use, nonetheless.

Mr. President, I stand today with all Americans expressing a grave concern over the increasing proliferation of chemical and biological weapons. The real question here seems to be whether ratification of the Chemical Weapons Convention will increase our own national security. Unfortunately, the answer is no. There is little value in implementing international laws which do little to decrease illegal research, development, and proliferation of chemical weapons worldwide.

I support the goal of making the world safe from the threat of chemical weapons. I applaud the honorable statement the CWC makes against these heinous weapons. However, I believe the best way to protect ourselves from this threat is by rejecting this treaty. The Convention does nothing to better our security, but may even open the door to increasing risks against our vital security interests and infringing on the rights of innocent citizens. For these reason, I am compelled to vote against the ratification of the Chemical Weapons Convention.

Mr. ALLARD. Mr. President, today I rise as a cosponsor and supporter of S. 495, The Chemical and Biological Weapons Threat Reduction Act of 1997. This bill will truly provide the United States the tools it needs and deserves from chemical and biological weapons. It is a comprehensive domestic and international plan to reduce the threat of chemical and biological weapons use, setting forth practical, realistic, and achievable nonproliferation measures to combat the very real dangers posed by these weapons.

Because of the horrible nature of these weapons, the United States has dismantled its biological weapons program and is now unilaterally destroying its entire stockpile of chemical weapons. This bill reinforces our commitment to finish the job.

S. 495 contains many provisions that will improve our ability to protect our citizens and military against these deadly weapons. The bill imposes criminal, as well as civil, penalties for the development, production, stockpiling, and transfer of chemical and biological weapons. Penalties range from civil action of up to $100,000 per violation to the death penalty on individuals who use chemical weapons which cause death to another.

Also, the export privileges of violators can be revoked as well. And, it preserves the system of multilateral export controls on biological and chemical materials and technologies, better known as the Australia group.

For our Armed Services, it strengthens U.S. biological and chemical defense programs and it preserves the military's ability to use riot control agents, such as tear gas. It also requires the President to review the policy of negative security assurance to widen U.S. options to respond with nuclear weapons against such an attack by a nonnuclear weapons state.

For foreign countries who use biological or chemical weapons in war or against its own citizens, mandatory 3-year sanctions are imposed as listed in the bill. Plus, it calls an international conference to strengthen the existing 1925 Geneva Protocol. Lastly, it requires Russian cooperation in disarmament of CW/BW weapons in return for continued U.S. assistance for dismantling these weapons of mass destruction. This applies only to CW/BW destruction and not to any other Russian assistance, such as the Nunn-Lugar programs.

I hope all my colleagues support S. 495. It toughens our domestic laws on those who use these weapons. For all the talk about chemical weapons, little has been done domestically to punish users of these horrible weapons. This bill will do just that. Support this bill and let's make it known that we will not tolerate the use of these weapons against American citizens or any other people.

Mr. BOND. Mr. President, I rise today in support of S. 495, the Chemical and Biological Weapons Threat Reduction Act of 1997. In the wake of World War I, nations from all around the world came together to sign the 1925 Geneva Protocol. Having witnessed the horrible effects of poison gas in battle, this agreement banned its use in interstate conflict. However, at the time no provisions were made in U.S. law to establish criminal or civil penalties pertaining to such weapons.

Today, for the first time, legislation has come to the Senate floor that provides criminal and civil penalties for the unlawful acquisition, transfer, or use of any chemical or biological weapon and gives domestic law enforcement authorities the needed legal basis to enforce prohibitions on chemical weapons activities within the United States. Most importantly, in light of recent domestic terrorist attacks and the actual release of Sarin gas in a Tokyo subway, S. 495 allows the death penalty for the use of chemical or biological weapons that leads to the loss of life.

From the international perspective, this legislation conditions continued United States aid to Russia for chemical and biological weapons dismantlement and destruction upon Russia demonstrating that it is abiding by existing agreements in this area. It urges enhancement of multilateral regimes to control trade in chemical and biological weapons-related materials, while requiring that the United States continue strengthening chemical and biological defenses, particularly in terms of equipment and training. Finally, S. 495 establishes, for the world, U.S. policy on the use of riot control agents and permits the use of tear gas for such things as the rescuing of downed pilots.

The Chemical and Biological Weapons Threat Reduction Act of 1997 augments existing international norms and agreements by establishing a framework for U.S. sanctions against nations which use chemical or biological weapons and by directing the Secretary of State to convene an international negotiating forum for the purpose of reaching an agreement on the enforcement of the 1925 Geneva Protocol which bans the use of chemical weapons in war.

I wish to point out that supporting S. 495 is not in conflict with the ratification of the Chemical Weapons Convention. Instead it complements the CWC by reducing the threat of acts of terrorism and armed aggression against the United States involving chemical and biological weapons. Therefore, I urge my colleagues to support this legislation and take a step toward making our country safer with a comprehensive plan that provides realistic and practical measures to combat the dangers of these repugnant weapons.

Mr. KYL. 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. LEAHY. 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. LEAHY. Mr. President, I ask unanimous consent to proceed for not to exceed 1 minute as in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Vermont may proceed.

SENATE TRADITIONS

Mr. LEAHY. Mr. President, I just had reason to go and check the RECORD on something and realized a change had been made in the Office of the Official Reporters of Debates. In the 22 years I have been here, it has been right off the floor, which is the logical place for that office to be.

I guess I am sort of a traditionalist. I believe that traditions that work should take precedence over perks that some may want. Frankly, I have no idea who made this decision to do all these changes. I do not think it is a good one. As a Senator who prefers tradition over perks, I wish things would go back to the way they were. Sometimes we should realize as Senators, we are only here temporarily. The Senate outlasts us.

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

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

CHEMICAL AND BIOLOGICAL WEAPONS THREAT REDUCTION ACT OF 1977

The Senate continued with the consideration of the bill.

Mr. THURMOND. Mr. President, I rise in support of S. 495, the Chemical and Biological Threat Reduction Act of 1997, offered by the Senator from Arizona, Senator KYL, and others.

There has been criticism of this legislation by Members of the Senate as well as by the administration. The criticism largely centers around charges that it falls short as an alternative to the Chemical Weapons Convention [CWC].

I do not know what the outcome will be of the Senate vote on advice and consent to ratification of the Chemical Weapons Convention. This legislation could possibly be an alternative in the event two-thirds of the Members present do not vote for the treaty. On the other hand, it may also complement the treaty, if it passes.

I want the RECORD to be clear, whatever the outcome of the vote on the CWC, I support efforts by the Senate to provide comprehensive criminal, civil, and other penalties for the acquisition, possession, transfer, or use of chemical or biological weapons. I also want the RECORD to reflect my continued support for the destruction of the U.S. unitary stockpile.

I urge my colleagues to vote for S. 495.

Mr. HUTCHINSON. Mr. President, I proudly stand here today as a cosponsor of S. 495, Senator JON KYL's Chemical and Biological Weapons Threat Reduction Act of 1997. First and foremost, I want to thank the good Senator from Arizona for his commitment and hard

work regarding chemical and biological weapon threats. This legislation certainly provides a comprehensive domestic and international plan to reduce the threat of chemical and biological weapon use.

It sets forth practical, realistic, and achievable nonproliferation measures to combat the very real dangers posed by these weapons.

Today the U.S. Senate will vote on the Chemical and Biological Weapons Threat Reduction Act. Mr. President, for the first time in U.S. history, we will have legislation that provides the needed criminal and civil penalties against those who produce, stockpile, and transfer chemical weapons in the United States.

Mr. President, as this body begins debate on the chemical weapons issue, I wholeheartedly believe that S. 495 will not only reinforce our strong commitment to eliminating chemical and biological weapons, but more importantly this legislation will provide our domestic law enforcement authorities the needed legal basis to enforce prohibitions on chemical weapons activities within the United States.

I have heard the arguments against S. 495, including that it amounts to the "U.S. go at it alone," approach. However, Mr. President, this bill sets forth a strong moral example for other nations to follow and in doing so underscores our commitment to global nonproliferation efforts.

Furthermore, through the Australia Group, the United States and its principal international partners have worked together to prevent the transfer of dual-use chemicals and chemical weapon-related equipment. The Australia Group must remain a cornerstone of our international nonproliferation effort and Mr. President, the passage of this legislation accomplishes this goal.

Mr. President, let me emphasize the strong points of this bill:

It requires U.S. sanctions against any country that uses chemical and/or biological weapons against another country. In effect a range of sanctions can be imposed: arms sales, trade restrictions, foreign assistance, etc.;

It outlaws the entire range of chemical and biological weapons activities within the United States. This bill mandates a $100,000 penalty for civil violations and provides the death penalty where chemical and/or biological weapons use leads to the loss of life;

It establishes criteria for continued United States aid to Russia for chemical and biological weapons dismantlement and destruction;

Most importantly, the assistance for dismantling Russia's chemical weapons stockpiles is contingent upon Russia's commitment to abide by already existing bilateral and multilateral agreements on chemical and biological weapons; and

This legislation requires calling an international conference to strengthen the 1925 Geneva Protocol, which prohibits the use of biological and chemical weapons. The Geneva Protocol has been violated on numerous occasions with little or no response from the states observing its prohibitions. Section 205 of this legislation would call for the creation of an international body whose purpose would be to ensure that the participating states will penalize any state violating the Geneva Protocol.

Mr. President, we must, to the best of our ability, avoid the horrible events of the 1980's, when the international community witnessed the horrors of Iraq's use of chemical weapons against its own people. However, we took no action despite the clear and compelling evidence that this atrocity had taken place.

To answer this threat, Senator KYL's legislation directs the Secretary of State to convene an international negotiating forum for the purpose of concluding an international agreement on the enforcement of the 1925 Geneva Protocol banning the use of poison gas in war.

Mr. President, one of the most important provisions of S. 495 is that it strengthens U.S. biological and chemical defense programs. The bill recommends three steps to improve the readiness of U.S. military forces in the area of biological and chemical defense. First, it would require the Secretary of Defense to ensure that U.S. military forces are prepared to conduct operations in a contaminated environment, particularly in the areas of operating ports and air fields. Second, it would seek improved allied support for biological and chemical defense to sustain operations in a contaminated environment. Third, it would require that the U.S. Army Chemical School remain under the oversight of a general officer.

Mr. President, as we begin the debate on the Chemical Weapons Convention and whether to ratify or not, I believe that this legislation, S. 495, is significant because it establishes substantive and workable national policies for confronting the chemical weapons threat.

The American people, with justification, will ask their leaders how and where they stand on the issue of chemical weapons.

Mr. President, the passage of S. 495 will send a clear and unmistakable message to the American people that this Congress will do everything in its power to rid our world of all chemical and biological weapons. I urge my colleagues to adopt this measure.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan. The Senator has 11 minutes remaining.

Mr. LEVIN. Mr. President, how much time is remaining on the bill itself?

The PRESIDING OFFICER. The Senator from Michigan and the Senator from Delaware have 11 minutes each, the Senator from Arizona has 13, and the Senator from Vermont has 4½.

Mr. LEVIN. Mr. President, the bill before the Senate is an unusual piece of legislation. It comes to the Senate in an expedited fashion rarely witnessed in this body. The so-called Chemical and Biological Weapons Threat Reduction Act has been presented as something of an alternative to or substitute for the Chemical Weapons Convention.

In contrast, though, to the Chemical Weapons Convention, which has taken 3½ years and counting to reach the Senate floor, S. 495 comes to us a mere 3½ weeks following its introduction. The substitute amendment to S. 495 that the Senate is now considering—all 64 pages of bill language—was made available to Senators just a few hours ago. So it is so new, the substitute, that copies of the amendment are just practically warm to the touch.

The CWC has undergone a thorough and rigorous evaluation in the Senate since its submission in November 1993, the subject of 17 hearings, dozens of witnesses, 1,500 pages of testimony, questions and answers, letters, reports, and other documentation.

By contrast, the bill before us, S. 495, arrives fresh and green, never having been reported out of committee, never having been the subject of a single congressional hearing.

This is not the way the Senate should consider important legislation, particularly given the gravity of the subject matter contained in this bill. S. 495 changes existing American law with respect to domestic law enforcement, criminal penalties, international sanctions, and export controls. From what I can determine in these few hours, many of the changes contained in S. 495 would weaken existing law.

Also, S. 495 conditions United States assistance to Russia for the safeguarding and destruction of its vast chemical and biological weapon stockpile of 40,000 tons. These changes and others contained in S. 495 significantly alter American domestic and foreign policy, and as such should be carefully studied by the Judiciary Committee, the Armed Services Committee, and the Foreign Relations Committee at a minimum before the Senate acts on it. But that has not happened.

The timing of this bill as a prelude to considering the Chemical Weapons Convention leaves the unmistakable impression that proponents of S. 495, or some of them, see it as an alternative or substitute to the treaty. It is nothing of the kind.

The Chemical Weapons Convention has been signed by 161 nations and ratified by 72. It is a global treaty that bans an entire class of weapons of mass destruction. It prohibits the production, acquisition, stockpiling, transfer,

and use of chemical weapons. The treaty, negotiated and signed under Republican administrations and strongly supported by our military leaders and battlefield commanders, is the product of American leadership in combating the international proliferation of weapons of mass destruction. The CWC joins the Nuclear Nonproliferation Treaty and the Comprehensive Test Ban Treaty as the triumvirate of multinational nonproliferation treaties that strengthen U.S. national security while at the same time enhancing global stability.

The bill, S. 495, falls well short of what U.S. participation in the Chemical Weapons Convention can deliver. It does not have the depth, the scope and the boldness of the CWC. More importantly, if this bill is passed as an alternative to the CWC, it would undermine our efforts to deprive aggressor nations and terrorist organizations of the use of chemical weapons.

The CWC makes illegal the development, production, or possession of chemical weapons by signatory states. S. 495 applies only to the United States. Furthermore, S. 495 would require sanctions against countries only if they use chemical weapons, punishment already existing in U.S. law. Nations that produce, possess, or transfer chemical weapons would not be affected by S. 495.

The CWC requires that signatory states begin destruction of their chemical weapons within 1 year of the treaty's entry into force and complete that destruction in 10 years, a commitment the United States has already made independently of the CWC. By contrast, S. 495 does not require the destruction of a single chemical bomb or warhead.

The CWC, our Chemical Weapons Convention that will come before us next week, creates a verification regime to provide for on-site inspection of signatory nations to ensure compliance with the prohibitions created in the treaty. S. 495 concerns itself with punishing individuals and/or nations after chemical weapons are used and lives are lost, not with the abolition of the insidious weapons prior to their use.

Countries that are not signatories to the CWC are isolated from the world community and prohibited from buying certain dual-use chemicals from member states that could be fashioned into weapons of mass destruction, in the process hampering the economic potential of their domestic industries, chemical and otherwise. S. 495 does nothing to leverage nonsignatory nations to forswear the production and possession of chemical weapons, thereby leaving open the door for the spread of these destabilizing weapons.

Those are some of the major shortcomings of S. 495 as an alternative to Senate ratification of the Chemical Weapons Convention and its implementation legislation.

S. 495 is not simply an ineffective tool in ridding the world of chemical weapons; it also contains a number of legal ambiguities and policy flaws that weaken existing U.S. law and add weight to why the Senate should reject the bill. Even a quick reading of S. 495 reveals significant problems with the bill from both a legal and national security perspective. I think a more careful analysis by the committees of jurisdiction would undoubtedly reveal more problems.

There are two sections in S. 495, and I ask unanimous consent that the analysis of these two sections of S. 495 be printed in the RECORD.

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

S. 495 is divided into two sections: Title I sets forth penalties for unlawful activities within the United States or by United States nationals abroad. Title II makes changes to the Arms Export Control Act and other portions of existing law regarding the imposition of economic and diplomatic sanctions against any foreign government determined to have used chemical or biological weapons illegally. Other significant changes are contained in Title II, including placing limits on U.S. assistance to Russia for the transportation, safeguarding and destruction of such weapons of mass destruction.

Mr. LEVIN. There are a number of policy flaws in S. 495 which I want to highlight in the few minutes remaining, Mr. President. Specifically, this bill would substantially weaken current criminal provisions in at least five significant areas. This bill weakens existing criminal law in at least five areas, from even a cursory view.

First, new provisions in title I of the bill would expressly authorize ownership, production, sale or use of chemical and biological weapons for a broad array of purposes described as exempted conduct. The FBI has expressed concern about this new exemption in law, stating if this approach is taken, "the legitimate purpose allowed must be specifically defined and narrowly tailored" to avoid rendering the prohibitions toothless.

But, unfortunately, section 229(b) defines the term "exempted conduct" to include:

(A) any peaceful purpose related to an industrial, agricultural, research, medical, pharmaceutical activity,

(B) any protective purpose directly related to protection against the chemical or biological weapon.

The FBI has found significant ambiguities in this definition that can become major loopholes in the statute. For instance, any research purpose could mean a terrorist group or cult conducting research into chemical or biological weapons. Obviously they would assert it was for a peaceful purpose, but under this new provision of law would it fall within the realm of research intended to be prohibited? The Aum Shinrikyo was conducting research and testing. If they were discovered before they released deadly chemical agents into the subway in Tokyo in 1995, they would not have necessarily violated this act, especially since they were recognized at the time as a legitimate religious group and were not viewed at that time as a terrorist organization.

The phrase in this bill "any protective purpose" which is used in exemption (B) is too broad, as well. Although hopefully not intended, this exemption could be asserted in self-defense claims. A case involving an individual in possession of Ricin, a potent toxin, who used it as a form of a booby-trap is illustrative of a potential protective purpose. This could be asserted by survivalist-type groups that may store these types of weapons, as was the case, according to the FBI, in 1985 when a white supremacist organization had a drum of chemical agents at their wooded compound.

Second, section 229(c)(2) of the new provision contains an exclusion permitting any ownership and possession of chemical and biological weapons by any member of the U.S. Armed Forces. This provision is poorly written. It does not appear to require official authorization for the ownership or possession of the weapon. Just if you are in uniform, then you are exempted, whether or not you have authority or not to be in possession of the weapon.

The same paragraph contains broad language authorizing ownership and possession of chemical and biological weapons by any person who is "attempting to seize the weapon." That language could conceivably include a terrorist who is attempting to seize chemical or biological weapons. By contrast, the existing law that it would replace covers any use that is without lawful authority. That is a big difference. Again, this bill weakens current law. Current law says if you have it without lawful authority, you violate the law. This provision substitutes a weaker law, a weaker provision, for what is in current law and exempts people who are attempting to seize a weapon, whether or not they have lawful authority or not. That is a significant weakening of current law.

Third, current law authorizes a life sentence for any person who "knowingly assists a foreign state or any organization" to acquire biological warfare agents—or delivery systems for use with such weapons—or who attempts, threatens, or conspires to do so. This aspect of the law would be repealed by title I of S. 495 with no substitute.

Fourth, section 229C(a) of the new provision would authorize a maximum sentence of 10 years for any person who knowingly uses riot control agents as an act of terrorism, or knowingly assists any person to do so. By contrast, the existing law it would replace subjects any person who uses chemical

weapons, including riot control agents, without lawful authority to a life sentence.

Fifth, section 229C of the new provision would prohibit the unauthorized use of riot control agents only if use is an act of terrorism. Before any penalty could be imposed, law enforcement officials would be required to prove that the chemicals were used to intimidate or coerce a civilian population, to influence the policy of a government by intimidation or coercion, or to affect the conduct of a government by assassination or kidnaping. The existing law it would replace contains no similar requirement; requires no proof. Possession is enough.

Turning attention to title II of S. 495, one of the most troublesome and counterproductive provisions of this bill is section 203 entitled "Criteria for United States Assistance to Russia." This section is a conglomeration of several of the conditions that have been proposed to the CWC resolution of ratification, but which the administration cannot accept. Section 203 would require four Presidential certifications concerning Russian compliance with existing chemical/biological agreements before United States assistance under the cooperative Threat Reduction Program—also known as the Nunn-Lugar program—can be provided. As Chairman of the Joint Chiefs General Shalikashvili articulated to the Senate Armed Services Committee earlier this year, the CWC's greatest attraction from a military standpoint is the requirement for all parties to destroy their chemical weapons stockpiles, including the eventual destruction of approximately 40,000 tons of declared Russian chemical agents, the largest stockpile in the world. Limiting cooperative threat reduction funding for this purpose might endanger prospects for Russian ratification of the CWC as well as remove the most effective United States tool for inducing Russia to dismantle its massive chemical weapons stockpile.

Another section of the bill that should concern Senators is section 208, entitled "Negative Security Assurances." This provision calls for classified and unclassified reports to Congress on "the appropriate range of nuclear and conventional responses to the use of chemical or biological weapons against the United States Armed Forces, United States citizens, allies and third parties." The text of this provision is different from the agreed-to condition contained in the CWC Resolution of Ratification and requires the submission of the report to the Senate Committees on Armed Services and Foreign Relations and the Speaker of the House, a peculiar designation to say the least. Furthermore, the Office of the Secretary of Defense has indicated that an unclassified report on this issue is not possible and, more importantly, is concerned that the language in section 208 is designed to lead to a major change in U.S. Government policy in this area.

Mr. President, 1997 marks 80 years since the advent of chemical warfare on the western front during World War I. It was in 1917 that stymied field commanders lifted the lid of Pandora's Box and unleashed on the world a new kind of warfare, horrifying in its effects and insidious in its indiscriminate application on the battlefield. It was 80 years ago that dense, yellowish-green vapors, pushed along by light winds, crept across the desolation of no-mans land and filled the bloodied trenches of a doomed generation of soldiers. Thousands of unprotected men suffocated to death in an excruciatingly painful and protracted fashion, the inner lining of their lungs eaten away by the pervasive gas. The world's abhorrence over the use of gas warfare in the latter years of World War I led to the Geneva protocol of 1925 prohibiting the use of these weapons of mass destruction.

Now, decades later, we are on the verge of the united world community dedicated to the complete abolition of these battlefield poisons. The only question is whether the United States will follow through with the leadership it has shown in the past 15 years by joining the community of civilized nations and ratifying the CWC. The CWC has languished in the Senate for 3½ years and time is short for us to act. We should not be distracted by S. 495, a bill so rushed, so flawed, and so counterproductive to our law enforcement, counterterrorism and national security interests.

Its approval would constitute a step backward from the commitments we made as a nation when President Bush signed the CWC in January, 1993. In its descriptive title, S. 495 claims to be the Chemical and Biological Weapons Threat Reduction Act. But, in fact, it is nothing of the sort. Nothing in this bill will remove chemical or biological weapons from foreign military weapons arsenals. Nothing in this bill will deprive terrorists of the chemical or biological ingredients necessary to threaten and kill innocent men, women and children in a subway or at a shopping mall. S. 495 concerns itself with reacting to the use of these weapons, not preventing their use.

History has shown that the threat of criminal penalties and economic sanctions will do little to deter those with no regard for international law and the sanctity of human life. The best way to prevent a chemical weapons attack is by preventing the attacker from obtaining such a weapon in the first place. This is the philosophical underpinning of the CWC. It seeks to prevent the use of chemical weapons through abolition, while S. 495 relies on the deterrent effect of criminal penalties and economic sanctions, already contained in U.S. and international law, to inhibit their use.

Mr. President, I urge my colleagues to vote against S. 495. Even after a cursory review, the shortcomings of S. 495 are sufficiently numerous and serious enough to warrant its defeat. The real test of this body's resolve to strengthen our national security interests and promote global stability will come when the Senate turns its attention to the consideration of the Chemical Weapons Convention. To endorse S. 495 prior to our vote on ratification would send mixed signals to our allies and the rest of the international community about America's willingness to lead in the fight against chemical weapons. At a time when the world community looks to us for leadership in the effort to counter the proliferation of weapons of mass destruction, we cannot afford to renege on such an important obligation.

Mr. KYL. In the interest of time, since we would like to get on with the vote, I respond by saying that is a misreading of the bill. The exemptions are the same as the implementing legislation submitted by the administration. The same for protective purposes. And he misreads the exemption he spoke to about seizing the weapon. That is related only to the pending destruction of the weapon authorized by law.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have 15 minutes.

The PRESIDING OFFICER. The Senator from Delaware has 11 minutes.

Mr. BIDEN. I have colleagues who have planes to catch, so I will try to be brief.

Let me be very, very blunt, as the Chair knows I usually am, much to my detriment on occasion. This is not about anything, this vote. This vote is really designed to try to come up with a substitute for the chemical weapons treaty—to give people who want to say they voted against chemical weapons an ability, then, to vote against the Chemical Weapons Convention.

I know we are supposed to be more diplomatic than that, and I know all that, and I am not suggesting that things in the bill are not worthwhile. They are. But this is what happens after we pass the treaty, that is, the implementing legislation. The way treaties work is, if we pass a treaty like the Chemical Weapons Convention, then we will come back here and pass implementing legislation. Just today, Senator LUGAR and I have introduced legislation called the implementing legislation. That is, how do we domestically implement what we have just signed on to internationally.

Now, this bill does some of those things. Some of the things in here, in this bill—and I have great respect for my friend from Arizona, I really do. I

always kid him and say my problem with him is he is too bright. I always prefer people who I am usually in disagreement with philosophically that are not very bright. He is very bright. That is a problem. So he is more effective. But I hope he will not be offended. I think he would be willing to tell you not only does he believe in what is in here, he also hopes it has the political benefit of gathering enough votes to allow people the option to vote against the Chemical Weapons Convention.

So, when I give this short shrift, I am not giving short shrift to the ideas, please understand. But the RECORD should note that this is not the norm; nobody that I am aware of, at least as long as I have been here, is usually willing to allow, without any hearings, a major bill to be brought up that is 64 pages long that most of us have not had a chance to read.

I just want the RECORD to reflect why I am going to truncate this a great deal because this debate is not really about the substance here but about the treaty. I will tell you why we need a treaty and why this legislation, even if I knew all that was in it, and even if I agreed with all that was in it, would not get the job done.

First, the treaty addresses two flaws in the Geneva Protocol which focused on a single wrong. It said we would ban the use of chemical weapons. The Chemical Weapons Treaty says you cannot produce chemical weapons, you cannot own chemical weapons, you cannot stockpile them. This legislation does nothing to affect any other country. Nothing we do in here in any way puts or imposes a prohibition on other countries other than as it relates to how we will deal with them on a bilateral basis.

Second, we need a Chemical Weapons Convention because it will strengthen the ability of nations of the world to cooperate in placing strict global controls on trade and chemicals. We want to be able to trace the precursor chemicals that go from one country to another country, from one country or company to an individual, because that is the thing that will allow us to trace down and see whether the bad guys, whether they be terrorists and or countries at large, are doing bad things. That is, possessing, building, or designing chemical capability. This does nothing on that score.

Third, we need a Chemical Weapons Convention because we have decided to get rid of most of our chemical stockpile, and that decision was jointly made by the Congress and the President in the 1980's. After the gulf war, George Bush announced we would destroy the rest.

The fourth reason is we need a treaty because it greatly enhances our ability to detect and deter a chemical weapons program. This will do nothing to affect anybody else's chemical weapons programs.

In sum, the CWC will be a powerful instrument. This, at best, you could say, would be something along the line of implementing legislation, if we had that treaty passed, which I hope we will.

I might add, I agreed to allow this bill to come up before the treaty, which is a very unusual way to do this because, quite frankly, I had no other way of getting the treaty up. Had I not agreed to this, my colleagues could have filibustered or prevented it from coming out of committee. Even though I have the votes in the committee for the treaty I could have prevented it from coming to the floor. This must be confusing to people listening to this debate today, because why would we vote on this before the international treaty? The answer is that we have no choice. The answer is they've got me by the procedural ears here. If we don't get a chance to vote on the CWC by the 28th, we are not in the deal and we, as a nation, are very much out of sync.

I will conclude by suggesting that Senator KYL's bill calls for a couple of things that already are in the treaty. The bill does nothing to eliminate other nations' chemical weapons. It requires us to go back and renegotiate the Chemical Weapons Convention, which, as General Brent Scowcroft, not a man known for hyperbole, said the concept of starting over was pure fantasy.

Next, this bill does nothing to strengthen trade controls internationally. It has language about the Australia Group—an organization that is already in place and will stay in place. There is nothing extraordinary about that. The Australia Group exists and will continue to enforce trade controls.

Third, the Kyl bill provides sanctions against nations that use chemical weapons. That's already in law. The bill does strengthen this in minor respects, but it weakens it in others. It doesn't make it illegal to produce or stockpile these weapons.

Fourth, the Kyl bill does nothing to address trade sanctions that will apply against U.S. companies if the Chemical Weapons Convention enters into force with us.

In sum, the Kyl bill is not a substitute for the Chemical Weapons Treaty, although there are things in the Kyl bill that I would vote for.

As I told my friend—and I really do think he is my friend, and we have been completely straight with one another—I am going to vote against this and urge my colleagues to do the same, because I don't know enough to know what is in here. I will never forget that when I first got here, Senator Pastore of Rhode Island, an old fellow, was a very powerful Senator; I asked him about something and he said, "Boy, let me tell you something. If you don't know what's in it, it's always safer to vote no." So I am voting no. Although there might be some merit to this, I can't find it. It is clearly not a substitute for the CWC.

I yield the floor.

Mr. KYL. Mr. President, I am prepared to yield my time back. I hope Senator LEAHY will yield his time. In passing, at another time I will respond to my friend from Delaware. I make the point that there is nothing in this legislation that requires any renegotiation of the treaty. I assure my colleague of that.

Mr. BIDEN. Mr. President, we yield back all of our time.

Mr. KYL. Mr. President, I urge my colleagues to support the legislation.

I yield back all my time.

The PRESIDING OFFICER. All time has been yielded back.

The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. KYL. 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, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Missouri [Mr. BOND] are necessarily absent.

I further announce that, if present and voting, the Senator from Missouri [Mr. BOND] would vote "yea."

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

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—53

Abraham	Gramm	McConnell
Allard	Grams	Murkowski
Ashcroft	Grassley	Nickles
Bennett	Gregg	Roberts
Brownback	Hagel	Roth
Burns	Hatch	Santorum
Campbell	Helms	Sessions
Chafee	Hutchinson	Shelby
Coats	Hutchison	Smith (NH)
Collins	Inhofe	Smith (OR)
Coverdell	Jeffords	Snowe
Craig	Kempthorne	Specter
D'Amato	Kyl	Stevens
DeWine	Lieberman	Thomas
Domenici	Lott	Thompson
Enzi	Lugar	Thurmond
Frist	Mack	Warner
Gorton	McCain	

NAYS—44

Akaka	Byrd	Feinstein
Baucus	Cleland	Ford
Biden	Conrad	Glenn
Bingaman	Daschle	Graham
Boxer	Dodd	Harkin
Breaux	Dorgan	Hollings
Bryan	Durbin	Inouye
Bumpers	Feingold	Johnson

Kennedy	Levin	Robb
Kerrey	Mikulski	Rockefeller
Kerry	Moseley-Braun	Sarbanes
Kohl	Moynihan	Torricelli
Landrieu	Murray	Wellstone
Lautenberg	Reed	Wyden
Leahy	Reid	

NOT VOTING—3

Bond	Cochran	Faircloth

The bill (S. 495) was passed.

Mr. LOTT. Mr. President, I move to reconsider the vote by which the bill, as modified, was passed.

The PRESIDING OFFICER. Without objection, the motion to lay on the table is agreed to.

The motion to lay on the table was agreed to.

Mr. CHAFEE. Mr. President, I ask unanimous consent that I might proceed as if in morning business for the next 15 minutes.

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

MORNING BUSINESS

Mr. CHAFEE. Mr. President, in addition to the request which I made, which was granted, on behalf of the leader, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each. Mr. President, that 5 minutes each follows my remarks, for which I have been granted permission for 15 minutes.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

The Senator from Rhode Island is recognized.

Mr. CHAFEE. I thank the Chair.

(The remarks of Mr. CHAFEE and Mr. REED pertaining to the submission of Senate Concurrent Resolution 22 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

OPEN COMPETITION ACT OF 1997

Mr. KENNEDY. Mr. President, I rise in opposition to S. 606, the so-called Open Competition Act of 1997, introduced this afternoon by Senator HUTCHINSON from Arkansas. As I understand the proposal, it would forbid the Federal Government from entering into so-called project labor agreements on any Federal construction project. What prompted the bill is a proposed Executive order under consideration by the administration.

That Executive order would permit Federal agencies to consider requiring contractors on certain large Federal construction projects to comply with labor contracts for the duration of the project. The Executive order would not mandate this procedure for any contract. It would simply direct the agencies to consider such agreements in appropriate circumstances.

These so-called project labor agreements have been used with great success on numerous large-scale construction projects in the past. They were used on large flood control and hydroelectric projects in the 1930's. They were used when Disney World was being built in the 1970's. They were used on the Trans-Alaska Pipeline System in the 1970's and 1980's.

These agreements have also been used on Federal projects for decades. In the late 1940's, the agreements were used regularly for construction at atomic energy facilities.

And the agreements continued to be used today. Across the country, nuclear sites are being decontaminated and decommissioned. The Department of Energy has entered into project labor agreements at the Oak Ridge facility in Tennessee; the Idaho National Engineering Laboratory in Idaho; the Savannah River site in South Carolina; the Fernald facility in Ohio; the Hanford/Richland site in Washington State; and the Lawrence Livermore facility in California—just to name a few.

The agreements are also being used by State governments. In the Boston Harbor cleanup, for example, the State of Massachusetts required contractors to comply with such labor agreements for the duration of the work. That was a very large project, which is taking years to complete. The labor agreement is helping to ensure that the project is carried out efficiently and safely.

According to an October 4, 1996, letter from the manager of industrial relations on that project, the Boston Harbor cleanup was originally projected to cost $6.1 billion. Now, the estimated total cost of the project is $3.4 billion. Accident rates are significantly lower than for projects of similar size and duration. And, during the nearly 7½ years that the project has been underway, "there have been approximately 20 million craft hours worked without lost time due to strike or lockout." Anti-union contractors challenged the requirement in the Boston Harbor case, and in 1993 the U.S. Supreme Court unanimously upheld the State's ability to issue the requirement.

Other States have taken the same approach. In January 1997, Governor Pataki of New York issued an Executive order strikingly similar to that under consideration by the President. Governor Pataki's order directed that "Each state agency shall establish procedures to consider, in its proprietary capacity, the utilization of one or more project labor agreements with respect to individual public construction projects." The Governors of New Jersey and Nevada have recently issued similar orders.

Despite the very clear advantages that such agreements can provide, the proponents of this bill that has been introduced this afternoon, contend that Government agencies should not enter into them because they deny nonunion contractors and workers the opportunity to bid and work on federally funded projects. This is false. Nonunion contractors are completely free to bid on projects subject to project labor agreements—and many do. In the Boston Harbor cleanup, for example, 40 percent of the subcontractors are nonunion firms.

Nor is it true that project labor agreements restrict jobs only to labor union members. No such agreement requires that an individual join the union to be referred for a job. In fact, the National Labor Relations Act forbids unions from discriminating against nonmembers when making job referrals.

Obviously, some of our Republican colleagues disagree strongly with such labor agreements. Many of us support them as sensible Federal contracting policy and needed protection for working families.

At the very least, the Federal Government should not be denied the opportunity to gain the substantial benefits and savings that such agreements can supply, and that is why I hope that legislation introduced to prohibit those agreements will not be favorably considered by the Senate.

RENEWING THE ISRAELI-PALESTINIAN PEACE PROCESS

Mr. BYRD. Mr. President, our indefatigable negotiator with responsibility for mediating the outstanding, difficult issues between the Israeli Government and the Palestinian authorities is back at work in the Middle East. The peace process was derailed by the intemperate action by the government led by Prime Minister Netanyahu, in supporting new Israeli settlements in Jerusalem. There appears little doubt that, regardless of the failings of Mr. Arafat to fully restrain Palestinian reactions to this action, the Israeli leader bears very heavy responsibility to undo the mischief which brought that elaborate tango of negotiations and actions called the peace process crashing down.

Now we read of an unfolding, unprecedented scandal centered around that same Prime Minister. I have no judgment to make on that, but I hope that, as I have said before on this floor, Mr. Netanyahu will rise above the pressures on him, particularly from his right wing, and face history squarely. It is up to him to make the crucial moves that will halt the settlement construction, and take a courageous step. I call upon him, again, to do this, for the sake of the people of Israel and the Palestinians.

It is important that the Clinton administration continue to take the position that the settlement construction

must be halted. Ambassador Ross is reported today to be pressing the Prime Minister to do so. The United States has an important stake in this matter. As the strongest ally and the best friend that Israel ever had, or will have, it is surely not too much to expect some consideration of the U.S. position on this matter on the part of Mr. Netanyahu. He surely cannot expect to continue stonewalling the United States on this critical matter. I, for one, felt he should not have come to the United States to meet extensively with our President with nothing in mind to offer apparently. That is not what a good ally or a good friend does. He certainly cannot expect us to stand by while he gives an American President—our President—no more than a hello and goodbye on such a critical matter, and also then still expects the United States to provide our annual supplement of over $3 billion in American tax dollars to Israel without batting an eye—$3 billion. I wonder if the American people are aware of that, every year.

This is a crucial period for the Likud government. I hope that it will see that support from the American people cannot continue to be in the form of a blank check no matter what that government does to stall or derail the process of making peace with the Palestinians. It does not do the Israeli people any good whatsoever for the message to go to them that whatever happens is essentially fine with the United States Government. We need to be consistent, both in Washington and in New York. The Clinton administration needs to take this into consideration, as well. We cannot take one position, against the settlements construction, here in Washington, and water it down by not endorsing the same policy embodied in Security Counsel resolutions. That is speaking out of both sides of our mouth. That is speaking with a forked tongue. Therefore, I urge my colleagues to speak in one voice with the administration, and I urge the administration to be completely consistent, not inconsistent, because inconsistency creates confusion. It sends the wrong message. Make it clear that we will continue to act in good faith as a mediator and as an ally of Israel, but we expect the Israeli Government to step up to the plate and make the kind of moves that will be necessary to breathe new vigor and new life into the process of peacemaking, which is so critical to the people of Israel, to the Palestinians, to the United States and to our allies.

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

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

FAIRNESS IN FEDERAL CONTRACTING

Mr. JEFFORDS. Mr. President, I rise today to address a very real threat to the economic well being of our Nation. I speak, of course, of the anticipated issuance by President Clinton, of an Executive order that would likely lead to the exclusion of nonunion contractors from Federal construction. I also wish to express my strong support for S. 606, introduced today by Senator HUTCHINSON, which I have cosponsored.

The strength and prosperity of this great Nation are in large part a result of the industrial peace between labor and management, that has been the norm since the passage, in 1935, of the Wagner Act. That act, and its progeny, form the keystone of our national labor relations policy. The bedrock belief supporting this policy has been to recognize that the parties—workers, employers, and unions—are in the best position to resolve their differences and to set and to achieve their goals. To this end, Congress has maintained a basic hands-off policy, preferring to set only the broadest boundaries, beyond which the conduct of the parties must not stray. I have to say that our congressional predecessors legislated wisely, for this policy of Federal Government neutrality has allowed the United States to become the envy of the industrialized world.

This is not to say that there have not been bumps in the road to labor-management harmony. Congress has amended the Federal labor laws, and also has considered, and rejected, amendments to the Federal labor laws. Attempts by Congress to smooth the bumps, however, have been subjected to one overriding process—any changes to the laws that nurture the balance between the parties in the industrial arena will have been forged in the heat of legislative debate and advocacy.

Today, sadly, the Clinton administration considers an action that would displace Federal neutrality, thereby renouncing over 60 years of national labor policy, and ignoring 60 years of fine tuning of that policy by Congress and the courts. Simply put, the Executive order being considered by the Clinton administration would result in most, if not all, Federal construction being performed by union shop contractors. This would give a whole new meaning to the term top down organizing. It would represent union organizing from the very top—the Presidency of the United States.

Further, this Clinton initiative would occur without benefit of the legislative process, the process which in my opinion is mandated by the Constitution of the United States. And I find it even more disheartening that this end run by the administration, of the policy setting role of the Congress, seems less designed to serve the public interest than to advance political interests.

Now, I understand that the administration will probably argue that the proposed order does not mandate the adoption of a project labor agreement, and therefore does not inescapably lead to union-only contractors on Federal construction projects. The administration would go on to argue that since the order requires the Federal agencies to make a finding that use of a project labor agreement would advance the Government's procurement interest, only where that finding is made would union agreements be required. This argument, however, is suspect. The introductory paragraphs of the draft order clearly indicate the President's preferences as to use of a project labor agreement. Since the boss thinks it is such a good idea, it is not likely that persons that the President selected to head the executive branch agencies would think otherwise.

There is one other factor that is very important, and must be noted. Employment in the construction industry, particularly where union agreements are in place, is done through hiring hall referrals. If a nonunion contractor is forced, because of a project labor agreement, to become a party to a union agreement, it is not hard to picture what would happen to that contractor's employees. They would be at the back of the line when it comes to hiring hall referrals. This is despite the fact that the overwhelming majority of construction workers have not chosen to belong to a union.

I, and my Republican colleagues on the Committee on Labor and Human Resources, have written to the President, asking him not to issue this or any similar Executive order. We noted that if the proposed order were adopted, it would undermine the benefits derived from a nondiscriminatory competitive bidding process, likely resulting in substantially higher Federal construction costs to the American taxpayer. We further pointed out that, if adopted, the order would cause harm to the important principle of employee freedom of choice to select or reject representation by a union. Mr. President, I ask unanimous consent that this letter be printed in the RECORD following my remarks.

Finally, I congratulate Senator HUTCHINSON on introducing S. 606, and offer my full support in gaining its passage. The bill would prevent a Federal agency from requiring a bidder on a Federal contract to be a union contractor. Frankly, it is unfortunate that we need to legislate open competition, and outlaw this type of anticompetitive restriction, in the Federal procurement process. The Clinton initiative, however, demonstrates the need for S.

606. I further note, that no matter what one thinks of any specific provision of S. 606, my colleagues, from both sides of the aisle, must be comforted to know, that before any changes are made by S. 606 to Federal labor policy, those proposals will be subjected to the debate, opinion gathering, and fact finding, that is the hallmark of the legislative process. And whatever comes out of that process will be better, for this Nation, because of that process.

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

U.S. SENATE, COMMITTEE ON
LABOR AND HUMAN RESOURCES,
Washington, DC, April 16, 1997.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: It has been widely reported that the Administration is preparing to issue an Executive Order promoting the use of "project labor agreements" on federal and federally funded construction projects. We have reviewed a published draft of this proposed order and are writing to you to express our grave concerns regarding this initiative.

The proposal would require executive branch agencies, which are preparing to implement or fund a construction project, to determine whether the use of a project labor agreement on that project would "advance the government's procurement interest in economical, efficient, and timely high quality project performance by promoting labor-management stability and project compliance with applicable legal requirements governing safety and health, equal employment opportunity, labor standards and other matters . . ." While these are laudable objectives, we note that federal law already requires that they be met.

Under the proposal after an agency has made the requisite determination, the ensuing construction project could be performed only pursuant to an agreement with a union. We note that any agency would be hard pressed not to answer this determination in the positive, given that in the introduction of the proposal, you extol the use of project labor agreements. The bottom line of this proposal Executive Order is that most, if not all, federal construction would be performed by union shop contractors.

If the proposed order is issued, union status might well trump savings to the taxpayers. Even if a qualified non-union contractor might be able to bid the project at a substantial savings to the American taxpayer, a higher-priced union bidder would be awarded the contract under your proposal. Even though the overwhelming majority of construction workers have not chosen to belong to a union, they would be effectively barred from federal construction work. It comes as no surprise that the head of AFL-CIO Building and Constructions Trades Department is reported to have participated in the drafting of this proposal.

We believe that this proposed order threatens to undermine the benefits derived from a nondiscriminatory competitive bidding process, likely resulting in substantially higher federal construction costs to the American taxpayer. Further, the order would reverse the over sixty years of neutrality in matters of labor-management relations by the federal government. It also would injure an overreaching principle of our nation's labor relations policy, that of employee freedom of choice to select or reject representation by a union.

We urge you in the strongest terms to reconsider this initiative, and not promulgate this or any similar Executive Order giving greater encouragement to project labor agreements for federal and federally assisted construction.

Sincerely,

JAMES M. JEFFORDS,
JUDD GREGG,
MIKE DEWINE,
TIM HUTCHINSON,
JOHN W. WARNER,
DAN COATS,
BILL FRIST,
MICHAEL B. ENZI,
SUSAN M. COLLINS,
MITCH MCCONNELL,
U.S. Senators.

EXPRESSION OF GRATITUDE TO RON LEDLOW, DEPUTY DIRECTOR OF THE SENATE SERVICE DEPARTMENT

Mr. LOTT. Mr. President, I rise today to express the deep gratitude of the Senate to Ron Ledlow, the Deputy Director of the Senate Service Department, who is retiring after nearly 30 years of dedicated service to the Senate.

Ron Ledlow began his career 27 years ago this week as a pressman on the night shift in the Service Department and rose through the journeyman ranks into management, eventually serving as the Director of the Senate Service Department.

Ron has used his skill, creativity, and expertise in shepherding the Senate through nearly 30 years of changes in print, production, and graphics technology on which we as Members, and an institution, rely.

Through all of these changes, Ron has been driven by his high standards for quality control and exceptional customer service. His professionalism and respect for his employees and this institution have been a great example to his coworkers, and to all of us here in the Senate.

His contributions in support of democratic institutions are not limited to the U.S. Senate. In 1990, under the Gift of Democracy Resolution, Ron, along with several other congressional representatives, went to Poland as a technical adviser. His counsel and assistance helped strengthen the emerging democratic institutions of Poland. Ron's assistance was so valuable, that he was asked to return to Poland for another tour of duty.

Outside of his work in the Service Department, Ron has served on several committees for the U.S. Senate Federal Credit Union. Ron was an active member of the Senate Staff Club and served as the club's president in the mideighties. In 1991, Ron was presented with the Roll Call Sid Yudain Congressional Staffer of the Year Award.

Mr. President, our Senate family wishes Ron, his wife Dee, and his children Gerald and Steven the very best. We hope that Ron and Dee enjoy their well-deserved time on the links of South Carolina.

REGISTRATION OF MASS MAILINGS

The filing date for 1997 first quarter mass mailings is April 25, 1997. If a Senator's office did no mass mailings during this period, a form should be submitted that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office on (202) 224–0322.

MESSAGES FROM THE HOUSE

At 12:16 p.m. on Wednesday, April 16, 1997, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R 1001. An act to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission.

H.R. 1225. An act to make a technical correction to title 28, United States Code, relating to jurisdiction for lawsuits against terrorist states.

H.R. 1226. An act to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information.

At 11:51 am. on Thursday, April 17, 1997, a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R 111. An act to provide for the conveyance of a parcel of unused agricultural land in Dos Palos, California, to the Dos Palos Ag Boosters for use as a farm school.

H.R. 173 An act to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of Federal law enforcement canines that are no longer needed for official purposes to individuals with experience handling canines in the performance of law enforcement duties.

H.R. 607. An act to amend the Real Estate Settlement Procedures Act of 1974 to require notice of cancellation rights to private mortgage loans and to provide for cancellation of such insurance, and for other purposes.

H.R. 930. An act to require Federal employees to use Federal travel charge cards for all payments of expenses of official Government travel, to amend title 31, United States Code, to establish requirements for prepayments audits of Federal agency transportation expenses, to authorize reimbursement of Federal agency employees for taxes incurred on travel or transportation reimbursements.

and to authorize test programs for the payment of Federal employee travel expenses and relocation expenses.

H.R. 1090. An act to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error.

H.R. 1092. An act to amend title 38, United States Code, to extend the authority of the Secretary of Veterans' Affairs to enter into enhanced-use leases for Department of Veterans Affairs property, to rename the United States Court of Veterans Appeals and the National Cemetery System, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 61. Concurrent resolution honoring the lifetime achievements of Jackie Robinson.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R 111. An act to provide for the conveyance of a parcel of unused agricultural land in Dos Palos, California, to the Dos Palos Ag Boosters for use as a farm school; to the Committee on Agriculture, Nutrition, and Forestry.

H.R. 173. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize donation of Federal law enforcement canines that are no longer needed for official purposes to individuals with experience handling canines in the performance of law enforcement duties; to the Committee on Governmental Affairs.

H.R. 930. An act to Federal employees to use Federal travel charge cards for all payments of expenses of official Government travel, to amend title 31, United States Code, to establish requirements for prepayments audits of Federal agency transportation expenses, to authorize reimbursement of Federal agency employees for taxes incurred on travel or transportation reimbursements, and to authorize test programs for the payment of Federal employee travel expenses and relocation expenses; to the Committee on Governmental Affairs.

H.R. 1090. An act to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error; to the Committee on Veterans' Affairs.

H.R. 1092. An act to amend title 38, United States Code, to extend the authority of the Secretary of Veterans' Affairs to enter into enhanced-use leases for Department of Veterans Affairs property, to rename the United States Court of Veterans Appeals and the National Cemetery System, and for other purposes; to the Committee on Veterans' Affairs.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 61. Concurrent resolution honoring the lifetime achievements of Jackie Robinson; to the Committee on Commerce, Science, and Transportation.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R 1226. An act to amend the Internal Revenue Code of 1986 to prevent the unauthorized inspection of tax returns or tax return information.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1583. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94-10; to the Committee on Appropriations.

EC-1584. A communication from the Assistant Secretary of the Interior for Indian Affairs, transmitting, pursuant to law, a rule (RIN1076-AD66) received on April 10, 1997; to the Committee on Indian Affairs.

EC-1585. A communication from the Chairman of the U.S. Securities and Exchange Commission, transmitting, pursuant to law, the report on the practice of preferencing; to the Committee on Banking, Housing, and Urban Affairs.

EC-1586. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to amend the Bretton Woods Agreements Act; to the Committee on Foreign Relations.

EC-1587. A communication from the Director of the Peace Corps, transmitting, a draft of proposed legislation entitled "The Peace Corps Act Amendments of 1997"; to the Committee on Foreign Relations.

EC-1588. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the transmittal of the certification of proposed issuance of an export license; to the Committee on Foreign Relations.

EC-1589. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the transmittal of the certification of proposed issuance of an export license; to the Committee on Foreign Relations.

EC-1590. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the transmittal of the certification of the proposed approval of a manufacturing license agreement; to the Committee on Foreign Relations.

EC-1591. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the transmittal of the certification of the proposed approval of a manufacturing license agreement; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-46. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 11

Whereas, the United States Environmental Protection Agency (EPA) has a responsibility to review periodically the National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter (PM); and

Whereas, the EPA is considering establishing a more stringent ozone standard and a new, more stringent standard for particulate matter at or below 2.5 microns (PM2.5); and

Whereas, Michigan, through its local jurisdictions, businesses, and citizens, has supported health-based National Ambient Air Quality Standards (NAAQS) that are premised on sound science; and

Whereas, Michigan has made significant progress in meeting current NAAQS for both ozone and particulate matter (PM) under the Clean Air Act amendments of 1990, although there are some areas that have not yet come into compliance with the current standard(s); and

Whereas, Michigan, through its local jurisdictions, businesses, consumers, and taxpayers, has borne considerable cost to come into compliance with the current NAAQS for ozone and particulate matter; and

Whereas, the proposed new standards will significantly expand the number of nonattainment areas for both ozone and particulate matter. This may result in additional emission controls in all areas, thus imposing significant economic, administrative, and regulatory burdens on Michigan, its citizens, businesses, and local governments; and

Whereas, EPA's own Clean Air Science Advisory Committee (CASAC) was unable to find any "bright line" that would distinguish any public health benefit among any of the proposed new standards for ozone, including the current standard; and

Whereas, there is very little existing PM2.5 monitoring data; and

Whereas, there are many unanswered questions and scientific uncertainties regarding the health effects of particulate matter, in particular PM2.5, including: Divergent opinions among scientists who have investigated the issue; Exposure misclassification; Measurement errors; Lack of supporting toxicological data; Lack of a plausible toxicological mechanism; Lack of correlation between recorded PM levels and public health effects; Influence of other variables; and The existence of possible alternative explanations; and

Whereas, no scientific proof exists that establishing a more stringent ozone standard or a new, more stringent PM2.5 standard would avoid alleged adverse health, but it would assuredly impose significantly higher costs; and

Whereas, the issue of transported volatile organic compounds is not adequately addressed; Now therefore, be it

Resolved by the House of Representatives (the Senate concurring, That we advise and strongly urge the EPA to reaffirm the existing NAAQS for ozone; and be it further

Resolved, That we advise and strongly urge the EPA to reaffirm the existing NAAQS for PM10; and be it further

Resolved, That we advise and strongly urge the EPA to refrain from establishing a new NAAQS for PM2.5 at this time and to gather the necessary PM2.5 monitoring data and conduct all necessary research needed to address the issue of causality and other critical and important unanswered scientific questions concerning PM2.5; and be it further

Resolved, That we advise and strongly urge the EPA to identify any unfunded mandates or other administrative and economic burdens for state or local governments or agencies that would result from the proposed changes to the NAAQS for ozone and particulate matter; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the administrator of the United States Environmental Protection Agency, and other appropriate administration officials.

POM-47. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Environment and Public Works.

SENATE RESOLUTION NO. 22

Whereas, the United States Environmental Protection Agency (EPA) has a responsibility to review periodically the National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter (PM); and

Whereas, the EPA is considering establishing a more stringent ozone standard and a new, more stringent standard for particulate matter at or below 2.5 microns (PM2.5); and

Whereas, Michigan, through its local jurisdictions, businesses, and citizens, has supported health-based National Ambient Air Quality Standards (NAAQS) that are premised on sound science; and

Whereas, Michigan has made significant progress in meeting current NAAQS for both ozone and particulate matter (PM) under the Clean Air Act amendments of 1990, although there are some areas that have not yet come into compliance with the current standard(s); and

Whereas, Michigan, through its local jurisdictions, businesses, consumers, and taxpayers, has borne considerable cost to come into compliance with the current NAAQS for ozone and particulate matter; and

Whereas, the proposed new standards will significantly expand the number of nonattainment areas for both ozone and particulate matter. This may result in additional emission controls in all areas, thus imposing significant economic, administrative, and regulatory burdens on Michigan, its citizens, businesses, and local governments; and

Whereas, EPA's own Clean Air Science Advisory Committee (CASAC) was unable to find any "bright line" that would distinguish any public health benefit among any of the proposed new standards for ozone, including the current standard; and

Whereas, there is very little existing PM2.5 monitoring data; and

Whereas, there are many unanswered questions and scientific uncertainties regarding the health effects of particulate matter, in particular PM2.5, including: Divergent opinions among scientists who have investigated the issue; Exposure misclassifications; Measurement errors; Lack of supporting toxicological data; Lack of a plausible toxicological mechanism; Lack of correlation between recorded PM levels and public health effects; Influence of other variables; and The existence of possible alternative explanations; and

Whereas, no scientific proof exists that establishing a more stringent ozone standard or a new, more stringent PM2.5 standard would avoid alleged adverse health, but it would assuredly impose significantly higher costs; and

Whereas, the issue of transported volatile organic compounds is not adequately addressed; and

Whereas, the EPA and its Clean Air Science Advisory Committee have raised issues relative to serious health concerns that may be addressed with a new PM2.5 standard; and

Whereas, scientists on the Clean Air Science Advisory Committee (CASAC) panel voted 19–2 that some new standard should be set to regulate PM 2.5; Now, therefore, be it

Resolved by the Senate, That we advise and strongly urge the EPA to reaffirm the existing NAAQS for ozone; and be it further

Resolved, That we advise and strongly urge the EPA to reaffirm the existing NAAQS for PM10; and be it further

Resolved, That we advise and strongly urge the EPA to continue to work to establish a clear consensus among its own Science Advisory Committee for the level of a PM 2.5 standard at a level at which the benefits outweigh the costs and to continue; and be it further

Resolved, That we advise and strongly urge the EPA to identify any unfunded mandates or other administrative and economic burdens for state or local governments or agencies that would result from the proposed changes to the NAAQS for ozone and particulate matter; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, the administrator of the United States Environmental Protection Agency, and other appropriate administration officials.

POM-48. A concurrent resolution adopted by the Legislature of the State of West Virginia; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 7

Whereas, ambient air quality, regulated under the Federal Clean Air Act, has improved substantially since 1970 in West Virginia, and will continue to improve as the Clean Air Act amendments of 1990 are implemented to further reduce pollutants; and

Whereas, the U.S. Environmental Protection Agency, which periodically reviews the National Ambient Air Quality Standards, proposes revisions to those standards that could increase the number of areas in West Virginia considered to be in nonattainment with federal air quality standards; and

Whereas, nonattainment with federal air quality standards could have a serious economic impact in West Virginia and may result in severe restrictions on economic development, loss of jobs and in a potential loss of federal highways funds; and

Whereas, substantial scientific uncertainties surround the determination of causality for potential adverse health effects that may be associated with exposure to fine particulates; and

Whereas, there is little existing data regarding the monitoring of fine particulate matter; and

Whereas, the Environmental Protection Agency's Clean Air Science Advisory Committee has not determined that there are significant public health benefits associated with revising the standards on ozone and fine particulate matter; and

Whereas, West Virginia, through its Legislature, citizens, businesses and regulatory agencies, worked hard to reduce air pollution and to meet clean air requirements, resulting in all counties in the state currently being in compliance with the present standards for ozone and particulate matter; and

Whereas, the coal, chemical, primary metals, electric utility and other West Virginia industries who already have expended considerable resources and suffered negative impacts resulting from programs designed to meet the existing requirements of the Clean Air Act could be subjected to further negative impacts resulting from the proposed standards; and

Whereas, West Virginia is a major source of electric generation and stands to benefit from proposed electric utility deregulation, a benefit that could be significantly lessened by the resulting increase in the cost of electric service to the citizens and businesses of the state due to the proposed standards; and

Whereas, the development of the economy in this state has historically faced significant obstacles, and recent economic development indicators demonstrate that West Virginia is poised for growth while maintaining present air quality standards; therefore, be it

Resolved by the Legislature of West Virginia: That the Congress of the United States is requested to enact legislation that requires the Administrator of the United States Environmental Protection Agency to maintain the current National Ambient Air Quality Standards for ozone and fine particulate matter until there is a thorough review by the scientific community, as well as a thorough, scientifically valid and comprehensive cost-benefit analysis, where appropriate, of the impact of the proposed changes to the current standards; and, be it further

Resolved, That the Clerk of the House of Delegates shall, immediately upon its adoption, transmit duly authenticated copies of this resolution to the Speaker and the Clerk of the United States House of Representatives, the President Pro Tempore and the Secretary of the United States Senate, the members of the West Virginia congressional delegation and the Administrator of the EPA.

POM-49. A petition from a citizen of the State of California relative to habeas corpus; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 506. A bill to clarify certain copyright provisions, and for other purposes.

S. 568. A bill to make a technical correction to title 28, United States Code, relating to jurisdiction for lawsuits against terrorist states.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Donald M. Middlebrooks, of Florida, to be United States District Judge for the Southern District of Florida.

Jeffrey T. Miller, of California, to be United States District Judge for the Southern District of California.

Robert W. Pratt, of Iowa, to be United States District Judge for the Southern District of Iowa.

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 on Thursday, April 10, 1997:

By Mr. SHELBY:

S. 561. A bill to require States receiving prison construction grants to implement requirements for inmates to perform work and engage in educational activities, to eliminate certain sentencing inequities for drug offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. D'AMATO (for himself, Mr. FAIRCLOTH, Mr. BENNETT, Mr. SARBANES, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mrs. BOXER, Ms. MOSELEY-BRAUN, Mr. JOHNSON, and Mr. REED):

S. 562. A bill to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage; to the Committee on Banking, Housing, and Urban Affairs.

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated on Thursday, April 17, 1997:

By Ms. SNOWE:

S. 601. A bill to amend title 18, United States Code, to prohibit taking a child hostage in order to evade arrest; to the Committee on the Judiciary.

S. 602. A bill to provide a mandatory minimum sentence for State crimes involving the use of a firearm, impose work requirements for prisoners, and prohibit the provision of luxury items to prisoners; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. FEINGOLD, and Mr. KOHL):

S. 603. A bill to require the Secretary of Agriculture to collect and disseminate statistically reliable information from milk manufacturing plants on prices received for bulk cheese and to provide the Secretary with the authority to require reporting by such manufacturing plants throughout the U.S. on prices received for cheese, butter, and nonfat dry milk; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER:

S. 604. A bill to amend the Agricultural Market Transition Act to require the Secretary of Agriculture to use the price of feed grains and other cash expenses as factors that are used to determine the basic formula price for milk and any other milk price regulated by the Secretary; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 605. A bill to require the Secretary of Agriculture to provide emergency assistance to producers for cattle losses that are due to damaging weather or related condition occurring during the 1996-97 winter season, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HUTCHINSON (for himself, Mr. LOTT, Mr. NICKLES, Mr. MACK, Mr. COVERDELL, Mr. THURMOND, Mr. JEFFORDS, Mr. COATS, Mr. GREGG, Mr. FRIST, Mr. ENZI, Ms. COLLINS, Mr. WARNER, Mr. MCCONNELL, Mr. ALLARD, Mr. BROWNBACK, Mr. SESSIONS, Mr. HAGEL, Mr. KYL, Mr. ROBERTS, and Mr. CRAIG):

S. 606. A bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors; to the Committee on Labor and Human Resources.

By Mr. COATS:

S. 607. A bill to amend the Communications Act of 1934 to provide for the implementation of systems for rating the specific content of specific television programs; to the Committee on Commerce, Science, and Transportation.

By Mr. FEINGOLD:

S. 608. A bill to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Ms. MIKULSKI, Mr. DASCHLE, Mr. DODD, Mr. HARKIN, Mr. WELLSTONE, Mrs. MURRAY, Mrs. BOXER, Ms. MOSELEY-BRAUN, Mrs. FEINSTEIN, Mr. FORD, and Mr. INOUYE):

S. 609. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for reconstructive breast surgery if they provide coverage for mastectomies; to the Committee on Labor and Human Resources.

By Mr. LUGAR (for himself and Mr. BIDEN):

S. 610. A bill to implement the obligations of the United States under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, known as "the Chemical Weapons Convention" and opened for signature and signed by the United States on January 13, 1993; to the Committee on the Judiciary.

By Mr. MACK (for himself, Mr. D'AMATO, Mr. SHELBY, Mr. BENNETT, Mr. DOMENICI, Mr. CHAFEE, Mr. ABRAHAM, Mr. HELMS, Mr. BROWNBACK, and Mr. LUGAR):

S. 611. A bill to require the Board of Governors of the Federal Reserve System to focus on price stability in establishing monetary policy to ensure the stable, long-term purchasing power of the currency, to repeal the Full Employment and Balanced Growth Act of 1978, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 612. A bill to amend section 355 of the Internal Revenue Code of 1986 to prevent the avoidance of corporate tax on prearranged sales of corporate stock, and for other purposes; to the Committee on Finance.

By Mr. THOMPSON (for himself and Mr. FRIST):

S. 613. A bill to provide that Kentucky may not tax compensation paid to a resident of Tennessee for certain services performed at Fort Campbell, Kentucky; to the Committee on Finance.

By Mr. BREAUX (for himself and Mr. D'AMATO):

S. 614. A bill to amend the Internal Revenue Code of 1986 to provide flexibility in the use of unused volume cap for tax-exempt bonds, to provide a $20,000,000 limit on small issue bonds, and for other purposes; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mrs. FEINSTEIN, Mr. D'AMATO, Mr. LIEBERMAN, Mr. DEWINE, Mr. MOYNIHAN, and Ms. MIKULSKI):

S. 615. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for continued eligibility for supplemental security income and food stamps with regard to certain classifications of aliens; to the Committee on Finance.

By Mr. ALLARD:

S. 616. A bill to amend titles 23 and 49, United States Code, to improve the designation of metropolitan planning organizations, and for other purposes; to the Committee on Environment and Public Works.

By Mr. JOHNSON (for himself, Mr. CRAIG, Mr. DASCHLE, Mr. BURNS, and Mr. BAUCUS):

S. 617. A bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SARBANES:

S. 618. A bill to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes; to the Committee on Environment and Public Works.

S. 619. A bill to establish a Chesapeake Bay Gateways and Watertrails Network, and for other purposes; to the Committee on Environment and Public Works.

By Mr. GREGG (for himself, Mr. ROTH, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. MURKOWSKI, Mr. FAIRCLOTH, Mr. SANTORUM, Mr. BOND, Ms. COLLINS, Mr. DEWINE, Mr. ROBERTS, Mr. CRAIG, Mr. NICKLES, Mr. MCCONNELL, Mr. KYL, Ms. SNOWE, Mr. MACK, Mr. HAGEL, and Mr. GRASSLEY):

S. 620. A bill to amend the Internal Revenue Code of 1986 to provide greater equity in savings opportunities for families with children, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HELMS:

S. Res. 75. An executive resolution to advise and consent to the ratification of the Chemical Weapons Convention, subject to certain conditions; to the Committee on Foreign Relations.

By Mr. CHAFEE (for himself and Mr. REED):

S. Con. Res. 22. A concurrent resolution to provide that the statue of Roger Williams be returned to the United States Capitol Rotunda at the conclusion of the temporary display of the Portrait Monument of Elizabeth Cady Stanton, Susan B. Anthony and Lucretia Mott; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 601. A bill to amend title 18, United States Code, to prohibit taking a child hostage in order to evade arrest; to the Committee on the Judiciary.

S. 602. A bill to provide a mandatory minimum sentence for State crimes involving the use of a firearm, impose work requirements for prisoners, and prohibit the provision of luxury items to prisoners; to the Committee on the Judiciary.

CRIME LEGISLATION

Ms. SNOWE. Mr. President, I rise today to introduce two bills intended

to protect innocent Americans from the violent will of criminals and fugitives. One need take only a quick review of recent statistics to realize the chilling scope of our nation's crime problems. For instance, the Bureau of Justice Statistics reports that 11 million Americans were the victims of violent crime in 1994 alone. The Bureau of Justice Statistics also reports that approximately 3.5 million Americans were accosted at gunpoint during that same year. These statistics should galvanize us all into taking concrete steps to protect innocent Americans against senseless victimization and turn the tide against criminals once and for all. My bills will help to do just that.

The first bill I introduce today, the Crime Control Act of 1997, will ensure that an individual convicted of committing a violent crime or engaging in drug trafficking activities while in possession of a gun, will go to jail for 10 years, and not a day less. If an offender fires a gun while committing those crimes, that offender will go to jail for 20 years. And should that criminal make the mistake of using a machinegun or a gun with a silencer to commit those crimes, that criminal will be incarcerated for 30 years. Once imprisoned, the Crime Control Act provides hardened criminals with no option for parole or reduced sentences that would allow them another chance to harm innocent citizens.

Simply put, the passage of my Crime Control Act ensures that if you do the crime, you will most certainly do the time. And under my bill, that time won't be easy. A key initiative of the Crime Control Act is the creation of work programs for all able bodied prisoners by the Attorney General. In addition, my bill prohibits the government from providing any entertainment devices, like televisions, radios, or stereos, for use in individual prisoner cells. Federal prisons are not the place for entertainment. They are not intended to be fun. They are the places where individuals repay their debt to society and in the case of violent criminals, it is a very large debt indeed. My Crime Control Act makes sure that violent criminals pay that debt, and I hope my colleagues will join me in supporting this important and effective crime control measure.

The second bill I introduce today applies directly to actions taken by fugitives who resist arrest. Over the past few years, America has witnessed an unfortunate trend involving standoffs between the U.S. Government and parties who reject its authority to enforce the laws of this land—specifically, the incidents in Waco, TX; Ruby Ridge, ID; and Garfield County, MT. Thankfully, the episode involving the Freemen did not escalate to violence or bloodshed. Regrettably, this does not hold true for Waco or Ruby Ridge, where there was a tragic loss of life to civilians and Government agents alike.

Each of these situations jeopardized children's lives—innocent children who had no choice in the role they played in these standoffs. In Waco, 25 young children under the age of 15 died in the blaze that spread throughout the compound. These deaths occurred despite the repeated efforts by Federal agents to encourage Branch Davidians leaders to allow children to leave the compound.

At Ruby Ridge, a 14-year-old died after being caught in gunfire. And during the Freeman standoff, Americans across the Nation held their breath—praying that violence would not erupt. Once again, the lives of children were placed in jeopardy. But thankfully, this time, the children—and adults—emerged unharmed.

As we have seen, tragedy can occur in these very tense situations. Above all else, we need to ensure that children are kept out of these situations in the future. People who arm themselves after failing to comply with warrants or because they seek to avoid arrest must realize that, whether or not it is intended, children are implicated in these standoffs. We cannot allow this to continue any longer. We cannot allow another child's life to be endangered in this manner.

This bill seeks to protect children from harm in these standoff situations. My bill would make it a crime to detain a child when two conditions are met: if a person is trying to evade arrest or avoid complying with a warrant, and that person uses force, or threatens to use force, against a Federal agent. Any person convicted of violating this act would be imprisoned for 10–25 years. If a child is injured, the penalty would be increased to 20–35 years. If a child is killed, the penalty would be life imprisonment.

No law can ever assure that children will be kept free from harm. But this legislation will help assure that children do not become inadvertent, innocent pawns when violent situations arise. It will provide a deterrent to involving a child in any standoff—and severe penalties for those who ignore the law.

Both of the bills I introduce today are aimed at protecting the innocents in our society, and I urge my colleagues to support them. America needs to be a place where innocent citizens do not have to fear for their life because gun-toting criminals and drug pushers linger on the streets. It needs to be a place where children are not the captives of adults intent upon resisting arrest. Freedom from violence and captivity are basic tenets of our society, which most Americans enjoy and respect. Those among us who don't share our respect for the laws of our society must realize that their actions are criminal, and that in America, criminal actions have repercussions. The passage of these bills will make sure that they do.

By Mr. SPECTER (for himself, Mr. FEINGOLD, and Mr. KOHL):

S. 603. A bill to require the Secretary of Agriculture to collect and disseminate statistically reliable information from milk manufacturing plants on prices received for bulk cheese and to provide the Secretary with the authority to require reporting by such manufacturing plants throughout the United States on prices received for cheese, butter, and nonfat dry milk; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SPECTER:

S. 604. A bill to amend the Agricultural Market Transition Act to require the Secretary of Agriculture to use the price of feed grains and other cash expenses as factors that are used to determine the basic formula price for milk and any other milk price regulated by the Secretary; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL LEGISLATION

Mr. SPECTER. Mr. President, I have sought recognition to introduce two pieces of legislation which will respond to a very serious problem on the falling prices of milk which have occurred in Pennsylvania, especially in northeastern Pennsylvania, and across the country.

In introducing this legislation, I am pleased to have a chance to address this issue in the presence of the distinguished Senator from Kansas, who was the chairman of the House Agriculture Committee, and is making quite an addition to the U.S. Senate. It is not inappropriate to note that Senator ROBERTS is from Kansas, as I am a native of Kansas. I was born in Wichita, grew up in Russell, and worked on a farm as a teenager and have some appreciation of the problems of the farmers.

During my tenure in the U.S. Senate, I have been on the Agriculture Subcommittee of the Appropriations Committee. There are more people living in rural Pennsylvania than live in the rural part of any State in the Union. Mr. President, my colleague from Kansas, we have 2½ million people living in rural Pennsylvania. When I last looked, which is a while ago, there were not 2½ million people living in all of Kansas, let alone 2 million people—slightly reduced—when I moved into Pennsylvania. So I approach this issue with some due regard for the expert presiding over the U.S. Senate. Having discussed this issue with him before, I am not sure he agrees with me on all aspects.

I am of the firm opinion that something needs to be done to help the milk farmers. I say that because the price of milk has fallen precipitously from almost $16 per hundredweight down to $11 per hundredweight. It has gone back up a little, but not a great deal.

In responding to that problem, I asked the distinguished Secretary of

Agriculture, Dan Glickman, also a Kansan, to accompany me to northeastern Pennsylvania, which he did, on February 10. We met a crowd of approximately 500 to 750 angry farmers who complained about the precipitous drop in the price of milk.

During the course of my analysis of this pricing problem, I found that the price of milk depended upon a number of factors, one of which was the price of cheese. For every 10 cents the price of cheese was raised, the price of milk would be raised by $1 per hundredweight. Then I found that the price of cheese was determined by the National Cheese Exchange in Green Bay, WI. At least according to a survey made by the University of Wisconsin, there was an issue as to whether the price of cheese established by the Green Bay exchange was accurate or not. The authors of the report used a term as tough as manipulation. Whether that is so or not, there was a real question as to whether that price was accurate.

Since this controversy has arisen—perhaps it brought the matter to a head, perhaps not; perhaps it would have happened anyway—it has been announced that the Green Bay exchange will close and will be replaced by a new commodity market on May 1. In any event, in my discussions with Secretary Glickman, I found he had the power to raise the price of milk unilaterally by establishing a different price of cheese.

This subject was aired during the course of his testimony when he came before the appropriations subcommittee. It is a very good time to find a more-agreeable-than-usual Cabinet officer when a Cabinet officer comes in for the appropriations process for his Department's budget.

During the course of that hearing, we could not explore fully the issue of the price of milk and the price of cheese, so our distinguished chairman, Senator COCHRAN, agreed to have a special hearing, which we had a couple of weeks later. At that time, Secretary Glickman said that they had ascertained the identity of 118 people or entities who had cheese transactions that could establish a different price of cheese. He told me they had written to the 118 and were having problems getting responses. I suggested it might be faster to telephone those people.

Secretary Glickman provided my staff and me with the list of people, and we telephoned them and found, after reaching approximately half of them, that the price of cheese was, in fact, 16 cents higher by those individuals than otherwise.

I have been pressing Secretary Glickman since. If he has C-SPAN2, or if he knows someone who has C-SPAN2 or if he talks to someone who has C-SPAN2, my staff has been exhorting his staff daily to act on it, and I am going to send him a fax letter before the day is up to try to get a determination on this issue, because I am on my way to northeastern Pennsylvania again next Monday on a routine trip to the Wilkes-Barre/Scranton area. The Presiding Officer knows what that is like. There will be people who want answers to questions, and I shall answer with due diligence, which I think I have. I hope the Secretary of Agriculture will note this different price of cheese and act accordingly to raise the price of milk.

The legislation which I am introducing today goes to two points. One is to amend the Agriculture Market Transition Act to require the Secretary to use the price of feed grains and other cash expenses in the dairy industry as factors that are used to determine the basic formula for the price of milk and other milk prices regulated by the Secretary.

Simply stated, the Government should use what it costs for production to establish the price of milk, so that if the farmers are caught with rising prices of feed and other rising costs of production, they can have those rising costs reflected in the cost of milk.

The second piece of legislation would require the Secretary of Agriculture to collect and disseminate statistically reliable information from milk manufacturing plants on prices received for bulk cheese and provide the Secretary with the authority to require reporting by such manufacturing plants throughout the United States on the prices for cheese, butter, and nonfat dry milk.

Frankly, I am reluctant to impose this obligation anywhere, but I think it is a fair request to make since the Secretary told the Subcommittee on Agriculture of the Appropriations Committee that the Secretary could not get this information on a voluntary basis. People would not comply. My staff found that corroborated when we telephoned the individuals who had these transactions. Burdensome as it is, I think it is fair to give the Secretary the authority to require this reporting.

Mr. President, I am authorized to say that the distinguished Senator from Wisconsin, Senator FEINGOLD, wishes to cosponsor the piece of legislation requiring the information to be collected.

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

Mr. SPECTER. Mr. President, I ask unanimous consent that the full text of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 603

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1.

(1) Not later than 30 days after the enactment of this Act, the Secretary shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transaction separately.

(2) The Secretary may require dairy product manufacturing plants in the United States to report to the Secretary on a weekly basis the price they receive for cheese, butter and nonfat dry milk sold through spot sales arrangements, forward contracts or other sales arrangements.

(3) All information provided to, or acquired by, the Secretary under subsections (1) and (2) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

S. 604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BASIC FORMULA PRICE.

Section 143(a) of the Agricultural Market Transition Act (7 U.S.C. 7253(a)) is amended by adding at the end the following:

"(5) BASIC FORMULA PRICE.—In carrying out this subsection and section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, the Secretary shall use as factors that are used to determine the basic formula price for milk and any other milk price regulated by the Secretary—

"(A) the price of feed gains, including the cost of concentrates, byproducts, liquid whey, hay, silage, pasture, and other forage; and

"(B) other cash expenses, including the cost of hauling, artificial insemination, veterinary services and medicine, bedding and litter, marketing, custom services and supplies, fuel, lubrication, electricity, machinery and building repairs, labor, association fees, and assessments.".

Mr. FEINGOLD. Mr. President, I am pleased today to introduce with the Senator from Pennsylvania, Senator SPECTER, a bill which attempts to address problems in the dairy industry stemming from the lack of adequate price discovery in manufactured dairy product markets.

There has been a great deal of controversy surrounding the National Cheese Exchange [NCE], currently located in Green Bay, WI. The NCE is a small cash market that trades less than 1 percent of all bulk cheese sold nationally, has few traders, short trading periods, and infrequent trading sessions. Those characteristics make this exchange vulnerable to price manipulation. Trading on this exchange would not be a concern if it did not have such tremendous influence over cheese prices nationally. However, because the Cheese Exchange is the only source of cheese price information in the country, it acts as a benchmark or reference price for most off-exchange

cheese sales. There simply is no other reliable source of information, no other source of price discovery, available for buyers and sellers in this industry to use as an indicator of market conditions. Because the price for cheese directly and indirectly affects the price of milk, dairy farmers are justifiably concerned about the lack of adequate cheese price information and the influence of the NCE on prices they receive for milk.

Concern about the Cheese Exchange among dairy farmers, while on-going for many years, heightened late last year when cheese prices at the exchange fell dramatically in just a few weeks, causing record declines in milk prices paid to farmers. While milk prices have recovered slightly, they are expected to fall again next month as a result of further price declines at the National Cheese Exchange.

While the National Cheese Exchange is closing its doors at the end of this month, a new but nearly identical cash market for cheese is opening at the Chicago Mercantile Exchange. It is expected that this new market, which appears to share a number of the flaws of the Cheese Exchange, will serve as the reference price for cheese throughout the country. It is unclear whether this market will be capable of providing adequate price discovery for the dairy industry.

That is why the Senator from Pennsylvania, Senator SPECTER, and I are introducing this bill today. This legislation requires the Secretary to collect and disseminate statistically reliable cheese price information collected from cheese manufacturing plants throughout the country—a provision also included in my bill, S. 258, which I introduced in February. A price series of this type will not only provide more price information, it will provide more reliable information based on transactions throughout the country rather than on one thinly traded cash market.

Secretary of Agriculture Dan Glickman has already begun this process. Last August, I asked the Secretary to use his existing administrative authority to initiate a weekly price survey of cheese plants to improve cheese price discovery and lessen the influence of the small but powerful National Cheese Exchange on milk prices. Secretary Glickman graciously agreed to conduct such a survey, which formally began this January on a monthly basis, and became a weekly survey last month. I have been very pleased with the Secretary's response to the concerns about cheese pricing and effect of the National Cheese Exchange on farm-level milk prices and I appreciate his efforts on this matter.

Since that survey is relatively new, it is still unclear whether it will produce prices which reflect market conditions. That depends upon the voluntary participation of those manufacturers reporting prices as well as on the integrity of the data reported.

On March 13, both Secretary Glickman and I testified before the Senate Agriculture Appropriations Committee about the problem of the Cheese Exchange and the lack of reliable price information in the dairy industry and the potential for this new price series to address that problem. At that time, the Secretary indicated that if participation by cheese manufacturers in his new survey was inadequate, the Department may need to consider requiring participation in that survey. However, under current law, the Secretary has only very limited authority to require cheese price reporting by manufacturing plants.

The bill we are introducing today requires the Secretary to continue his cheese price collection and reporting activities and provides him with broader authority to require participation by cheese manufacturers in that survey. I want to make clear that this bill does not mandate that the Secretary require participation in the cheese price survey, but merely provides him with the authority to do so if it is necessary to ensure the new cheese price survey is statistically reliable. Under the current survey procedures, many cheese manufacturers are already participating voluntarily, so this new Secretarial authority may not be necessary.

Mr. President, it is essential that dairy farmers have some assurances that cheese prices, which have such a dramatic impact on the price of milk, are reflective of market conditions and not vulnerable to manipulation. By improving price discovery, the new USDA cheese price survey implemented by Secretary Glickman may help accomplish that goal. If mandatory price reporting is necessary to produce accurate survey data, our bill provides the Secretary with the authority to require participation. However, I am hopeful that participation in the survey will continue to be high so that mandatory reporting never becomes necessary.

I thank the Senator from Pennsylvania for working with me to devise legislation that might effectively improve price discovery in the dairy industry and I welcome his interest in this important issue. I urge my colleagues to support this legislation.

By Mr. CONRAD (for himself and Mr. DORGAN):

S. 605. A bill to require the Secretary of Agriculture to provide emergency assistance to producers for cattle losses that are due to damaging weather or related condition occurring during the 1996–97 winter season, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

AGRICULTURAL EMERGENCY ASSISTANCE LEGISLATION

Mr. CONRAD. Mr. President, my State has been hit by one of the most remarkable series of events ever in the history of our State.

First we had the greatest snowfall in our State's history, over 100 inches of snow. Then the last of eight major blizzards hit. The eighth and final blizzard was the most powerful winter storm in 50 years. It included almost 2 feet of snow as well as major ice storms, then followed by 70 mile-an-hour winds that were devastating—80,000 people lost their electricity, many of them for a week. The economic devastation is truly remarkable.

Now in the last 12 hours even more disaster is occurring. I am going to read just briefly from the major newspaper in my State, which is in the largest city of our State, Fargo, ND.

The article begins this way:

At 12:15 a.m. today, the flood of 1997 officially became the worst in Fargo-Moorhead's history.

The National Weather Service said a reading taken at that time put the Red River's level at 39.12 feet. That exceeds . . . the river level measured in the flood of 1897—until this morning, the worst ever.

That also means the Red [River] has hit the 500-year flood level.

Speaking on [a local] radio [station] at 1:15 a.m., city Operations Manager Dennis Walaker struck an ominous note.

Walaker said, "We are at river stages that exceed the 1897 level. No one has ever seen this much water in the Fargo area, ever. All we can do is react."

I just talked to the mayor, and I just talked to Mr. Walaker. He tells me they have 15 square miles of water headed for Fargo, ND. This on top of the river which is 20 feet above flood stage. There is just a mass scramble to try to deal with this extraordinary flood threat.

The crest is not expected to be much higher than [about 39.5 feet] but officials will reevaluate the situation this morning. . . .

Iced-over farm fields liquefied. Shelterbelt snowdrifts shrank. Drainage ditches whooshed into coulees and merged with rivers.

In rural Cass County . . . winter turned into water.

By noon, sheets of melted snow rolled toward the Red River. Water that couldn't fit into engorged rivers, particularly the Wild Rice River, took off over land. The overland flows crossed I–29—

The major north-south Federal highway—

near the Horace exit and threatened homes in southwest Fargo.

At midmorning, [the mayor] warned residents of approaching overland flooding. He suggested people leave work and check their property if they live in—

Certain residential areas.

By midafternoon, some students were leaving [schools] because of the flood threat.

The situation was even more urgent next to the Red River. Fargo-Moorhead homeowners who hadn't lost the battle Tuesday asked for more sandbags and sandbaggers. North Dakota State University canceled classes so students could help in the fight.

I will not go further, Mr. President, other than to say this is absolutely an extraordinary time. One of the areas in which we have been hit the hardest is cattle death losses. The number of cattle losses are at least 112,000 head at this point. North Dakota Farm Service Agency reports that nearly 80,000 of them are from the weekend storm of April 4 through 6 alone, a storm that is being called Blizzard Hannah. I fear, Mr. President, that many more calves may die.

This is such an extraordinary set of events. These pictures depict some of the situations and scenes that we are seeing across the State of North Dakota. Here, one cow is nuzzling a calf with a dead cow alongside. What happened in this storm, which was so powerful, is that not only did cattle freeze to death, but many suffocated because the winds were so intense that compacted snow was blown up into their nostrils and they suffocated.

Mr. President, this next picture shows what we are seeing all too often. Here a farmer is coming down the road to inspect the herd. Here is a cow dead in a ditch. All across North Dakota, carcasses are littered after this devastation.

Here is an all-too-often sight. This is a cow frozen in a snow bank. It is not just a snow bank, it is actually ice and snow together. People report that these snow banks are like concrete. There was first this heavy snowfall, then the ice, then these incredible winds. These cattle did not have a chance.

For that reason, today I am introducing legislation that will provide for an indemnification payment. I hope that this legislation will be enacted. I hope that my colleagues will understand the massive economic loss in my State.

Under this legislation, producers who have experienced a 5-percent loss of their cattle herd or calf crop would receive indemnity payments of $200 per head, up to 200 of lost livestock. In some cases, losses will be covered by private insurance. In these instances, producers will be able to receive indemnity payments under my program, but the total payments of private insurance and Government indemnity cannot exceed the expected value of a cow.

I have been working with my colleagues from the Dakotas, Senator DORGAN from North Dakota, and Senator DASCHLE and Senator JOHNSON from South Dakota to implement assistance to livestock producers in North Dakota and South Dakota. We will continue working to provide meaningful, comprehensive relief.

Cattle producers in my State have asked for something simple and something that will help them overcome these overwhelming difficulties. My legislation accomplishes those goals, and I call on my colleagues to offer this assistance to livestock producers.

I understand I have a colleague standing by who would like to have time as well, so I do not want to extend this, other than to send the legislation to the desk and ask it be appropriately referred. I introduce it on behalf of myself and my colleague from North Dakota, Senator DORGAN. I urge my colleagues' close attention to it.

Again, Mr. President, we are faced with what I call a slow-motion disaster, because it is a circumstance in which you do not have the flood come and leave. In this circumstance, the flood has come, and it is staying. In addition to that, we have all of these other severe weather factors to cope with.

I, again, hope that we will move expeditiously with the supplemental disaster legislation so that we can fund the programs necessary to help in the recovery that is so urgently needed, not only in my State but in the States of Minnesota and South Dakota as well.

By Mr. FEINGOLD:

S. 608. A bill to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment; to the Committee on Commerce, Science, and Transportation.

CB RADIO FREQUENCY INTERFERENCE LEGISLATION

Mr. FEINGOLD. Mr. President, I rise to introduce legislation designed to provide a practical solution to the all too common problem of interference with residential home electronic equipment caused by unlawful use of citizens band [CB] radios. This problem can be extremely distressing for residents who cannot have a telephone conversation, watch television, or listen to the radio without being interrupted by a neighbor's illegal use of a CB radio. Unfortunately, under the current law, those residents have little recourse. The bill I am introducing today will provide those residents with a practical solution to this problem.

Up until recently, the FCC has enforced its rules outlining what equipment may or may not be used for CB radio transmissions, how long transmissions may be broadcast, what channels may be used, as well as many other technical requirements. FCC also investigated complaints that a CB radio enthusiast's transmissions interfered with a neighbor's use of home electronic and telephone equipment. FCC receives thousands of such complaints annually.

Mr. President, for the past 3 years I have worked with constituents who have been bothered by persistent interference of nearby CB radio transmissions in some cases caused by unlawful use of radio equipment. In each case, the constituents have sought my help in securing an FCC investigation of the complaint. In each case, Mr. President, the FCC indicated that due to a lack of resources, the Commission no longer investigates radio frequency interference complaints. Instead of investigation and enforcement, the FCC is able to provide only self-help information which the consumer may use to limit the interference on their own.

In many cases, residents implement the self-help measures recommended by FCC such as installing filtering devices to prevent the unwanted interference, working with their telephone company, or attempting to work with the neighbor they believe is causing the interference. In many cases these self-help measures are effective.

However, in some cases filters and other technical solutions fail to solve the problem because the interference is caused by unlawful use of CB radio equipment such as unauthorized linear amplifiers.

Municipal residents, after being denied investigative or enforcement assistance from the FCC, frequently contact their city or town government and ask them to police the interference. However, the Communications Act of 1934 provides exclusive authority to the Federal Government for the regulation of radio, preempting municipal ordinances or State laws to regulate radio frequency interference caused by unlawful use of CB radio equipment. This has created an interesting dilemma for municipal governments. They can neither pass their own ordinances to control CB radio interference, nor can they rely on the agency with exclusive jurisdiction over interference to enforce the very Federal law which preempts them.

Let me give an example of the kind of frustrations people have experienced in attempting to deal with these problems. Shannon Ladwig, a resident of Beloit, WI, has been fighting to end CB interference with her home electronic equipment that has been plaguing her family for over a year. Shannon worked within the existing system, asking for an FCC investigation, installing filtering equipment on her telephone, attempting to work with the neighbor causing the interference, and so on. Nothing has been effective. Shannon's answering machine picks up calls for which there is no audible ring, and at times records ghost messages. Often, she cannot get a dial tone when she or her family members wish to place an outgoing call. During telephone conversations, the content of the nearby CB transmission can frequently be heard and on occasion, her phone conversations are inexplicably cut off. Her TV transmits audio from the CB transmission rather than the television program her family is watching. Shannon never knows if the TV program she taped with her VCR will actually

record the intended program or whether it will contain profanity from a nearby CB radio conversation.

Shannon did everything she could to solve the problem and a year later she still feels like a prisoner in her home, unable to escape the broadcasting whims of a CB operator using illegal equipment with impunity. Shannon even went to her city council to demand action. The Beloit City Council responded by passing an ordinance allowing local law enforcement to enforce FCC regulations—an ordinance the council knows is preempted by Federal law. Earlier this year, the Beloit City Council passed a resolution supporting the legislation I am introducing today, which will allow at least part of that ordinance to stand.

The problems experienced by Beloit residents are by no means isolated incidents. I have received very similar complaints from at least 10 other Wisconsin communities in the last several years in which whole neighborhoods are experiencing persistent radio frequency interference. Since I have begun working on this legislation, my staff has also been contacted by a number of other congressional offices who are also looking for a solution to the problem of radio frequency interference in their States or districts caused by unlawful CB use. The city of Grand Rapids, MI, in particular, has contacted me about this legislation because they face a persistent interference problem very similar to that in Beloit. In all, FCC receives more than 30,000 radio frequency interference complaints annually—most of which are caused by CB radios. Unfortunately, FCC no longer has the staff, resources, or the field capability to investigate these complaints and localities are blocked from exercising any jurisdiction to provide relief to their residents.

The legislation I am introducing today attempts to resolve this dilemma by allowing States and localities to enforce existing FCC regulations regarding authorized CB equipment and frequencies while maintaining exclusive Federal jurisdiction over the regulation of radio services. It is a commonsense solution to a very frustrating and real problem which cannot be addressed under existing law. Residents should not be held hostage to a Federal law which purports to protect them but which cannot be enforced.

This legislation is by no means a panacea for the problem of radio frequency interference. My bill is intended only to help localities solve the most egregious and persistent problems of interference—those caused by unauthorized use of CB radio equipment and frequencies. In cases where interference is caused by the legal and licensed operation of any radio service, residents will need to resolve the interference using FCC self-help measures that I mentioned earlier.

In many cases, interference can result from inadequate home electronic equipment immunity from radio frequency interference. Those problems can only be resolved by installing filtering equipment and by improving the manufacturing standards of home telecommunications equipment. The electronic equipment manufacturing industry, represented by the Telecommunications Industry Association and the Electronics Industry Association, working with the Federal Communications Commission, has adopted voluntary standards to improve the immunity of telephones from interference. Those standards were adopted by the American National Standards Institute last year. Manufacturers of electronic equipment should be encouraged to adopt these new ANSI standards. Consumers have a right to expect that the telephones they purchase will operate as expected without excessive levels of interference from legal radio transmissions. Of course, Mr. President, these standards assume legal operation of radio equipment and cannot protect residents from interference from illegal operation of CB equipment.

This bill also does not address interference caused by other radio services, such as commercial stations or amateur stations. Mr. President, last year, I introduced S. 2025, a bill with intent similar to that of the bill I am introducing today. The American Radio Relay League [ARRL], an organization representing amateur radio operators, frequently referred to as "ham" operators, raised a number of concerns about that legislation. ARRL was concerned that while the bill was intended to cover only illegal use of CB equipment, FCC-licensed amateur radio operators might inadvertently be targeted and prosecuted by local law enforcement. ARRL also expressed concern that local law enforcement might not have the technical abilities to distinguish between ham stations and CB stations and might not be able to determine what CB equipment was FCC-authorized and what equipment is illegal.

Over the past several months, I have worked with the ARRL representatives and amateur operators from Wisconsin to address these concerns. As a result of those discussions, the bill I am introducing today incorporates a number of provisions suggested by the league. First, my legislation makes clear that the limited enforcement authority provided to localities in no way diminishes or affects FCC's exclusive jurisdiction over the regulation of radio. Second, the bill clarifies that possession of an FCC license to operate a radio service for the operation at issue, such as an amateur station, is a complete protection against any local law enforcement action authorized by this bill. Amateur radio enthusiasts are not only individually licensed by FCC, unlike CB operators, but they also self-regulate. The ARRL is very involved in resolving interference concerns both among their own members and between ham operators and residents experiencing problems.

Third, my legislation also provides for an FCC appeal process by any radio operator who is adversely affected by a local law enforcement action under this bill. FCC will make determinations as to whether the locality acted properly within the limited jurisdiction this legislation provides. FCC will have the power to reverse the action of the locality if local law enforcement acted improperly. And fourth, my legislation requires FCC to provide States and localities with technical guidance on how to determine whether a CB operator is acting within the law.

Again, Mr. President, my legislation is narrowly targeted to resolve persistent interference with home electronic equipment caused by illegal CB operation. Under my bill, localities cannot establish their own regulations on CB use. They may only enforce existing FCC regulations on authorized CB equipment and frequencies. This bill will not resolve all interference problems and it is not intended to do so. Some interference problems need to continue to be addressed by the FCC, the telecommunications manufacturing industry, and radio service operators. This bill merely provides localities with the tools they need to protect their residents while preserving FCC's exclusive regulatory jurisdiction over the regulation of radio services.

I urge my colleagues to support this legislation.

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. 608

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ENFORCEMENT OF REGULATIONS REGARDING CITIZENS BAND RADIO EQUIPMENT.

Section 302 of the Communications Act of 1934 (47 U.S.C. 302) is amended by adding at the end the following:

"(f)(1) Except as provided in paragraph (2), a State or local government may enforce the following regulations of the Commission under this section:

"(A) A regulation that prohibits a use of citizens band radio equipment not authorized by the Commission.

"(B) A regulation that prohibits the unauthorized operation of citizens band radio equipment on a frequency between 24 MHz and 35 MHz.

"(2) Possession of a station license issued by the Commission pursuant to section 301 in any radio service for the operation at issue shall preclude action by a State or local government under this subsection.

"(3) The Commission shall provide technical guidance to State and local governments regarding the detection and determination of violations of the regulations specified in paragraph (1).

"(4)(A) In addition to any other remedy authorized by law, a person affected by the decision of a State or local government enforcing a regulation under paragraph (1) may submit to the Commission an appeal of the decision on the grounds that the State or local government, as the case may be, acted outside the authority provided in this subsection.

"(B) A person shall submit an appeal on a decision of a State or local government to the Commission under this paragraph, if at all, not later than 30 days after the date on which the decision by the State or local government becomes final.

"(C) The Commission shall make a determination on an appeal submitted under subparagraph (B) not later than 180 days after its submittal.

"(D) If the Commission determines under subparagraph (C) that a State or local government has acted outside its authority in enforcing a regulation, the Commission shall reverse the decision enforcing the regulation.

"(5) The enforcement of a regulation by a State or local government under paragraph (1) in a particular case shall not preclude the Commission from enforcing the regulation in that case concurrently.

"(6) Nothing in this subsection shall be construed to diminish or otherwise affect the jurisdiction of the Commission under this section over devices capable of interfering with radio communications.".

By Mr. KENNEDY (for himself, Ms. MIKULSKI, Mr. DASCHLE, Mr. DODD, Mr. HARKIN, Mr. WELLSTONE, Mrs. MURRAY, Mrs. BOXER, Ms. MOSELEY-BRAUN, Mrs. FEINSTEIN, Mr. FORD, and Mr. INOUYE):

S. 609. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for reconstructive breast surgery if they provide coverage for mastectomies; to the Committee on Labor and Human Resources.

RECONSTRUCTIVE BREAST SURGERY BENEFITS ACT OF 1997

Mr. KENNEDY. Mr. President, today I am introducing the Reconstructive Breast Surgery Benefits Act of 1997. An identical bill is being introduced by Representative ANNA ESHOO in the House of Representatives. Our purpose in introducing this legislation is to improve the lives of thousands of women who suffer from breast cancer.

Breast cancer is the most common form of cancer in American women, affecting one woman out of every nine. Nearly three million American women are living with the disease, and 46,000 die from it each year. Over 180,000 more women will be diagnosed with breast cancer this year, and nearly half of the women will suffer the loss of one or both breasts in order to survive.

Reconstructive surgery or use of a prothesis can help women cope with the consequences of this deadly illness. Every woman deserves the opportunity to have these important options available if breast cancer strikes. It is also a distressing fact that some women avoid early detection procedures, for fear that it may result in the loss of a breast if cancer is detected. For these women, breast reconstruction surgery should be available as a part of treatment, since its availability can alleviate fears about the disease and encourage life-saving early detection and treatment.

Many insurers classify this important medical procedure as cosmetic, however, and deny coverage for it. In addition, as many as 25 percent of women who undergo breast cancer treatments are affected by lymphedema, a complication resulting from mastectomy. Many insurers also refuse to cover treatment and management of this condition. This legislation will end these types of discrimination.

Currently, 12 States have laws that require coverage for breast reconstruction following mastectomy. Nine States require coverage for prosthesis. This legislation will extend these protections to all women.

This bill will amend the Public Health Service Act and the Employee Retirement Income Security Act in order to accomplish the following important actions:

It requires insurers and companies that provide coverage for mastectomy to provide coverage for reconstructive breast surgery, prosthesis and other treatments which may be necessary as a result of surgical complications, including lymphedema;

It prohibits monetary payments or rebates that encourage a woman to accept less than the minimum medical protection available; and

Finally, it prohibits insurers using penalties or incentives to encourage providers to furnish levels of care inconsistent with this legislation.

This bill has been endorsed by major national organizations involved in the diagnosis and treatment of breast cancer, including the American Cancer Society, the National Breast Cancer Coalition, the National Women's Health Network, and the national medical and nursing groups concerned with this disease.

Our goal is to end the cruel and arbitrary practice that unfairly discriminates against breast cancer patients and their needs. I look forward to early action by Congress, and I hope that it will receive the overwhelming bipartisan support it deserves.

By Mr. LUGAR (for himself and Mr. BIDEN):

S. 610. A bill to implement the obligations of the United States under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, known as "the Chemical Weapons Convention" and opened for signature and signed by the United States on January 13, 1993; to the Committee on the Judiciary.

THE CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT OF 1997

Mr. LUGAR. Mr. President, I introduce, by request, on behalf of Senator BIDEN and myself, the Chemical Weapons Convention Implementation Act.

The Chemical Weapons Convention was signed by the United States on January 13, 1993, and was submitted by President Clinton to the United States Senate on November 23, 1993, for its advice and consent to ratification.

The Chemical Weapons Convention contains a number of provisions that require implementing legislation to give them effect within the United States. These include: international inspections of U.S. facilities; declarations by U.S. chemical and related industry; and establishment of a "National Authority" to serve as the liaison between the United States and the international organization established by the Chemical Weapons Convention and States Parties to the Convention.

Mr. President, I ask unanimous consent that this Implementation Act that we are introducing at the request of the administration be printed in the RECORD together with the transmitted letter to the President of the Senate from ACDA Director John D. Holum.

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

S. 610

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 "Chemical Weapons Convention Implementation Act of 1997."

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Congressional findings.
Sec. 4. Congressional declarations.
Sec. 5. Definitions.
Sec. 6. Severability.

TITLE I—NATIONAL AUTHORITY

Sec. 101. Establishment.

TITLE II—APPLICATION OF CONVENTION PROHIBITIONS TO NATURAL AND LEGAL PERSONS

Sec. 201. Criminal provisions.
Sec. 202. Effective date.
Sec. 203. Restrictions on scheduled chemicals.

TITLE III—REPORTING

Sec. 301. Reporting of information.
Sec. 302. Confidentiality of information.
Sec. 303. Prohibited acts.

TITLE IV—INSPECTIONS

Sec. 401. Inspections pursuant to Article VI of the Chemical Weapons Convention.
Sec. 402. Other inspections pursuant to the Chemical Weapons Convention and lead agency.
Sec. 403. Prohibited acts.
Sec. 404. Penalties.

Sec. 405. Specific enforcement.
Sec. 406. Legal proceedings.
Sec. 407. Authority.
Sec. 408. Saving provision.

SEC. 3. CONGRESSIONAL FINDINGS.

The Congress makes the following findings:

(1) Chemical weapons pose a significant threat to the national security of the United States and are a scourge to humankind.

(2) The Chemical Weapons Convention is the best means of ensuring the nonproliferation of chemical weapons and their eventual destruction and forswearing by all nations.

(3) The verification procedures contained in the Chemical Weapons Convention and the faithful adherence of nations to them, including the United States, are crucial to the success of the Convention.

(4) The declarations and inspections required by the Chemical Weapons Convention are essential for the effectiveness of the verification regime.

SEC. 4. CONGRESSIONAL DECLARATIONS.

The Congress makes the following declarations:

(1) It shall be the policy of the United States to cooperate with other States Parties to the Chemical Weapons Convention and to afford the appropriate form of legal assistance to facilitate the implementation of the prohibitions contained in title II of this Act.

(2) It shall be the policy of the United States, during the implementation of its obligations under the Chemical Weapons Convention, to assign the highest priority to ensuring the safety of people and to protecting the environment, and to cooperate as appropriate with other States Parties to the Convention in this regard.

(3) It shall be the policy of the United States to minimize, to the greatest extent practicable, the administrative burden and intrusiveness of measures to implement the Chemical Weapons Convention placed on commercial and other private entities, and to take into account the possible competitive impact of regulatory measures on industry, consistent with the obligations of the United States under the Convention.

SEC. 5. DEFINITIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act, the definitions of the terms used in this Act shall be those contained in the Chemical Weapons Convention. Nothing in paragraphs 2 or 3 of Article II of the Chemical Weapons Convention shall be construed to limit verification activities pursuant to Parts X or XI of the Annex on Implementation and Verification of the Convention.

(b) OTHER DEFINITIONS.—

(1) The term "Chemical Weapons Convention" means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(2) The term "national of the United States" has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(3) The term "United States," when used in a geographical sense, includes all places under the jurisdiction or control of the United States, including (A) any of the places within the provisions of section 101(41) of the Federal Aviation Act of 1958, as amended (49 U.S.C. Sec. 40102(41)), (B) any public aircraft or civil aircraft of the United States, as such terms are defined in sections 101(36) and (18) of the Federal Aviation Act of 1958, as amended (49 U.S.C. Secs. 40102(37) and 40102(17)), and (C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Enforcement Act, as amended (46 U.S.C. App. Sec. 1903(b)).

(4) The term "person," except as used in section 201 of this Act and as set forth below, means (A) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision or any such government or nation, or other entity located in the United States; and (B) any legal successor, representative, agent or agency of the foregoing located in the United States. The phrase "located in the United States" in the term "person" shall not apply to the term "person" as used in the phrases "person located outside the territory" in sections 203(b) and 302(d) of this Act and "person located in the territory" in section 203(b) of this Act.

(5) The term "Technical Secretariat" means the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons established by the Chemical Weapons Convention.

SEC. 6. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

TITLE I—NATIONAL AUTHORITY

SEC. 101. ESTABLISHMENT.

Pursuant to paragraph 4 of Article VII of the Chemical Weapons Convention, the President or the designee of the President shall establish the "United States National Authority" to, inter alia, serve as the national focal point for effective liaison with the Organization for the Prohibition of Chemical Weapons and other States Parties to the Convention.

TITLE II—APPLICATION OF CONVENTION PROHIBITIONS TO NATURAL AND LEGAL PERSONS

SEC. 201. CRIMINAL PROVISIONS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by—

(1) redesignating chapter 11A relating to child support as chapter 11B; and

(2) inserting after chapter 11 relating to bribery, graft and conflicts of interest the following new chapter:

"CHAPTER 11A—CHEMICAL WEAPONS

"Sec.
"227. Penalties and prohibitions with respect to chemical weapons.
"227A. Seizure, forfeiture, and destruction.
"227B. Injunctions.
"227C. Other prohibitions.
"227D. Definitions.

"SEC. 227. PENALTIES AND PROHIBITIONS WITH RESPECT TO CHEMICAL WEAPONS.

"(a) IN GENERAL.—Except as provided in subsection (b), whoever knowingly develops, produces, otherwise acquires, stockpiles, retains, directly or indirectly transfers, uses, owns or possesses any chemical weapon, or knowingly assists, encourages or induces, in any way, any person to do so, or attempts or conspires to do so, shall be fined under this title or imprisoned for life or any term of years, or both.

"(b) EXCLUSION.—Subsection (a) shall not apply to the retention, ownership or possession of a chemical weapon, that is permitted by the Chemical Weapons Convention pending the weapon's destruction, by any agency or department of the United States. This exclusion shall apply to any person, including members of the Armed Forces of the United States, who is authorized by any agency or department of the United States to retain, own or possess a chemical weapon, unless that person knows or should have known that such retention, ownership or possession is not permitted by the Chemical Weapons Convention.

"(c) JURISDICTION.—There is jurisdiction by the United States over the prohibited activity in subsection (a) if (1) the prohibited activity takes place in the United States or (2) the prohibited activity takes place outside of the United States and is committed by a national of the United States.

"(d) ADDITIONAL PENALTY.—The court shall order that any person convicted of any offense under this section pay to the United States any expenses incurred incident to the seizure, storage, handling, transportation and destruction or other disposition of property seized for the violation of this section.

"SEC. 227A. SEIZURE, FORFEITURE, AND DESTRUCTION.

"(a) SEIZURE.—

"(1) Except as provided in paragraph (2), the Attorney General may request the issuance, in the same manner as provided for a search warrant, of a warrant authorizing the seizure of any chemical weapon defined in section 227D(2)(A) of this title that is of a type or quantity that under the circumstances is inconsistent with the purposes not prohibited under the Chemical Weapons Convention.

"(2) In the exigent circumstances, seizure and destruction of any such chemical weapon described in paragraph (1) may be made by the Attorney General upon probable cause without the necessity for a warrant.

"(b) PROCEDURE FOR FORFEITURE AND DESTRUCTION.—Except as provided in paragraph (2) of subsection (a), property seized pursuant to subsection (a) shall be forfeited to the United States after notice to potential claimants and an opportunity for a hearing. At such a hearing, the Government shall bear the burden of persuasion by a preponderance of the evidence. Except as inconsistent herewith, the provisions of chapter 46 of this title related to civil forfeitures shall extend to a seizure or forfeiture under this section. The Attorney General shall provide for the destruction or other appropriate disposition of any chemical weapon seized and forfeited pursuant to this section.

"(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense against a forfeiture under subsection (b) that—

"(1) such alleged chemical weapon is for a purpose not prohibited under the Chemical Weapons Convention; and

"(2) such alleged chemical weapon is of a type and quantity that under the circumstances is consistent with that purpose.

"(d) OTHER SEIZURE, FORFEITURE, AND DESTRUCTION.—

"(1) Except as provided in paragraph (2), the Attorney General may request the issuance, in the same manner as provided for a search warrant, of a warrant authorizing the seizure of any chemical weapon defined in section 227D(2) (B) or (C) of this title that exists by reason of conduct prohibited under section 227 of this title.

"(2) In exigent circumstances, seizure and destruction of any such chemical weapon described in paragraph (1) may be made by the Attorney General upon probable cause without the necessity for a warrant.

"(3) Property seized pursuant to this subsection shall be summarily forfeited to the United States and destroyed.

"(e) ASSISTANCE.—The Attorney General may request assistance from any agency or department in the handling, storage, transportation or destruction of property seized under this section.

"(f) OWNER LIABILITY.—The owner or possessor of any property seized under this section shall be liable to the United States for any expenses incurred incident to the seizure, including any expenses relating to the handling, storage, transportation and destruction or other disposition of the seized property.

"SEC. 227B. INJUNCTIONS.

"(a) IN GENERAL.—The United States may obtain in a civil action an injunction against—

"(1) the conduct prohibited under section 227 of this title;

"(2) the preparation or solicitation to engage in conduct prohibited under section 227 of this title; or

"(3) the development, production, other acquisition, stockpiling, retention, direct or indirect transfer, use, ownership or possession, or the attempted development, production, other acquisition, stockpiling, retention, direct or indirect transfer, use, ownership or possession, of any alleged chemical weapon defined in section 227D(2)(A) of this title that is of a type or quantity that under the circumstances is inconsistent with the purposes not prohibited under the Chemical Weapons Convention, or the assistance to any person to do so.

"(b) AFFIRMATIVE DEFENSE.—It is an affirmative defense against an injunction under subsection (a)(3) that—

"(1) the conduct sought to be enjoined is for a purpose not prohibited under the Chemical Weapons Convention; and

"(2) such alleged chemical weapon is of a type and quantity that under the circumstances is consistent with that purpose.

"SEC. 227C. OTHER PROHIBITIONS.

"(a) IN GENERAL.—Except as provided in subsection (b), whoever knowingly uses riot control agents as a method of warfare, or knowingly assists any person to do so, shall be fined under this title or imprisoned for a term of not more than ten years, or both.

"(b) EXCLUSION.—Subsection (a) shall not apply to members of the Armed Forces of the United States. Members of the Armed Forces of the United States who use riot control agents as a method of warfare shall be subject to appropriate military penalties.

"(c) JURISDICTION.—There is jurisdiction by the United States over the prohibited activity in subsection (a) if (1) the prohibited activity takes place in the United States or (2) the prohibited activity takes place outside of the United States and is committed by a national of the United States.

"SEC. 227D. DEFINITIONS.

"As used in this chapter, the term—

"(1) 'Chemical Weapons Convention' means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993;

"(2) 'chemical weapon' means the following, together or separately:

"(A) a toxic chemical and its precursors, except where intended for a purpose not prohibited under the Chemical Weapons Convention, as long as the type and quantity is consistent with such a purpose;

"(B) a munition or device, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munition or device; or

"(C) any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B);

"(3) 'toxic chemical' means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere. (For the purpose of implementing the Chemical Weapons Convention, toxic chemicals which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.);

"(4) 'precursor' means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multicomponent chemical system. (For the purpose of implementing the Chemical Weapons Convention, precursors which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals of the Chemical Weapons convention.);

"(5) 'key component of a binary or multicomponent chemical system' means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system;

"(6) 'purpose not prohibited under the Chemical Weapons Convention' means—

"(A) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

"(B) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

"(C) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warefare; or

"(D) law enforcement purposes, including domestic riot control purposes;

"(7) 'national of the United States' has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

"(8) 'United States,' when used in a geographical sense, includes all places under the jurisdiction or control of the United States, including (A) any of the places within the provisions of section 101(41) of the Federal Aviation Act of 1958, as amended (49 U.S.C. Sec. 40102(41)), (B) any public aircraft or civil aircraft of the United States, as such terms are defined in sections 101(36) and (18) of the Federal Aviation Act of 1958, as amended (49 U.S.C. Secs. 40102(37) and 40102(17)), and (C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Enforcement Act, as amended (46 U.S.C. App. Sec. 1903(b));

"(9) 'person' means (A) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity; and (B) any legal successor, representative, agent, or agency of the foregoing; and

"(10) 'riot control agent' means any chemical not listed in a Schedule in the Annex on Chemicals of the Chemical Weapons Convention, which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.

Nothing in paragraphs (3) or (4) of this section shall be construed to limit verification activities pursuant to part X or part XI of the Annex on Implementation and Verification of the Chemical Weapons Convention."

(b) CLERICAL AMENDMENTS.—The table of chapters for part I of title 18, United States Code, is amended by—

(1) in the item for chapter 11A relating to child support, redesignating "11A" as "11B"; and

(2) inserting after the item for chapter 11 the following new item:

"11A. CHEMICAL WEAPONS ..... 227."

SEC. 202. EFFECTIVE DATE.

This title shall take effect on the date the Chemical Weapons Convention enters into force for the United States.

SEC. 203. RESTRICTIONS ON SCHEDULED CHEMICALS.

(a) SCHEDULE 1 ACTIVITIES.—It shall be unlawful for any person, or any national of the United States located outside the United States, to produce, acquire, retain, transfer or use a chemical listed on Schedule 1 of the Annex on Chemicals of the Chemical Weapons Convention, unless—

(1) the chemicals are applied to research, medical, pharmaceutical or protective purposes;

(2) the types and quantities of chemicals are strictly limited to those that can be justified for such purposes; and

(3) the amount of such chemicals per person at any given time for such purposes does not exceed a limit to be determined by the United States National Authority, but in any case, does not exceed one metric ton.

(b) EXTRATERRITORIAL ACTS.—

(1) It shall be unlawful for any person, or any national of the United States located outside the United States, to produce, acquire, retain or use a chemical listed on Schedule 1 of the Annex on Chemicals of the Chemical Weapons Convention outside the territories of the States Parties to the Convention or to transfer such chemicals to any person located outside the territory of the United States, except as provided for in the Convention for transfer to a person located in the territory of another State Party to the Convention.

(2) Beginning three years after the entry into force of the Chemical Weapons Convention, it shall be unlawful for any person, or any national of the United States located outside the United States, to transfer a chemical listed on Schedule 2 of the Annex on Chemicals of the Convention to any person located outside the territory of a State Party to the Convention or to receive such a chemical from any person located outside the territory of a State Party to the Convention.

(c) JURISDICTION.—There is jurisdiction by the United States over the prohibited activity in subsections (a) and (b) if (1) the prohibited activity takes place in the United States or (2) the prohibited activity takes place outside of the United States and is committed by a national of the United States.

TITLE III—REPORTING

SEC. 301. REPORTING OF INFORMATION.

(a) REPORTS.—The Department of Commerce shall promulgate regulations under which each person who produces, processes, consumes, exports or imports, or proposes to produce, process, consume, export or import, a chemical substance subject to the Chemical Weapons Convention shall maintain and permit access to such records and shall submit to the Department of Commerce such reports as the United States National Authority may reasonably require pursuant to the Chemical Weapons Convention. The Department of Commerce shall promulgate regulations pursuant to this title expeditiously, taking into account the written decisions issued by the Organization for the Prohibition of Chemical Weapons, and may amend or change such regulations as necessary.

(b) COORDINATION.—To the extent feasible, the United States National Authority shall not require any reporting that is unnecessary, or duplicative of reporting required under any other Act. Agencies and departments shall coordinate their actions with other agencies and departments to avoid duplication of reporting by the affected persons under this Act or any other Act.

SEC. 302. CONFIDENTIALITY OF INFORMATION.

(a) FREEDOM OF INFORMATION ACT EXEMPTION FOR CERTAIN CHEMICAL WEAPONS CONVENTION INFORMATION.—Any information reported to, or otherwise obtained by, the United States National Authority, the Department of Commerce, or any other agency or department under this Act or under the Chemical Weapons Convention shall not be required to be publicly disclosed pursuant to section 552 of title 5, United States Code.

(b) PROHIBITED DISCLOSURE AND EXCEPTIONS.—Information exempt from disclosure under subsection (a) shall not be published or disclosed, except that such information—

(1) shall be disclosed or otherwise provided to the Technical Secretariat or other States Parties to the Chemical Weapons Convention in accordance with the Convention, in particular, the provisions of the Annex on the Protection of Confidential Information;

(2) shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon the written request of the chairman or ranking minority member of such committee or subcommittee, except that no such committee or subcommittee, or member thereof, shall disclose such information or material;

(3) shall be disclosed to other agencies or departments for law enforcement purposes with regard to this Act or any other Act, and may be disclosed or otherwise provided when relevant in any proceeding under this Act or any other Act, except that disclosure or provision in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable without impairing the proceeding; and

(4) may be disclosed, including in the form of categories of information, if the United States National Authority determines that such disclosure is in the national interest.

(c) NOTICE OF DISCLOSURE.—If the United States National Authority, pursuant to subsection (b)(4), proposes to publish or disclose or otherwise provide information exempted from disclosure in subsection (a), the United States National Authority shall, where appropriate, notify the person who submitted such information of the intent to release such information. Where notice has been provided, the United States National Authority may not release such information until the expiration of 30 days after notice has been provided.

(d) CRIMINAL PENALTY FOR WRONGFUL DISCLOSURE.—Any officer or employee of the United States or former officer or employee of the United States, who by virtue of such employment or official position has obtained possession of, or has access to, information the disclosure or other provision of which is prohibited by subsection (a), and who knowing that disclosure or provision of such information is prohibited by such subsection, willfully discloses or otherwise provides the information in any manner to any person, including person located outside the territory of the United States, not entitled to receive it, shall be fined under title 18, United States Code, or imprisoned for not more than five years, or both.

(e) INTERNATIONAL INSPECTORS.—The provisions of this section on disclosure or provision of information shall also apply to employees of the Technical Secretariat.

SEC. 303. PROHIBITED ACTS.

It shall be unlawful for any person to fail or refuse to (a) establish or maintain records, (b) submit reports, notices, or other information to the Department of Commerce or the United States National Authority, or (c) permit access to or copying of records, as required by this Act or a regulation thereunder.

TITLE IV—INSPECTIONS

SEC. 401. INSPECTIONS PURSUANT TO ARTICLE VI OF THE CHEMICAL WEAPONS CONVENTION.

(a) AUTHORITY.—For purposes of administering this Act—

(1) any duly designated member of an inspection team of the Technical Secretariat may inspect any plant, plant site, or other facility or location in the United States subject to inspection pursuant to the Chemical Weapons Convention; and

(2) the National Authority shall designate representatives who may accompany members of an inspection team of the Technical Secretariat during the inspection specified in paragraph (1). The number of duly designated representatives shall be kept to the minimum necessary.

(b) NOTICE.—An inspection pursuant to subjection (a) may be made only upon issuance of a written notice to the owner and to the operator, occupant or agent in charge of the premises to be inspected, except that failure to receive a notice shall not be a bar to the conduct of an inspection. The notice shall be submitted to the owner and to the operator, occupant or agent in charge as soon as possible after the United States National Authority receives it from the Technical Secretariat. The notice shall include all appropriate information supplied by the Technical Secretariat to the United States National Authority regarding the basis for the selection of the plant site, plant, or other facility or location for the type of inspection sought, including, for challenge inspections pursuant to Article IX of the Chemical Weapons Convention, appropriate evidence or reasons provided by the requesting State Party to the Convention with regard to its concerns about compliance with the Chemical Weapons Convention at the facility or location. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection.

(c) CREDENTIALS.—If the owner, operator, occupant or agent in charge of the premises to be inspected is presented, a member of the inspection team of the Technical Secretariat, as well as, if present, the representatives of agencies or departments, shall present appropriate credentials before the inspection is commenced.

(d) TIME FRAME FOR INSPECTIONS.—Consistent with the provisions of the Chemical Weapons Convention, each inspection shall be commenced and completed with reasonable promptness and shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner. The Department of Commerce shall endeavor to ensure that, to the extent possible, each inspection is commenced, conducted and concluded during ordinary working hours, but no inspection shall be prohibited or otherwise disrupted for commencing, continuing or concluding during other hours. However, nothing in this subsection shall be interpreted as modifying the time frames established in the Chemical Weapons Convention.

(e) SCOPE.—

(1) Except as provided in paragraph (2) of this subsection and subsection (f), an inspection conducted under this title may extend to all things within the premises inspected (including records, files, papers, processes, controls, structures and vehicles) related to whether the requirements of the Chemical Weapons Convention applicable to such premises have been complied with.

(2) To the extent possible consistent with the obligations of the United States pursuant to the Chemical Weapons Convention, no inspection under this title shall extend to—

(A) financial data;

(B) sales and marketing data (other than shipment data);

(C) pricing data;

(D) personnel data;

(E) research data;

(F) patent data;

(G) data maintained for compliance with environmental or occupational health and safety regulations; or

(H) personnel and vehicles entering and personnel and personal passenger vehicles exiting the facility.

(f) FACILITY AGREEMENTS.—

(1) Inspection of plants, plant sites, or other facilities or locations for which the United States has a facility agreement with the Organization for the Prohibition of Chemical Weapons shall be conducted in accordance with the facility agreement.

(2) Facility agreements shall be concluded for plants, plant sites, or other facilities or locations that are subject to inspection pursuant to paragraph 4 of Article VI of the Chemical Weapons Convention unless the owner and the operator, occupant or agent in charge of the facility and the Technical Secretariat agree that such an agreement is not necessary. Facility agreements should be concluded for plants, plant sites, or other facilities or locations that are subject to inspection pursuant to paragraphs 5 or 6 of Article VI of the Chemical Weapons Convention if so requested by the owner and the operator, occupant or agent in charge of the facility.

(3) The owner and the operator, occupant or agent in charge of a facility shall be notified prior to the development of the agreement relating to that facility and, if they so request, may participate in the preparations for the negotiation of such an agreement. To the extent practicable consistent with the Chemical Weapons Convention, the owner and the operator, occupant or agent in charge of a facility may observe negotiations of the agreement between the United States and the Organization for the Prohibition of Chemical Weapons concerning that facility.

(g) SAMPLING AND SAFETY.—

(1) The Department of Commerce is authorized to require the provision of samples to a member of the inspection team of the

Technical Secretariat in accordance with the provisions of the Chemical Weapons Convention. The owner or the operator, occupant or agent in charge of the premises to be inspected shall determine whether the sample shall be taken by representatives of the premises or the inspection team or other individuals present.

(2) In carrying out their activities, members of the inspection team of the Technical Secretariat and representatives of agencies or departments accompanying the inspection team shall observe safety regulations established at the premises to be inspected, including those for protection of controlled environments within a facility and for personal safety.

(h) COORDINATION.—To the extent possible consistent with the obligations of the United States pursuant to the Chemical Weapons Convention, the representatives of the United States National Authority, the Department of Commerce and any other agency or department, if present, shall assist the owner and the operator, occupant or agent in charge of the premises to be inspected in interacting with the members of the inspection team of the Technical Secretariat.

SEC. 402. OTHER INSPECTIONS PURSUANT TO THE CHEMICAL WEAPONS CONVENTION AND LEAD AGENCY.

(a) OTHER INSPECTIONS.—The provisions of this title shall apply, as appropriate, to all other inspections authorized by the Chemical Weapons Convention. For all inspections other than those conducted pursuant to paragraphs 4, 5 or 6 of Article VI of the Convention, the term "Department of Commerce" shall be replaced by the term "Lead Agency" in section 401.

(b) LEAD AGENCY.—For the purposes of this title, the term "Lead Agency" means the agency or department designated by the President or the designee of the President to exercise the functions and powers set forth in the specific provision, based, inter alia, on the particular responsibilities of the agency or department within the United States Government and the relationship of the agency or department to the premises to be inspected.

SEC. 403. PROHIBITED ACTS.

It shall be unlawful for any person to fail or refuse to permit entry or inspection, or to disrupt, delay or otherwise impede an inspection as required by this Act or the Chemical Weapons Convention.

SEC. 404. PENALTIES.

(a) CIVIL.—

(1) (A) Any person who violates a provision of section 203 of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $50,000 for each such violation.

(B) Any person who violates a provision of section 303 of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each such violation.

(C) Any person who violates a provision of section 403 of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation. For purposes of this subsection, each day such a violation of section 403 continues shall constitute a separate violation of section 403.

(2)(A) A civil penalty for a violation of section 203, 303 or 403 of this Act shall be assessed by the Lead Agency by an order made on the record after opportunity (provided in accordance with this subparagraph) for a hearing in accordance with section 554 of title 5, United States Code. Before issuing such an order, the Lead Agency shall give written notice to the person to be assessed a civil penalty under such order of the Lead Agency's proposal to issue such order and provide such person an opportunity to request, within 15 days of the date the notice is received by such person, such a hearing on the order.

(B) In determining the amount of a civil penalty, the Lead Agency shall take into account the nature, circumstances, extent and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, the existence of an internal compliance program, and such other matters as justice may require.

(C) The Lead Agency may compromise, modify or remit, with or without conditions, any civil penalty which may be imposed under this subsection. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(3) Any person who requested in accordance with paragraph (2)(A) a hearing respecting the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may be filed only within the 30-day period beginning on the date the order making such assessment was issued.

(4) If any person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with paragraph (3); or

(B) after a court in an action brought under paragraph (3) has entered a final judgment in favor of the Lead Agency;

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 30-day period referred to in paragraph (3) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount and appropriateness of such penalty shall not be subject to review.

(b) CRIMINAL.—Any person who knowingly violates any provision of section 203, 303 or 403 of this Act, shall, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) for such violation, be fined under title 18, United States Code, imprisoned for not more than two years, or both.

SEC. 405. SPECIFIC ENFORCEMENT.

(a) JURISDICTION.—The district courts of the United States shall have jurisdiction over civil actions to—

(1) restrain any violation of section 203, 303 or 403 of this Act; and

(2) compel the taking of any action required by or under this Act or the Chemical Weapons Convention.

(b) CIVIL ACTIONS.—A civil action described in subsection (a) may be brought—

(1) in the case of a civil action described in subsection (a)(1), in the United States district court for the judicial district wherein any act, omission, or transaction constituting a violation of section 203, 303 or 403 of this Act occurred or wherein the defendant is found or transacts business; or

(2) in the case of a civil action described in subsection (a)(2), in the United States district court for the judicial district wherein the defendant is found or transacts business. In any such civil action process may be served on a defendant wherever the defendant may reside or may be found, whether the defendant resides or may be found within the United States or elsewhere.

SEC. 406. LEGAL PROCEEDINGS.

(a) WARRANTS.—

(1) The Lead Agency shall seek the consent of the owner or the operator, occupant or agent in charge of the premises to be inspected prior to the initiation of any inspection. Before or after seeking such consent, the Lead Agency may seek a search warrant from any official authorized to issue search warrants. Proceedings regarding the issuance of a search warrant shall be conducted ex parte, unless otherwise requested by the Lead Agency. The Lead Agency shall provide to the official authorized to issue search warrants all appropriate information supplied by the Technical Secretariat to the United States National Authority regarding the basis for the selection of the plant site, plant, or other facility or location for the type of inspection sought, including, for challenge inspections pursuant to Article IX of the Chemical Weapons Convention, appropriate evidence or reasons provided by the requesting State Party to the Convention with regard to its concerns about compliance with the Chemical Weapons Convention at the facility or location. The Lead Agency shall also provide any other appropriate information available to it relating to the reasonableness of the selection of the plant, plant site, or other facility or location for the inspection.

(2) The official authorized to issue search warrants shall promptly issue a warrant authorizing the requested inspection upon an affidavit submitted by the Lead Agency showing that—

(A) the Chemical Weapons Convention is in force for the United States;

(B) the plant site, plant, or other facility or location sought to be inspected is subject to the specific type of inspection requested under the Chemical Weapons Convention;

(C) the procedures established under the Chemical Weapons Convention and this Act for initiating an inspection have been complied with; and

(D) the Lead Agency will ensure that the inspection is conducted in a reasonable manner and will not exceed the scope or duration set forth in or authorized by the Chemical Weapons Convention or this Act.

(3) The warrant shall specify the type of inspection authorized; the purpose of the inspection; the type of plant site, plant, or other facility or location to be inspected; to the extent possible, the items, documents and areas that may be inspected; the earliest commencement and latest concluding dates and times of the inspection; and the identities of the representatives of the Technical Secretariat, if known, and, if applicable, the representatives of agencies or departments.

(b) SUBPOENAS.—In carrying out this Act, the Lead Agency may by subpoena require the attendance and testimony of witnesses and the production of reports, papers, documents, answers to questions and other information that the Lead Agency deems necessary. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In the event of contumacy, failure or refusal of any person to obey any such subpoena, any district court of the United States in which venue is

proper shall have jurisdiction to order any such person to comply with such subpoena. Any failure to obey such an order of the court is punishable by the court as a contempt thereof.

(c) INJUNCTIONS AND OTHER ORDERS.—No court shall issue an injunction or other order that would limit the ability of the Technical Secretariat to conduct, or the United States National Authority or the Lead Agency to facilitate, inspections as required or authorized by the Chemical Weapons Convention.

SEC. 407. AUTHORITY.

(a) REGULATIONS.—The Lead Agency may issue such regulations as are necessary to implement and enforce this title and the provisions of the Chemical Weapons Convention, and amend or revise them as necessary.

(b) ENFORCEMENT.—The Lead Agency may designate officers or employees of the agency or department to conduct investigations pursuant to this Act. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate for the enforcement of this Act, or for the imposition of any penalty or liability arising under this Act, exercise such authorities as are conferred upon them by other laws of the United States.

SEC. 408. SAVING PROVISION.

The purpose of this Act is to enable the United States to comply with its obligations under the Chemical Weapons Convention. Accordingly, in addition to the authorities set forth in this Act, the President is authorized to issue such executive orders, directives or regulations as are necessary to fulfill the obligations of the United States under the Chemical Weapons Convention, provided such executive orders, directives or regulations do not exceed the requirements specified in the Chemical Weapons Convention.

U.S. ARMS CONTROL AND
DISARMAMENT AGENCY,
Washington, DC, March 27, 1997.

Hon. RICHARD G. LUGAR,
Committee on Foreign Relations,
U.S. Senate.

DEAR SENATOR LUGAR: On behalf of the Administration, I hereby submit for consideration the "Chemical Weapons Convention Implementation Act of 1997." This proposed legislation is identical to the legislation submitted by the Administration in 1995. The Chemical Weapons Convention (CWC) was signed by the United States in Paris on January 13, 1993, and was submitted by President Clinton to the United States Senate on November 23, 1993, for its advice and consent to ratification. The CWC prohibits, inter alia, the use, development, production, acquisition, stockpiling, retention, and direct or indirect transfer of chemical weapons.

The President has urged the Senate to provide its advice and consent to ratification as early as possible this year so that the United States will be an original State Party and can continue to lead the fight against these terrible weapons. The CWC will enter into force, with or without the United States, on April 29, 1997, if the United States has not ratified by that time, we will not have a seat on the governing council which will oversee implementation of the Convention and U.S. nationals will not be able to serve as inspectors and in other key positions. Here at home, the U.S. chemical industry could lose hundreds of millions of dollars and many well-paying jobs because of CWC-mandated trade restrictions against non-Parties. As Secretaries Albright and Cohen have recently underscored, ratifying the CWC before it enters into force is in the best interests of the United States.

The CWC contains a number of provisions that require implementing legislation to give them effect within the United States. These include: carrying out verification activities, including inspections of U.S. facilities; collecting and protecting the confidentiality of data declarations by U.S. chemical and related companies; and establishing a "National Authority" to serve as the liaison between the United States and the international organization established by the CWC.

In addition, the CWC requires the United States to prohibit all individuals and legal entities, such as corporations, within the United States, as well as all individuals outside the United States, possessing U.S. citizenship, from engaging in activities that are prohibited under the Convention. As part of this obligation, the CWC requires the United States to enact "penal" legislation implementing this prohibition (i.e., legislation that penalizes conduct, either by criminal, administrative, military or other sanctions).

Expeditious enactment of implementing legislation is very important to the ability of the United States to fulfill its obligations under the Convention. Enactment will enable the United States to collect the required information from industry, to provide maximum protection for confidential information, and to allow the inspections called for in the Convention. It will also enable the United States to outlaw all activities related to chemical weapons, except CWC permitted activities such as chemical defense programs. This will help fight chemical terrorism by penalizing not just the use, but also the development, production and transfer of chemical weapons. Thus, the enactment of legislation by the United States and other CWC States Parties will make it much easier for law enforcement officials to investigate and punish chemical terrorists early, before chemical weapons are used.

As the President indicated in his transmittal letter of the Convention: "The CWC is in the best interests of the United States. Its provisions will significantly strengthen United States, allied and international security, and enhance global and regional stability." Therefore, I urge the Congress to enact the necessary implementing legislation as soon as possible.

The Office of Management and Budget advises that there is no objection to the submission of this proposal and its enactment is in accord with the President's program.

Sincerely,

JOHN D. HOLUM,
Director.

By Mr. ROTH (for himself and Mr. MOYNIHAN):

S. 612. A bill to amend section 355 of the Internal Revenue Code of 1986 to prevent the avoidance of corporate tax on prearranged sales of corporate stock, and for other purposes; to the Committee on Finance.

CORPORATE ACQUISITION TRANSACTIONS LEGISLATION

Mr. ROTH. Mr. President, I ask unanimous consent that the following joint statement by the ranking member of the Finance Committee, Senator MOYNIHAN, and myself, be inserted in the RECORD at this point, along with the text of a bill we are introducing today.

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

S. 612

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPLICATION OF SECTION 355 TO DISTRIBUTIONS FOLLOWED BY ACQUISITIONS AND TO INTRAGROUP TRANSACTIONS.

(a) DISTRIBUTIONS FOLLOWED BY ACQUISITIONS.—Section 355 of the Internal Revenue Code of 1986 (relating to distribution of stock and securities of a controlled corporation) is amended by adding at the end the following new subsection:

"(e) RECOGNITION OF GAIN WHERE CERTAIN DISTRIBUTIONS OF STOCK OR SECURITIES ARE FOLLOWED BY ACQUISITION.—

"(1) GENERAL RULE.—If there is a distribution to which this subsection applies, the following rules shall apply:

"(A) ACQUISITION OF CONTROLLED CORPORATION.—If there is an acquisition described in paragraph (2)(A)(ii) with respect to any controlled corporation (or any successor thereof), any stock or securities in the controlled corporation shall not be treated as qualified property for purposes of subsection (c)(2) of this section or section 361(c)(2).

"(B) ACQUISITION OF DISTRIBUTING CORPORATION.—If there is an acquisition described in paragraph (2)(A)(ii) with respect to the distributing corporation (or any successor thereof), the controlled corporation shall recognize gain in an amount equal to the amount of net gain which would be recognized if all the assets of the distributing corporation (immediately after the distribution) were sold (at such time) for fair market value. Any gain recognized under the preceding sentence shall be treated as long-term capital gain and shall be taken into account for the taxable year which includes the day after the date of such distribution.

"(2) DISTRIBUTIONS TO WHICH SUBSECTION APPLIES.—

"(A) IN GENERAL.—This subsection shall apply to any distribution—

"(i) to which this section (or so much of section 356 as relates to this section) applies, and

"(ii) which is part of a plan (or series of related transactions) pursuant to which a person acquires stock representing a 50-percent or greater interest in the distributing corporation or any controlled corporation (or any successor of either).

"(B) PLAN PRESUMED TO EXIST IN CERTAIN CASES.—If a person acquires stock representing a 50-percent or greater interest in the distributing corporation or any controlled corporation (or any successor of either) during the 4-year period beginning on the date which is 2 years before the date of the distribution, such acquisition shall be treated as pursuant to a plan described in subparagraph (A)(ii) unless it is established that the distribution and the acquisition are not pursuant to a plan or series of related transactions.

"(C) CERTAIN ACQUISITIONS NOT TAKEN INTO ACCOUNT.—If—

"(i) a person acquires stock in any controlled corporation by reason of holding stock in the distributing corporation, and

"(ii) such person did not acquire the stock in the distributing corporation pursuant to a plan described in subparagraph (A)(ii),

the acquisition described in clause (i) shall not be taken into account for purposes of subparagraph (A)(ii) or (B).

"(D) COORDINATION WITH SUBSECTION (d).—This subsection shall not apply to any distribution to which subsection (d) applies.

"(3) DEFINITION AND SPECIAL RULES.—For purposes of this subsection—

"(A) 50-PERCENT OR GREATER INTEREST.—The term '50-percent or greater interest' has the meaning given such term by subsection (d)(4).

"(B) DISTRIBUTIONS IN TITLE 11 OR SIMILAR CASE.—Paragraph (1) shall not apply to any distribution made in a title 11 or similar case (as defined in section 368(a)(3)).

"(C) AGGREGATION AND ATTRIBUTION RULES.—

"(i) AGGREGATION.—The rules of paragraph (7) of subsection (d) shall apply.

"(ii) ATTRIBUTION.—Section 318(a)(2) shall apply in determining whether a person holds stock or securities in any corporation. Except as provided in regulations, section 318(a)(2)(C) shall be applied without regard to the phrase '50 percent or more in value' for purposes of the preceding sentence.

"(D) STATUTE OF LIMITATIONS.—If there is an acquisition to which paragraph (1) (A) or (B) applies—

"(i) the statutory period for the assessment of any deficiency attributable to any part of the gain recognized under this subsection by reason of such acquisition shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribe) that such acquisition occurred, and

"(ii) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

"(4) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection, including regulations—

"(A) providing for the application of this subsection where there is more than 1 controlled corporation,

"(B) treating 2 or more distributions as 1 distribution where necessary to prevent the avoidance of such purposes, and

"(C) providing for the application of rules similar to the rules of subsection (d)(6) where appropriate for purposes of paragraph (2)(B)."

(b) SECTION 355 NOT TO APPLY TO CERTAIN INTRAGROUP TRANSACTIONS.—Section 355 of the Internal Revenue Code of 1986, as amended by subsection (a), is amended by adding at the end the following new subsection:

"(f) SECTION NOT TO APPLY TO CERTAIN INTRAGROUP TRANSACTIONS.—Except as provided in regulations, this section shall not apply to the distribution of stock from 1 member of an affiliated group filing a consolidated return to another member of such group, and the Secretary shall provide proper adjustments for the treatment of such distribution, including (if necessary) adjustments to—

"(1) the adjusted basis of any stock which—

"(A) is in a corporation which is a member of such group, and

"(B) is held by another member of such group, and

"(2) the earnings and profits of any member of such group."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to distributions after April 16, 1997.

(2) TRANSITION RULE FOR DISTRIBUTIONS FOLLOWED BY ACQUISITIONS.—The amendments made by subsection (a) shall not apply to any distribution after April 16, 1997, if such distribution is—

(A) made pursuant to a written agreement which was (subject to customary conditions) binding on such date and at all times thereafter,

(B) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(C) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission required solely by reason of the distribution.

This paragraph shall not apply to any written agreement, ruling request, or public announcement or filing unless it identifies the acquirer of the distributing corporation or any controlled corporation, whichever is applicable.

JOINT INTRODUCTORY STATEMENT OF SENATORS ROTH AND MOYNIHAN

BACKGROUND

Several recent news reports describe corporate acquisition transactions in which one corporation distributes the stock of one—or more—of its subsidiaries to its shareholders—in a so-called spin-off—and, pursuant to a pre-arranged plan, either the distributed subsidiary or the old parent corporation is acquired by another, unrelated corporation. Often, the corporation that is to be acquired borrows or assumes a large amount of debt incurred prior to the spin-off, while the proceeds of such indebtedness are retained by the other corporation.

For Federal income tax purposes, the initial distribution generally is tax free pursuant to section 355 of the Internal Revenue Code and the subsequent acquisition is tax free pursuant to one of the various reorganization provisions described in section 368. Such positions are consistent with the holding in the case of Commissioner v. Mary Archer W. Morris Trust, 367 F.2d 794 (4th Cir. 1966) and published IRS rulings.

Congress did not intend that section 355 apply to insulate these transactions from tax. Section 355 was intended to permit tax free restructurings of several businesses among existing shareholders, with limitations to prevent the bail-out of corporate earnings and profits to the shareholders as capital gains. The recent transactions that raise concerns have very little to do with individual shareholder tax planning. Rather, they are pre-arranged structures designed to avoid corporate-level gain recognition. In essence, these transactions resemble sales.

Today's introduced legislation is intended to treat transactions occurring after April 16, 1997, the general effective date of the bill, as sales at the corporate level.

A technical explanation of the legislation is provided below. This legislation affects complex transactions and additional or alternative legislative changes also may be appropriate. For example, it may be appropriate to amend or repeal present-law section 355(d), and to treat certain asset acquisitions as stock acquisitions. Written comments on the issues raised by this bill are welcome.

DESCRIPTION OF PROPOSAL

Acquisitions of distributing or controlled corporations pursuant to plan

The proposal would adopt additional restrictions under section 355. Under the proposal, if pursuant to a plan or arrangement in existence on the date of distribution, either the controlled or distributing corporation is acquired, gain would be recognized by the other corporation as of the date of the distribution.

Whether a corporation is acquired would be determined under rules similar to those of present-law section 355(d), except that acquisitions would not be restricted to purchase transactions. Thus, an acquisition would occur if a person—or persons acting in concert—acquired more than 50 percent of the vote or value of the stock of the controlled or distributing corporation pursuant to a plan or arrangement. For example, assume a corporation ("P") distributes the stock of its wholly-owned subsidiary ("S") to its shareholders. If, pursuant to a plan or arrangement, either P or S is acquired, the proposal would apply to require gain recognition by the corporation not acquired. It is anticipated that certain asset acquisitions would be treated as stock acquisitions.

Acquisitions occurring within the 4-year period beginning 2 years before the date of distribution would be presumed to have occurred pursuant to a plan or arrangement. Taxpayers could avoid gain recognition by showing that an acquisition occurring during this 4-year period was unrelated to the distribution.

In the case of an acquisition of the controlled corporation, the amount of gain recognized by the distributing corporation would be the amount of gain that the distributing corporation would have recognized had the stock of the controlled corporation been sold for fair market value on the date of distribution. In the case of an acquisition of the distributing corporation, the amount of gain recognized by the controlled corporation would be the amount of net gain that the distributing corporation would have recognized had it sold its assets for fair market value immediately after the distribution. This gain would be treated as long-term capital gain. No adjustment to the basis of the stock or assets of either corporation would be allowed by reason of the recognition of the gain.

The proposal would not apply to a distribution pursuant to a title 11 or similar case.

The Treasury Department would be authorized to prescribe regulations as

necessary to carry out the purposes of the proposal, including regulations to provide for the application of the proposal in the case of multiple distributions.

Treatment of distributions within affiliated groups

Except as provided in Treasury regulations, section 355 would not apply to a distribution of stock of one member of an affiliated group of corporations filing a consolidated return to another member. In the case of a distribution of stock within an affiliated group, the Secretary of the Treasury would be instructed to provide appropriate rules for the treatment of the distribution, including rules governing adjustments to the adjusted basis of the stock and the earnings and profits of the members of the group.

EFFECTIVE DATE

The proposal would be effective for distributions after April 16, 1997, unless the distribution is: First, made pursuant to a written agreement with an acquirer which was (subject to customary conditions) binding on or before such date and at all times thereafter; second, described in a ruling request that identifies the acquirer and is submitted to the IRS on or before such date; third, described in a Securities and Exchange Commission ("SEC") filing made on or before such date, to the extent such filing was required to be made on account of the distribution and identifies the acquirer; or fourth, described in a public announcement that identifies the acquirer on or before such date. The exceptions for written agreements, IRS ruling requests, SEC filings, and public announcements would not apply to distributions of stock within a consolidated group of corporations.

By Mr. THOMPSON (for himself and Mr. FRIST):

S. 613. A bill to provide that Kentucky may not tax compensation paid to a resident of Tennessee for certain services performed at Fort Campbell, KY; to the Committee on Finance.

FORT CAMPBELL TAX FAIRNESS ACT OF 1997

Mr. THOMPSON. Mr. President, today I am introducing legislation to provide much-needed tax relief to the residents of my State who are employed as civilians on Fort Campbell, KY. These Clarksville area Tennesseans are hard working citizens who, I believe, are being taxed unfairly by the Commonwealth of Kentucky.

Fort Campbell is the home of the Army's famous 101st Airborne Division. This installation straddles the border between Tennessee and Kentucky. In fact, 80 percent of it lies within the State of Tennessee. But because the post office is located on the Kentucky side of the base, it is best known to most people as Fort Campbell, KY.

Civilian residents of both Tennessee and Kentucky are employed by the Federal Government to perform important nonmilitary functions at Fort Campbell. Approximately 2,000 of the Tennesseans who work on post are employed on the Kentucky side in the schools, at the post office, at the post exchange, and on the primary airfield. Unfortunately, these Tennesseans are forced to pay income tax to the Commonwealth of Kentucky of up to 6 percent of their wages, in addition to the sales and excise taxes they pay to their home State of Tennessee.

Because the State of Tennessee does not have an income tax, Kentuckians employed on the Tennessee side of Fort Campbell do not pay income tax to the State of Tennessee. Nor are Kentuckians required to pay Tennessee sales tax on Fort Campbell. All of the facilities on the Tennessee side of Fort Campbell to which Kentuckians have access, the KFC and the Taco Bell, for example, are exempt from State sales tax. It is only when a Kentucky resident leaves post that he or she becomes subject to Tennessee sales tax on purchases made in the State.

Mr. President, I believe it is unfair of Kentucky to impose income tax on Tennesseans, because Tennesseans who work on the Kentucky side of Fort Campbell do not consume any services provided by the Commonwealth. Fort Campbell is a Federal installation. All emergency fire, police, and medical services on post are provided by the Federal Government, not the Commonwealth of Kentucky. All roads on Fort Campbell, both on the Kentucky and the Tennessee side, are maintained by the Federal Government. Water and sewer services are paid for by the Federal Government. If a Tennessean who worked on the Kentucky side of Fort Campbell were laid off, he or she would not be eligible to obtain unemployment benefits from Kentucky, despite the fact that he or she had been paying income tax to the Commonwealth of Kentucky. Finally, Tennesseans have no voice in the Kentucky legislature to affect change to this law. Tennesseans are being unfairly taxed without the benefit of representation—a principle anathema to this country. As I see it, the Commonwealth of Kentucky is receiving free money from residents of Tennessee who work on a Federal installation that happens to border their State.

And although Kentucky likes to argue that the residents of Clarksville are not forced to work on the Kentucky side of Fort Campbell, employees are often moved on the base where a change of buildings means a change of State. A Tennessean forced to move into a Fort Campbell job across the border takes an automatic pay cut of up to 6 percent—just for moving across the street. This situation has been the cause of significant morale problems at Fort Campbell. According to Kentucky, however, those employees can escape paying the income tax by quitting their jobs. I find this alternative an unacceptable one. It is for this reason that I am introducing legislation to prohibit Kentucky from imposing its income tax on these Tennesseans employed either by the Federal Government or by a contractor with the Federal Government at Fort Campbell. I am pleased to be joined by my colleague, Senator FRIST. Congressman ED BRYANT has introduced the similar legislation in the other body.

Let me provide some history on this issue. According to legislation enacted by Congress in 1940, the Commonwealth of Kentucky is permitted to impose its income tax on Federal employees working in the State. This legislation, the Buck Act, repealed a prior law prohibiting States from imposing income tax on individuals who live or work on Federal property. However, Congress has also granted exemptions from State income tax to classes of Federal employees based on their obvious special circumstances: military personnel and Members of Congress and their employees. In addition, Congress enacted legislation in 1990 to exempt Amtrak employees from State taxation in the States in which they do not reside but through which they travel while working. Congress intended these exemptions to provide relief from inequitable situations. The Tennesseans employed at Fort Campbell also merit an exemption.

Mr. President, I firmly believe that a State has the right to raise revenue in whatever manner its residents believe is most appropriate. In the case of Tennessee, residents have chosen sales and excise taxes to fund their cost of government—only one of six States in the United States without an income tax. But it should be noted that Kentucky has entered into reciprocal tax agreements with surrounding income tax States to ensure that Kentuckians are treated fairly. Unfortunately, Kentucky has refused to negotiate any type of reciprocal tax agreement with Tennessee, because it knows it has Tennesseans over a barrel. Prohibiting the Commonwealth of Kentucky from taxing Tennesseans working on the Kentucky side of Fort Campbell is the best way to resolve this inequitable situation.

During this week in April Americans are reminded of their obligations to government. I believe that Americans are willing to pay their fair share of taxes, but citizens should not be expected to pay tax to a government from which they receive nothing and in which they have no voice.

THE FORT CAMPBELL TAX FAIRNESS ACT OF 1997

Mr. FRIST. Mr. President, I rise today to join my friend, colleague, and senior Senator from Tennessee, FRED THOMPSON, to introduce the Fort Campbell Tax Fairness Act of 1997.

We are introducing this legislation today to rectify a tax injustice imposed on Tennessee residents at Fort Campbell in northwest Tennessee. Fort Campbell, a 105,000-acre military installation that serves as America's premier power projection platform, straddles the border of Tennessee and Kentucky. Under current law, about 2,000 Tennesseans who work on the Kentucky side of Fort Campbell are forced to pay income tax to Kentucky—even though they receive no benefits or services from the Kentucky State government.

They cannot send their children to Kentucky public schools. In an emergency, these residents cannot use Kentucky fire, ambulance, and police services. Tennesseans who want to attend a Kentucky public university must pay out-of-State tuition. Tennesseans who want to hunt and fish in Kentucky must pay out-of-State rates for licenses. Most importantly, these Tennesseans who are paying Kentucky income taxes cannot vote in Kentucky elections. I consider this inherently unfair situation a case of "taxation without representation"—violating a fundamental principle of our American Revolution.

Our bill, like its bipartisan companion in the House introduced by Representatives ED BRYANT and JOHN TANNER, simply provides that Kentucky may not tax compensation paid to Tennessee Federal workers and contractors working on the Kentucky side of Fort Campbell. I look forward to working with Senator THOMPSON and other members of the Tennessee delegation to enact this bill into law.

By Mr. BREAUX (for himself and Mr. D'AMATO):

S. 614. A bill to amend the Internal Revenue Code of 1986 to provide flexibility in the use of unused volume cap for tax-exempt bonds, to provide a $20,000,000 limit on small issue bonds, and for other purposes; to the Committee on Finance.

TAX-EXEMPT BONDS LEGISLATION

Mr. BREAUX. Mr. President, I rise today with Mr. D'AMATO to introduce legislation that will improve the use of tax-exempt bonds as a financing mechanism for small manufacturing facilities and other important uses.

The first thing our bill does is give States more flexibility under the annual $50 per capita or $150 million cap. Under current law, if the State designates bond money for a project and, for whatever reason, that project is not started in 3 years the State cannot put the bond money toward another project. This bill would allow States to reallocate that bond money to another type of project needed elsewhere in the State.

In addition, the $10 million limit on capital expenditures a company can maintain and still qualify for this industrial bond money would increase to $20 million under our bill. The increase reflects the effects of inflation since 1978 when the program was first created and also corrects for future effects of inflation on a company's real worth.

Finally, our bill would further clean up an omission in the current law. The 3-year carryover provision does not apply to small manufacturing facilities. In researching current law, it appears that denying carryover to manufacturing facilities is nothing more than an oversight. The legislation that we are introducing today will correct this error and allow Governors the flexibility to allow tax-exempt authority for manufacturing facilities to be carried over for 3 years in the same way as other activities allocated tax-exempt bonds.

Tax-exempt bonds are essential for States to finance industrial development projects, ranging from small manufacturing facilities to pollution control and resource recovery facilities. Our legislation would help States fund industrial development and better allocate their scarce tax-exempt bond authority.

I hope my colleagues will join me in cosponsoring this important legislation.

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. 614

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. UNLIMITED 3-YEAR CARRYFORWARD OF UNUSED VOLUME CAP FOR BONDS, INCLUDING SMALL ISSUE BONDS.

(a) IN GENERAL.—Paragraphs (1) and (2) of section 146(d) of the Internal Revenue Code of 1986 (relating to State ceiling) are amended to read as follows:

"(1) IN GENERAL.—The State ceiling applicable to any State for any calendar year is an amount equal to the sum of—

"(A) the current year State ceiling of such State, plus

"(B) the unused State ceiling (if any) of such State for the preceding 3 calendar years.

"(2) CURRENT YEAR STATE CEILING.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The current year State ceiling of any State for any calendar year is an amount equal to the greater of—

"(i) an amount equal to $50 multiplied by the State population, or

"(ii) $150,000,000.

"(B) APPLICATION TO POSSESSIONS.—Clause (ii) of subparagraph (A) shall not apply to any possession of the United States.

"(3) UNUSED STATE CEILING.—For purposes of paragraph (1), the unused State ceiling of any State for any calendar year is the excess (if any) of the State ceiling of such State for such calendar year over the aggregate State ceiling allocated by the State for such calendar year.

"(4) RULES OF APPLICATION.—For purposes of paragraph (1), with respect to any calendar year—

"(A) the current year State ceiling shall be fully allocated before the allocation of the unused State ceiling, and

"(B) unused State ceiling shall be allocated in the order of the calendar years in which the unused State ceiling arose.".

(b) CONFORMING AMENDMENT.—Section 146(f)(1)(A) of the Internal Revenue Code of 1986 (relating to elective carryforward of unused limitation for specified purpose) is amended by inserting "and before 1998" after "after 1985".

(c) EFFECTIVE DATE; SPECIAL ELECTION.—

(1) EFFECTIVE DATE.—The amendments made by this section apply to the State ceiling for calendar years after 1997.

(2) SPECIAL ELECTION.—Notwithstanding section 146(f) of the Internal Revenue Code of 1986, within 120 days after the date of enactment of this Act, the person or entity responsible for allocating the State ceiling may irrevocably elect to treat (with the consent of each allocation recipient) such portion of the carryforwards elected under section 146(f) of such Code for the 3 calendar years ending in 1997 as unused State ceiling under section 146(d)(1) of such Code (as amended by this section).

SEC. 2. $20,000,000 CAPITAL EXPENDITURE LIMIT ON QUALIFIED SMALL ISSUE BONDS.

(a) IN GENERAL.—Subparagraph (A) of section 144(a)(4) of the Internal Revenue Code of 1986 (relating to $10,000,000 limit in certain cases) is amended by inserting "in excess of $10,000,000" after "amount of capital expenditures".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to—

(1) obligations issued after the date of the enactment of this Act, and

(2) capital expenditures made after such date with respect to obligations issued on or before such date.

By Mr. CHAFEE (for himself, Mrs. FEINSTEIN, Mr. D'AMATO, Mr. LIEBERMAN, Mr. DEWINE, Mr. MOYNIHAN, and Ms. MIKULSKI):

S. 615. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for continued eligibility for supplemental security income and food stamps with regard to certain classifications of aliens; to the Committee on Finance.

THE FAIRNESS FOR LEGAL IMMIGRANTS ACT OF 1997

Mr. CHAFEE. Mr. President, today Senators FEINSTEIN, D'AMATO, LIEBERMAN, DEWINE, MOYNIHAN, and MIKULSKI and I are introducing legislation to protect legal immigrants who are facing the loss of critical SSI and food stamp benefits later this summer.

Now that the welfare bill has become law, the crisis facing many legal immigrants, especially the elderly and disabled, is all too evident. For those legal immigrants who face the loss of assistance in August and September, the outlook is grim.

The bill we are introducing focuses on the plight of these legal immigrants. First, our bill grandfathers all legal immigrants who were receiving SSI or food stamp benefits as of August 22, 1996, the date the President signed the welfare bill. Second, our bill grandfathers those refugees who were in the

country on August 22, 1996, regardless of whether they were receiving benefits.

Why this approach? To us, it is a matter of fundamental fairness. That is the principle that underlies our bill. We believe that those who were in this country and playing by the rules should not have the rules suddenly changed out from under them. As for refugees, we provide them a slightly broader provision, since unlike other immigrants they do not have sponsors and they come here to flee persecution.

This is a matter of great importance to the residents in the States represented before you today. In my own State, a significant percentage of our total population is immigrants, indeed, measured in those terms, Rhode Island is one of the top immigrant States in the country. Some 10,000 legal immigrants in my State rely on SSI and food stamp benefits, quite a lot by RI standards.

We believe that our approach is a reasonable, commonsense proposal that will appeal to Members on both sides of the aisle and that can be enacted this year. By introducing this bipartisan bill today, we hope to signal to our colleagues the seriousness of our concern and the strength of our resolve. We intend to fight for passage of this bill, and we have every expectation of meeting with success.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the text of my statement be submitted in the RECORD at the appropriate place.

The welfare reform law that passed last year will have an adverse impact on legal immigrants who are elderly and disabled, the most vulnerable of our population.

That is why I am joining my colleagues, Senators CHAFEE, FEINSTEIN, MOYNIHAN, DEWINE, LIEBERMAN and MIKULSKI in introducing this legislation to protect vulnerable legal immigrants who are facing a loss of their supplemental security income [SSI] and food stamp benefits this August.

Now that the welfare reform law is being implemented, with nearly 900,000 SSI recipients nationwide receiving preliminary noncitizen status notices of the changes in the law, there has emerged a crisis facing legal immigrants who are elderly and disabled.

The Social Security Administration has estimated that these welfare reform changes may result in 434,000 legal immigrants actually losing SSI benefits.

Of the 80,000 legal immigrants at risk of losing their SSI benefits in New York State, roughly 70,000 are in New York City. New York City also expects that more than 130,000 legal immigrants currently receiving food stamps will lose those benefits by 1998.

The bill we are introducing will grandfather those immigrants who were receiving SSI or food stamp benefits as of August 22, 1996, the date of enactment of the Welfare bill. And it will grandfather refugees and asylees who were in this country as of August 22, 1996.

This bill is about making sure that some of the most vulnerable people, the elderly and the disabled, are not pushed out of the SSI and Food Stamp Programs.

The people of America recognize that many people who are elderly and disabled are in fact unable at times to take care of themselves without assistance through no fault of their own. To turn our back on these people would be cruel and not in keeping with our Nation's tradition of supporting those in need.

Refugees who have been granted political asylum also merit that extra consideration that comes from leaving one's own country under duress searching for freedom and a new way of life. They also need a hand up and that too is in the great and long tradition of America.

This is not a welfare bill, it is a bill of fundamental fairness and compassion. These people came to the United Sates and have been living under our laws for years. It is unfair to change the rules on them suddenly. That is the crux of this bill.

This isn't just a matter of statistics and hypothetical situations of what might happen. There are real people out there, and you can be sure that they are going to get hurt if we do nothing. We are not going to let that happen.

We want to work with our colleagues to pass a bill that will not put the elderly and the disabled out on the streets.

Mrs. FEINSTEIN. Mr. President, when Congress approved and the President signed the comprehensive welfare reform legislation last year, it was clear to many that it was not a perfect bill.

I, along with many of my colleagues expressed grave concern about a number of provisions that will have a devastating impact, not only on States and counties in terms of a huge cost shift, but on the lives and well-being of many elderly and disabled people—people who are now dependent upon public assistance for their survival.

The provision denying supplemental security income [SSI] and food stamps to virtually all legal immigrants who are noncitizens, even those who are elderly and disabled, who cannot support themselves, who have no sponsor or other means of support, such as refugees, in my view, is one of the most egregious flaws in that bill, and one of the main reasons why I voted against its passage.

Today, Senator CHAFEE and I, along with Senators D'AMATO, MOYNIHAN, DEWINE, LIEBERMAN, and MIKULSKI are offering legislation to correct this flaw.

The Fairness for Legal Immigrants Act of 1997 would grandfather in from the ban on SSI and food stamps: those elderly and disabled legal permanent residents who were receiving SSI and food stamps on or before August 22, 1996 and, those refugees who were in the country as of August 22, 1996.

This legislation prohibits SSI and food stamps for legal permanent residents who are not refugees and who were not receiving SSI and food stamps as of August 22, 1996.

This legislation also prohibits SSI and food stamps for all legal permanent residents and refugees coming to this country following the date of enactment of the Welfare Reform Bill, August 22, 1996.

Mr. President, to not correct this flaw in the bill represents an enormous unfunded mandate to States and counties by simply shifting the cost of caring for the seriously ill, disabled, and elderly legal immigrants who are destitute and have no other way to survive.

As I speak, SSA is sending out 125,000 SSI ban notices per week, to 800,000 legal immigrants who are on SSI nationwide. SSA estimates that more than 62.5 percent or 500,000 people currently receiving SSI benefits nationwide will lose their benefits under the current law—more than 40 percent, 205,000 of them in California. Many of these elderly and disabled legal immigrants have no family or friends to turn to for support and will become completely destitute. Their only recourse will be county general assistance programs or, at worst, homeless shelters.

Let me give you an example from my home State:

My staff met with a 73-year-old legal immigrant on SSI. She was welcomed to this county from Vietnam in 1980. She was a refugee from communism with no family in the United States. She speaks no English and she is suffering from kidney failure. She requires dialysis three times a week. Under this new law, this 73-year-old woman will lose SSI, her only source of support. Her well-being will become the responsibility of the county.

I am the first to acknowledge that prior to welfare reform, there was abuse of the SSI program in this country. Elderly noncitizens could collect SSI, even if they lived with their children, as long as they claimed to be financially independent from the children.

And the number of noncitizens receiving SSI has skyrocketed at a disproportionate rate to that of citizens. The number of noncitizens collecting SSI increased 477 percent in 14 years, from 1980 to 1994, while the number of U.S. citizens receiving SSI increased 33 percent during that same period.

Although I strongly support efforts to hold sponsors accountable for the

support of legal immigrants they bring into the country, the welfare reform bill passed by Congress simply went too far. It banned SSI and food stamps for virtually all legal immigrants, even those whose sponsors cannot afford to support them, or who have no sponsors at all.

The current welfare reform bill will not just eliminate fraudulent cases from the SSI rolls. It will eliminate truly needy people like the 73-year-old elderly refugee. Surely, it was not the intent of this Congress to leave elderly, disabled, and destitute people with nowhere to go to except county relief or the streets.

If we do not revise the welfare ban for legal immigrants the financial costs to States and counties will be enormous, and the human toll even greater:

Los Angeles County estimates that 93,000 legal immigrants in its county will lose SSI benefits at a cost of up to $236 million a year to the county.

San Francisco estimates that 20,000 legal noncitizens may turn to the county's general assistance program, at a total cost of up to $74 million annually.

I believe this body must finish what it started last year. In this time of budgetary constraints where tough choices have to be made, we must act with prudence and compassion toward those who truly have no one to turn to, while at the same time preserving portions of the savings needed to balance the budget and enact meaningful reform.

I urge my colleagues to support this legislation.

Mr. President, I ask that the SSA table be printed in the RECORD.

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

NUMBERS OF SSI RECIPIENTS RECEIVING PRELIMINARY NONCITIZEN STATUS NOTICES BY STATE, NUMBERS OF SSI RECIPIENTS CODED AS NONCITIZENS BY CATEGORY BY STATE, AND NUMBER OF SSI RECIPIENTS RECEIVING TYPE II NOTICES BY STATE

State	Notices		Noncitizens recipients on SSI	
	All[1]	Type II[2]	LAPR	Refugees[3]
Alabama	9,800	9,215	502	123
Alaska	757	117	569	95
Arizona	8,511	2,979	6,318	1,295
Arkansas	4,958	4,569	335	96
California	310,409	76,356	206,038	80,803
Colorado	6,149	1,898	3,353	1,426
Connecticut	5,071	1,111	3,440	1,009
Delaware	665	334	275	55
D.C	1,473	769	741	127
Florida	77,560	21,999	52,489	15,921
Georgia	13,794	9,474	3,235	1,366
Hawaii	4,616	1,026	3,461	554
Idaho	811	405	364	144
Illinois	27,446	6,783	16,233	6,769
Indiana	2,874	1,749	904	304
Iowa	2,055	1,053	631	454
Kansas	1,928	608	979	412
Kentucky	4,781	4,028	439	357
Louisiana	8,694	6,550	2,002	536
Maine	1,500	1,039	318	191
Maryland	9,645	2,456	5,424	2,087
Massachusetts	27,171	7,782	16,184	7,383
Michigan	12,136	5,232	5,364	2,069
Minnesota	8,025	1,529	3,319	3,362
Mississippi	8,232	7,852	363	72
Missouri	4,971	3,141	996	872

NUMBERS OF SSI RECIPIENTS RECEIVING PRELIMINARY NONCITIZEN STATUS NOTICES BY STATE, NUMBERS OF SSI RECIPIENTS CODED AS NONCITIZENS BY CATEGORY BY STATE, AND NUMBER OF SSI RECIPIENTS RECEIVING TYPE II NOTICES BY STATE—Continued

State	Notices		Noncitizens recipients on SSI	
	All[1]	Type II[2]	LAPR	Refugees[3]
Montana	462	302	103	75
Nebraska	1,023	427	402	238
New Hampshire	510	187	264	100
New Jersey	25,918	6,403	18,918	3,244
New Mexico	4,412	2,195	3,049	360
New York	125,919	28,583	81,701	32,917
North Carolina	9,645	7,468	1,659	627
North Dakota	429	314	66	70
Ohio	9,298	4,281	3,074	2,228
Oklahoma	4,785	3,743	923	243
Oregon	5,511	1,323	2,547	1,952
Pennsylvania	17,176	6,579	6,485	4,737
Rhode Island	3,755	1,194	2,640	724
South Carolina	6,119	5,535	505	124
South Dakota	504	337	56	115
Tennessee	8,952	7,622	968	426
Texas	66,750	31,421	50,434	5,772
Utah	1,753	389	995	503
Vermont	543	385	110	73
Virginia	10,336	3,830	5,247	1,500
Washington	15,583	2,622	7,579	6,242
West Virginia	1,316	1,181	118	23
Wisconsin	7,472	2,562	2,591	2,490
Wyoming	144	97	41	77
Totals	895,204	299,817	526,695	193,142

[1]Number of notices differs from number of noncitizens recipients because some SSI recipients' records do not contain information about their citizenship status (Type II notices) plus some of those designated as noncitizens did not receive notices because SSA records indicated that they met certain exemption from the ban on eligibility. Number reflects status as of 1/31/97.

[2]Type II notice are those mailed to recipients whose records do not contain information on citizenship status as of 1/31/97. These recipients were on the SSI roles prior to 1978 when this information began to be verified in SSA records.

[3]Category includes refugees, asylees, and other noncitizen recipients currently shown in SSA's records as permanently residing in the U.S. status as of 2/20/97.

By Mr. ALLARD:

S. 616. A bill to amend titles 23 and 49, United States Code, to improve the designation of metropolitan planning organizations, and for other purposes; to the Committee on Environment and Public Works.

THE METROPOLITAN PLANNING ORGANIZATIONS REFORM ACT OF 1997

Mr. ALLARD. Mr. President, today I am introducing legislation that will reform the relationship between central cities and their outlying areas in terms of distribution of highway funds. This issue was brought to my attention by one county in my State and they were quickly joined by several others who feel they have been treated unfairly in their MPO.

The current law governing MPO's is the 1991 Intermodal Service Transportation and Efficiency Act. This legislation established the planning powers of MPO's and also set standards for membership and qualifications for leaving MPO's. A number of counties in my State have indicated they are unhappy in their particular MPO and would like to leave. However, current law prohibits this.

One case in particular that has been brought to my attention is Douglas County's experience since 1991. Douglas County is directly south of Denver and is the fastest growing county in the Nation. Furthermore, they are a linkage county connecting Denver and Colorado Springs, which makes Douglas County's transportation needs tremendous. To meet these needs they have attempted to work with their MPO to receive an equitable share of funds. Douglas County has demonstrated that these attempts have failed, while they are 5.27 percent of their MPO, over the years their funding has been .35 percent for the fiscal year 1993–1995 cycle, 1.2 percent for the fiscal year 1995–1997 cycle, and .4 percent of the fiscal year 1997–1999 cycle. Clearly, there is a problem with how these funds are being distributed.

This issue cannot be dismissed as a one county problem either. In the Denver regional county of governments MPO [DRCOG], with the exception of Denver County, I have received letters from every county supporting the legislation I am introducing today.

This legislation would lower the barrier for disaffected parties that would like to create their own MPO or join an adjacent MPO. This legislation eliminates the 75 percent of the effected population threshold to leave necessary in current law, and lowers that to 50 percent. Furthermore, it would eliminate the central city veto authority.

This legislation will have no effect on those who are content with their MPO. Nor will this legislation have any impact on central cities that have worked with their MPO members equitably. It will only impact those areas where counties are being held in a relationship they feel is unfair. It's my hope that in future deliberations on transportation matters we can address and resolve this issue.

By Mr. JOHNSON (for himself, Mr. CRAIG, Mr. DASCHLE, Mr. BURNS, and Mr. BAUCUS):

S. 617. A bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin; to the Committee on Agriculture, Nutrition, and Forestry.

THE IMPORTED MEAT LABEL ACT OF 1997

Mr. JOHNSON. Mr. President, I am pleased today to introduce legislation that would require that imported meat and meat food products containing imported meat be labeled for country of origin so that consumers can make the choice to buy meat produced from livestock raised on American ranches and farms. This act would require that these products be labeled for country of origin prior to their sale at the retail level in the United States.

Senator CRAIG, Senator DASCHLE, Senator BURNS, and Senator BAUCUS join me today in introducing this needed policy change. I welcome and applaud their support. I would also point out to my colleagues the support this legislation has received from the National Farmers Union, the American Farm Bureau Federation, the National Cattlemen's Beef Association, and the

American Sheep Industry. From my State, this legislation is supported by the South Dakota Farmers Union, South Dakota Farm Bureau, South Dakota Livestock Auction Markets Association, and the South Dakota Cattlemen's Association. I hope that other Senators join us in support of this measure and help us to quickly pass this bill.

America's livestock producers are proud of their record of producing quality meat and meat food products from American raised livestock. While labeling products from other industries for country of origin is commonplace, imported meat and meat food products containing imported meat are often not labeled at all. With the passage of the Canadian Free-Trade Agreement, NAFTA, and GATT, we are moving toward more imported meat. Exports of American meat are high quality, value added items that American exporters are proud to advertise as American produced. On the other hand, meat imports into the United States tend to be of lower quality and importers generally do not advertise the country of origin.

American consumers deserve to know the source of their meat and meat food products. The legislation that my colleagues and I are introducing will allow America's consumers to know the source of their meat and meat food products. Considering that food safety and the wisdom of production systems in other countries are concerns that consumers consistently have, this legislation allows the competitive free market to determine the prices and demand for imported meat and meat food products.

Finally, American taxpayers have invested heavily in our food safety system—and it is undoubtedly the safest in the world. It just makes good sense for these same taxpayers and consumers to know the origin of the meat they buy.

Mr. President, I ask unanimous consent to have the complete text of the legislation printed in the RECORD.

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

S. 617

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 "Imported Meat Labeling Act of 1997".

SEC. 2. COUNTRY OF ORIGIN LABELING OF IMPORTED MEAT AND MEAT FOOD PRODUCTS.

(a) LABELING REQUIRED.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended by adding at the end the following:

"(13)(A) If it is imported into the United States unless it bears or is accompanied by labeling that identifies the country of origin of the animal that is the source of the imported carcass, part thereof, or meat or is part of the contents of the imported meat food product.

"(B) If it originates from an animal that was imported into the United States less than 10 days prior to slaughter unless it bears or is accompanied by labeling that identifies the country of origin of the animal.

"(C) If it is a meat food product prepared in the United States using any carcass, part thereof, or meat imported into the United States unless the meat food product bears or is accompanied by labeling that identifies the country of origin of the animal that is the source of the imported carcass, part thereof, or meat.

"(D) In this paragraph, the term 'country of origin' means the country or countries in which an animal is raised before slaughter."

(b) CONFORMING AMENDMENTS.—Section 1(n) of the Federal Meat Inspection Act is amended—

(1) by striking "if" at the beginning of each of paragraphs (1) through (12) and inserting "If";

(2) by striking the semicolon at the end of each of paragraphs (1) through (10) and inserting a period, and

(3) in paragraph (11), by striking "; or" at the end and inserting a period.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 1 year after the date of enactment of this Act.

Mr. CRAIG. Mr. President, I am pleased to join my colleague from South Dakota today as an original cosponsor of the Imported Meat Labeling Act of 1997. This act would require the labeling of imported meat and meat products prior to their sale at a retail level in the United States.

For the record, I want my colleagues to know that this type of action is legal under the terms of our GATT Agreement. In addition, a number of groups have policy that support this type of measure including the American Farm Bureau, National Cattlemen's Beef Association, and the American Sheep Industry.

Again, I commend Senator JOHNSON for introducing the Imported Meat Labeling Act of 1997 and Senator BURNS from Montana for his additional efforts on this topic. I hope that other Senators will join us in support of this measure. I would pledge my support of addressing any legitimate concerns that this legislation might raise and ask in return that we seek quick resolution and passage of this bill.

One legitimate concern with this legislation is the treatment of Canadian cattle that are slaughtered in the United States. Concern along the northern tier States that border Canada is high among all areas of Canadian trade. Producers in these States might ask how cattle that are born in Canada, fed in Canada, but shipped to the United States for slaughter would be labeled. Realistically, these animals are Canadian and the beef produced from them should be labeled as such. However, if the legal interpretation is different, I state my willingness for the record to amend this legislation and address this type of concern.

Mr. BURNS. Mr. President, I rise today to sponsor a bill being introduced by myself, Mr. CRAIG, and Mr. JOHNSON on an issue of great importance to my State and the agricultural industry in Montana. The issue is that of labeling meat coming into America from other countries.

We are offering today language, which will require all meat products that come from a foreign country to be labeled with the country of origin of that meat. This will allow all Americans to know and understand where the meat they are purchasing really comes from. This bill will protect the consumer as well as an industry which has had to face severe competition from foreign countries in recent years.

Today when shopping at the local grocery market, the American consumer is buying meat products without all the information they need to make an informed decision on the product they are purchasing. Our consumers go to the market and purchase meat products with no idea of where the meat they are buying comes from. Recent events in foreign countries have made this issue important to the retail consumer. Outbreak of disease and problems with the quality of foreign products makes it necessary that we provide our consumers with all the information they should have when making an informed decision about the food they are buying.

If we look at the vast majority of products that are imported into our country, we find that they are labeled with the country in which that product was produced. We have consumers that for numerous years have established a custom of purchasing only products with a Made in America label. It only seems right that we provide these same consumers with the information that will allow them to make the same intelligent decision when shopping for the food that they consume.

Our consumers today go to the market and buy meat products under the assumption that if it carries a USDA inspection and graded label that the meat they are purchasing comes from the United States. This, we have recently found out, can be far from the truth. Just carrying that label does nothing to inform the consumer that the hamburger they are purchasing is from this country.

As I stated earlier, recent outbreaks of disease in foreign countries has haunted our American meat producers. The public fears that the beef they are buying could be from a European country with a disease that has killed their citizens. Out breaks in meat and vegetable products leads Americans to fear the purchase of American meat and vegetables because they are under the assumption that the product is American in origin. This is not always the case. The recent outbreak of hepatitis found in strawberries is proof.

American agriculture provides the American consumer with the safest

most reliable source of food and fiber in the world. With this in mind we then should be informing the American consumer that they really are purchasing American product or if they so chose product raised in a foreign country.

I am proud and very pleased to add my name to this bill and I look forward to moving this through the legislative process so we can give our consumers the information on meat that we have provided to them on other numerous consumer goods.

By Mr. SARBANES:

S. 618. A bill to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes; to the Committee on Environment and Public Works.

THE CHESAPEAKE BAY RESTORATION ACT OF 1997

By Mr. SARBANES:

S. 619. A bill to establish a Chesapeake Bay Gateways and Watertrails Network, and for other purposes; to the Committee on Environment and Public Works.

THE CHESAPEAKE BAY GATEWAYS AND WATERTRAILS ACT OF 1997

Mr. SARBANES. Mr. President, today I am introducing—along with a number of my colleagues—two measures to continue and enhance efforts to restore the Chesapeake Bay. Joining me in sponsoring one or both of these measures are my colleagues from Virginia, Pennsylvania, and Maryland, Senators WARNER, SANTORUM, ROBB, and MIKULSKI.

The Chesapeake Bay is one of the world's great natural resources. It is a world-class fishery that still produces a significant portion of the fin fish and shellfish catch in the United States.

It provides vital habitat for living resources, including more than 2,700 plant and animal species. It is a major resting area for migratory birds and waterfowl along the Atlantic flyway, including many endangered and threatened species.

As our Nation's largest estuary, the Chesapeake Bay is also key to the ecological and economic health of the mid-Atlantic region. The bay is a treasured asset for all our citizens, particularly for the nearly 15 million of us who live within the six State watershed. It is a one-of-a-kind recreational asset enjoyed by 9 million people, including many Members of this body.

The bay is also a major commercial waterway and shipping center for the region and much of the eastern United States. And it provides thousands of jobs for the people in this region. Certainly, we in Maryland regard the bay as a defining element in our State's history, and as a key to Maryland's quality of life.

Most people are aware of these and other dimensions of the bay. Certainly, our Nation's scientists are aware, and have consistently regarded the bay's protection and enhancement as an extremely important national objective.

When the bay began to experience serious unprecedented declines in water quality and living resources in recent decades, people in the region, including those in my State, suffered as well. We lost thousands of jobs in the fishing industry and much of the wilderness that defined the watershed.

We began to appreciate for the first time the profound impact that human activity could have on the Chesapeake Bay ecosystem. Untreated sewage, deforestation, toxic chemicals, farm runoff, and increased development resulted in a degradation of water quality and destruction of wildlife and its habitat.

Fortunately, over the last two decades we have also come to understand that humans can have a positive influence on the environment, and that we can, if we choose, assist nature to repair much of the damage which has been done.

We now treat sewage before it enters our waters, and even have a successful waste treatment pilot project here in Washington that utilizes state-of-the-art biological methods to significantly reduce nutrients entering the bay.

We banned toxic chemicals that were killing the wildlife, initiated programs to reduce nonpoint source pollution in the bay's tributaries, and we have taken aggressive steps to successfully restore the striped bass and other species.

We have undertaken the Nation's largest habitat restoration project on Poplar Island in the upper bay, and enacted legislation protecting the estuary from economically and ecologically harmful aquatic nuisance species.

The States of Maryland, Virginia, and Pennsylvania deserve much of the credit for undertaking many of the actions that have put the bay and its watershed on the road to recovery.

All three States have had major cleanup programs and have made significant commitments in terms of resources. The cleanup has remained an important priority item supported by Governors, State legislatures and the public. And a number of private organizations—the Chesapeake Bay Foundation and Alliance for the Chesapeake Bay come to mind—have done stellar work in this area.

But the Federal Government has played a critical catalyzing role in helping to bring about these successes. Without the Federal Clean Water Act, the Federal ban on DDT, and EPA's watershed-wide coordination of bay restoration and cleanup activities, we would not have been able to bring about the concerted effort, the real partnership, that is succeeding in improving bay water quality and in bringing back many fish and wildlife species that were on the verge of extinction.

The Chesapeake Bay is getting cleaner, but we cannot affort to be complacent. Ever increasing population and commercial stresses are imposed upon the bay. So we must not relax if we hope to maintain, and build upon, our past successes.

The first measure I am introducing today is designed to build upon our National Government's past role in the Chesapeake Bay Program, the highly successful Federal-State-local partnership to which I made reference, that so ably coordinates and directs efforts to restore the bay.

This legislation carries forward and enhances the role of the Environmetnal Protection Agency as the lead Federal agency committed to cleaning up the bay. It redoubles efforts to ensure wide compliance with Chesapeake Bay agreement goals, including habitat restoration and toxics reduction.

And it establishes a mechanism for EPA to further assist communities with local watershed restoration and protection projects in the bay and its tributaries. This is an especially important component of this measure. Let me spend a moment to explain why.

The initial stages of the bay cleanup focused on the mainstem bay. But it became increasingly clear that many of the bay's problems originate in the rivers and streams which flow into the bay. It also became obvious that we must expand efforts within these waters if we hope to achieve nutrient reductions and other improvements in the overall bay watershed.

The bay partners recognized this urgent need with 1992 and subsequent amendments to the Chesapeake Bay agreement that committed the bay partners to develop and implement tributary-specific strategies throughout the watershed, and the States are making tremendous progress in this regard.

It is clear that one of the most cost-effective ways to protect the rivers and streams in the watershed is to help, encourage and promote stewardship among citizens and others who have a direct stake in a specific local situation. After all, stewardship starts with the individual citizens who live in the watershed. And that is what this measure encourages by providing EPA with mechanisms to stimulate such local efforts.

The second measure I am introducing today would connect natural, historic, cultural, and recreational resources to create an innovative Chesapeake Bay Gateways and Watertrails Network throughout the mainstem bay and its tributaries.

The vast bay watershed contains many distinctive treasures that combine to tell a unique story about the evolvement of human settlement and culture within the area. Each region within the watershed is dotted with historic seaports, Federal and State parks, and other natural, cultural, or recreational sites.

Many residents of the bay are familiar with the rich resources within their particular region. Similarly, countless visitors to a particular segment of the watershed are exposed to selective sites, but receive only a limited if any introduction to similar resources throughout the entire bay. They learn little about the bay's collective cultural and natural history, and perhaps little about comprehensive bay cleanup efforts.

What we currently lack—and what this measure provides—is a mechanism that links these many valuable resources and sites throughout the watershed into a unified network of jewels of the Chesapeake.

This shared linkage and identity can improve access to the bay. It can further educate residents and visitors about this treasured resource.

It can boost the already substantial economic activity generated by tourism and recreation within the watershed, and it can entice additional residents within the watershed to play more active roles in the bay restoration effort.

This measure would accomplish these worthy goals in several ways. First, it authorizes and directs the Secretary of the Interior to identify and protect resources throughout the watershed, to identify these individual jewels as Chesapeake Bay Gateways, and to link them with trails, tour roads, scenic byways, and other sites.

Second, it directs the Secretary to develop and establish Chesapeake Bay Watertrails, consisting of important water routes, and connects these watertrails with gateways sites and other land resources to create a Chesapeake Bay Gateways and Watertrails Network. This network will guide residents and visitors alike along important water routes and the many land based resources within the watershed.

Third, this legislation authorizes the Secretary to provide technical and financial assistance to State and local partners for conserving and restoring these important resources throughout the watershed.

The Chesapeake Bay cleanup effort, and Federal-State efforts to protect related resources and to promote economic activity, have been major bipartisan undertakings in this body. The bay has been strongly supported by virtually all Members of the Senate, as evidenced by enactment of three of the five related measures introduced last session. I urge my colleagues to continue the momentum by supporting this legislation and contributing to the improvement and enhancement of one of our Nation's most valuable and treasured natural resources.

Mr. President, I ask unanimous consent that the Chesapeake Bay Restoration Act of 1997 and the Chesapeake Bay Gateways and Watertrails Act of 1997 be printed in the RECORD. I also ask unanimous consent that copies of letters from the Governor, State of Maryland, from the Chesapeake Bay Commission, from the Chesapeake Bay Foundation and from the Chesapeake Bay Local Government Advisory Committee be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 618

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 "Chesapeake Bay Restoration Act of 1997".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of worldwide significance;

(2) in recent years, the productivity and water quality of the Chesapeake Bay and the tributaries of the Bay have been diminished by pollution, excessive sedimentation, shoreline erosion, the impacts of population growth and development in the Chesapeake Bay watershed, and other factors;

(3) the Federal Government (acting through the Administrator of the Environmental Protection Agency), the Governor of the State of Maryland, the Governor of the Commonwealth of Virginia, the Governor of the Commonwealth of Pennsylvania, the Chairperson of the Chesapeake Bay Commission, and the Mayor of the District of Columbia have committed as Chesapeake Bay Agreement signatories to a comprehensive and cooperative program to achieve improved water quality and improvements in the productivity of living resources of the Bay;

(4) the cooperative program described in paragraph (3) serves as a national and international model for the management of estuaries; and

(5) there is a need to expand Federal support for monitoring, management, and restoration activities in the Chesapeake Bay and the tributaries of the Bay in order to meet and further the original and subsequent goals and commitments of the Chesapeake Bay Program.

(b) PURPOSES.—The purposes of this Act are—

(1) to expand and strengthen cooperative efforts to restore and protect the Chesapeake Bay; and

(2) to achieve the goals established in the Chesapeake Bay Agreement.

SEC. 3. CHESAPEAKE BAY.

Section 117 of the Federal Water Pollution Control Act (33 U.S.C. 1267) is amended to read as follows:

"CHESAPEAKE BAY

"SEC. 117. (a) DEFINITIONS.—In this section:

"(1) CHESAPEAKE BAY AGREEMENT.—The term 'Chesapeake Bay Agreement' means the formal, voluntary agreements executed to achieve the goal of restoring and protecting the Chesapeake Bay ecosystem and the living resources of the ecosystem and signed by the Chesapeake Executive Council.

"(2) CHESAPEAKE BAY PROGRAM.—The term 'Chesapeake Bay Program' means the program directed by the Chesapeake Executive Council in accordance with the Chesapeake Bay Agreement.

"(3) CHESAPEAKE BAY WATERSHED.—The term 'Chesapeake Bay watershed' shall have the meaning determined by the Administrator.

"(4) CHESAPEAKE EXECUTIVE COUNCIL.—The term 'Chesapeake Executive Council' means the signatories to the Chesapeake Bay Agreement.

"(5) SIGNATORY JURISDICTION.—The term 'signatory jurisdiction' means a jurisdiction of a signatory to the Chesapeake Bay Agreement.

"(b) CONTINUATION OF CHESAPEAKE BAY PROGRAM.—

"(1) IN GENERAL.—In cooperation with the Chesapeake Executive Council (and as a member of the Council), the Administrator shall continue the Chesapeake Bay Program.

"(2) PROGRAM OFFICE.—The Administrator shall maintain in the Environmental Protection Agency a Chesapeake Bay Program Office. The Chesapeake Bay Program Office shall provide support to the Chesapeake Executive Council by—

"(A) implementing and coordinating science, research, modeling, support services, monitoring, data collection, and other activities that support the Chesapeake Bay Program;

"(B) developing and making available, through publications, technical assistance, and other appropriate means, information pertaining to the environmental quality and living resources of the Chesapeake Bay;

"(C) in cooperation with appropriate Federal, State, and local authorities, assisting the signatories to the Chesapeake Bay Agreement in developing and implementing specific action plans to carry out the responsibilities of the signatories to the Chesapeake Bay Agreement;

"(D) coordinating the actions of the Environmental Protection Agency with the actions of the appropriate officials of other Federal agencies and State and local authorities in developing strategies to—

"(i) improve the water quality and living resources of the Chesapeake Bay; and

"(ii) obtain the support of the appropriate officials of the agencies and authorities in achieving the objectives of the Chesapeake Bay Agreement; and

"(E) implementing outreach programs for public information, education, and participation to foster stewardship of the resources of the Chesapeake Bay.

"(c) INTERAGENCY AGREEMENTS.—The Administrator may enter into an interagency agreement with a Federal agency to carry out this section.

"(d) TECHNICAL ASSISTANCE AND ASSISTANCE GRANTS.—

"(1) IN GENERAL.—In consultation with other members of the Chesapeake Executive Council, the Administrator may provide technical assistance, and assistance grants, to nonprofit private organizations and individuals, State and local governments, colleges, universities, and interstate agencies to carry out this section, subject to such terms and conditions as the Administrator considers appropriate.

"(2) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of an assistance grant provided under paragraph (1) shall be determined by the Administrator in accordance with Environmental Protection Agency guidance.

"(B) SMALL WATERSHED GRANTS PROGRAM.—The Federal share of an assistance grant provided under paragraph (1) to carry out an implementing activity under subsection (g)(2) shall not exceed 75 percent of eligible project costs, as determined by the Administrator.

"(3) NON-FEDERAL SHARE.—An assistance grant under paragraph (1) shall be provided on the condition that non-Federal sources

provide the remainder of eligible project costs, as determined by the Administrator.

"(4) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a person described in paragraph (1) in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the person under this subsection for the fiscal year.

"(e) IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—If a signatory jurisdiction has approved and committed to implement all or substantially all aspects of the Chesapeake Bay Agreement, on the request of the chief executive of the jurisdiction, the Administrator shall make a grant to the jurisdiction for the purpose of implementing the management mechanisms established under the Chesapeake Bay Agreement, subject to such terms and conditions as the Administrator considers appropriate.

"(2) PROPOSALS.—A signatory jurisdiction described in paragraph (1) may apply for a grant under this subsection for a fiscal year by submitting to the Administrator a comprehensive proposal to implement management mechanisms established under the Chesapeake Bay Agreement. The proposal shall include—

"(A) a description of proposed management mechanisms that the jurisdiction commits to take within a specified time period, such as reducing or preventing pollution in the Chesapeake Bay and to meet applicable water quality standards; and

"(B) the estimated cost of the actions proposed to be taken during the fiscal year.

"(3) APPROVAL.—If the Administrator finds that the proposal is consistent with the Chesapeake Bay Agreement and the national goals established under section 101(a), the Administrator may approve the proposal for a fiscal year.

"(4) FEDERAL SHARE.—The Federal share of an implementation grant provided under this subsection shall not exceed 50 percent of the costs of implementing the management mechanisms during the fiscal year.

"(5) NON-FEDERAL SHARE.—An implementation grant under this subsection shall be made on the condition that non-Federal sources provide the remainder of the costs of implementing the management mechanisms during the fiscal year.

"(6) ADMINISTRATIVE COSTS.—Administrative costs (including salaries, overhead, and indirect costs for services provided and charged against projects supported by funds made available under this subsection) incurred by a signatory jurisdiction in carrying out a project under this subsection during a fiscal year shall not exceed 10 percent of the grant made to the jurisdiction under this subsection for the fiscal year.

"(f) COMPLIANCE OF FEDERAL FACILITIES.—

"(1) SUBWATERSHED PLANNING AND RESTORATION.—A Federal agency that owns or operates a facility (as defined by the Administrator) within the Chesapeake Bay watershed shall participate in regional and subwatershed planning and restoration programs.

"(2) COMPLIANCE WITH AGREEMENT.—The head of each Federal agency that owns or occupies real property in the Chesapeake Bay watershed shall ensure that the property, and actions taken by the agency with respect to the property, comply with the Chesapeake Bay Agreement.

"(g) CHESAPEAKE BAY WATERSHED, TRIBUTARY, AND RIVER BASIN PROGRAM.—

"(1) NUTRIENT AND WATER QUALITY MANAGEMENT STRATEGIES.—Not later than 1 year after the date of enactment of this subsection, the Administrator, in consultation with other members of the Chesapeake Executive Council, shall ensure that management plans are developed and implementation is begun by signatories to the Chesapeake Bay Agreement for the tributaries of the Chesapeake Bay to achieve and maintain—

"(A) the nutrient goals of the Chesapeake Bay Agreement for the quantity of nitrogen and phosphorus entering the main stem Chesapeake Bay;

"(B) the water quality requirements necessary to restore living resources in both the tributaries and the main stem of the Chesapeake Bay;

"(C) the Chesapeake Bay basinwide toxics reduction and prevention strategy goal of reducing or eliminating the input of chemical contaminants from all controllable sources to levels that result in no toxic or bioaccumulative impact on the living resources that inhabit the Bay or on human health; and

"(D) habitat restoration, protection, and enhancement goals established by Chesapeake Bay Agreement signatories for wetlands, forest riparian zones, and other types of habitat associated with the Chesapeake Bay and the tributaries of the Chesapeake Bay.

"(2) SMALL WATERSHED GRANTS PROGRAM.—The Administrator, in consultation with other members of the Chesapeake Executive Council, may offer the technical assistance and assistance grants authorized under subsection (d) to local governments and nonprofit private organizations and individuals in the Chesapeake Bay watershed to implement—

"(A) cooperative tributary basin strategies that address the Chesapeake Bay's water quality and living resource needs; or

"(B) locally based protection and restoration programs or projects within a watershed that complement the tributary basin strategies.

"(h) STUDY OF CHESAPEAKE BAY PROGRAM.—Not later than January 1, 1999, and each 3 years thereafter, the Administrator, in cooperation with other members of the Chesapeake Executive Council, shall complete a study and submit a comprehensive report to Congress on the results of the study. The study and report shall, at a minimum—

"(1) assess the commitments and goals of the management strategies established under the Chesapeake Bay Agreement and the extent to which the commitments and goals are being met;

"(2) assess the priority needs required by the management strategies and the extent to which the priority needs are being met;

"(3) assess the effects of air pollution deposition on water quality of the Chesapeake Bay;

"(4) assess the state of the Chesapeake Bay and its tributaries and related actions of the Chesapeake Bay Program;

"(5) make recommendations for the improved management of the Chesapeake Bay Program; and

"(6) provide the report in a format transferable to and usable by other watershed restoration programs.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 1998 through 2003.".

S. 619

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 "Chesapeake Bay Gateways and Watertrails Act of 1997".

SEC. 2. DEFINITIONS.

In this Act:

(1) CHESAPEAKE BAY GATEWAYS SITES.—The term "Chesapeake Bay Gateways sites" means the Chesapeake Bay Gateways sites identified under section 5(a)(2).

(2) CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.—The term "Chesapeake Bay Gateways and Watertrails Network" means the network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails created under section 5(a)(5).

(3) CHESAPEAKE BAY WATERSHED.—The term "Chesapeake Bay Watershed" shall have the meaning determined by the Secretary.

(4) CHESAPEAKE BAY WATERTRAILS.—The term "Chesapeake Bay Watertrails" means the Chesapeake Bay Watertrails established under section 5(a)(4).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior (acting through the Director of the National Park Service).

SEC. 3. FINDINGS.

Congress finds that—

(1) the Chesapeake Bay is a national treasure and a resource of international significance;

(2) the region within the Chesapeake Bay watershed possesses outstanding natural, cultural, historical, and recreational resources that combine to form nationally distinctive and linked waterway and terrestrial landscapes;

(3) there is a need to study and interpret the connection between the unique cultural heritage of human settlements throughout the Chesapeake Bay Watershed and the waterways and other natural resources that led to the settlements and on which the settlements depend; and

(4) as a formal partner in the Chesapeake Bay Program, the Secretary has an important responsibility—

(A) to further assist regional, State, and local partners in efforts to increase public awareness of and access to the Chesapeake Bay;

(B) to help communities and private landowners conserve important regional resources; and

(C) to study, interpret, and link the regional resources with each other and with Chesapeake Bay Watershed conservation, restoration, and education efforts.

SEC. 4. PURPOSES.

The purposes of this Act are—

(1) to identify opportunities for increased public access to and education about the Chesapeake Bay;

(2) to provide financial and technical assistance to communities for conserving important natural, cultural, historical, and recreational resources within the Chesapeake Bay Watershed; and

(3) to link appropriate national parks, waterways, monuments, parkways, wildlife refuges, other national historic sites, and regional or local heritage areas into a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

SEC. 5. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.

(a) IN GENERAL.—The Secretary shall provide technical and financial assistance, in cooperation with other Federal agencies,

State and local governments, nonprofit organizations, and the private sector—

(1) to identify, conserve, restore, and interpret natural, recreational, historical, and cultural resources within the Chesapeake Bay Watershed;

(2) to identify and utilize the collective resources as Chesapeake Bay Gateways sites for enhancing public education of and access to the Chesapeake Bay;

(3) to link the Chesapeake Bay Gateways sites with trails, tour roads, scenic byways, and other connections as determined by the Secretary;

(4) to develop and establish Chesapeake Bay Watertrails comprising water routes and connections to Chesapeake Bay Gateways sites and other land resources within the Chesapeake Bay Watershed; and

(5) to create a network of Chesapeake Bay Gateways sites and Chesapeake Bay Watertrails.

(b) COMPONENTS.—Components of the Chesapeake Bay Gateways and Watertrails Network may include—

(1) State or Federal parks or refuges;

(2) historic seaports;

(3) archaeological, cultural, historical, or recreational sites; or

(4) other public access and interpretive sites as selected by the Secretary.

SEC. 6. CHESAPEAKE BAY GATEWAYS GRANTS ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a Chesapeake Bay Gateways Grants Assistance Program to aid State and local governments, local communities, nonprofit organizations, and the private sector in conserving, restoring, and interpreting important historic, cultural, recreational, and natural resources within the Chesapeake Bay Watershed.

(b) CRITERIA.—The Secretary shall develop appropriate eligibility, prioritization, and review criteria for grants under this section.

(c) MATCHING FUNDS AND ADMINISTRATIVE EXPENSES.—A grant under this section—

(1) shall not exceed 50 percent of eligible project costs;

(2) shall be made on the condition that non-Federal sources, including in-kind contributions of services or materials, provide the remainder of eligible project costs; and

(3) shall be made on the condition that not more than 10 percent of all eligible project costs be used for administrative expenses.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $3,000,000 for each fiscal year.

STATE OF MARYLAND,
OFFICE OF THE GOVERNOR,
April 5, 1997.

Hon. PAUL S. SARBANES,
U.S. Senate,
Washington, DC.

DEAR PAUL: Congratulations on the introduction of the Chesapeake Bay Restoration Act of 1997. Passage of this legislation will enable the State of Maryland to build on the progress that has been achieved in cleaning up the Bay by strengthening and expanding the federal Chesapeake Bay Program.

Your bill provides a much-needed increased focus on watershed planning and management. This effort skillfully complements the Tributary Strategy effort to reduce nutrient loadings into the Bay. The additional federal resources will also greatly increase the effectiveness of our joint effort to protect and restore the Bay.

The Chesapeake Bay is a national treasure. Your longstanding determined commitment to its protection and restoration has been key to the improvements in the water quality and living resources of the Bay. I stand ready to help you secure passage of this important legislation.

Sincerely,

PARIS N. GLENDENING,
Governor.

CHESAPEAKE BAY COMMISSION,
Annapolis, MD, March 20, 1997.

Hon. PAUL S. SARBANES,
U.S. Senate,
Washington, DC.

DEAR SENATOR SARBANES: I am writing, in my capacity as Chairman of the Chesapeake Bay Commission, to commend you for taking the initiative to reauthorize the Chesapeake Bay Program through the introduction of the Chesapeake Bay Restoration Act of 1997. The Commission strongly supports the legislation. We commit to you our resources and expertise in working to secure its passage.

We believe that the cooperation of government at the federal, state and local level is, and will continue to be, essential to protecting and restoring the Bay. Your bill helps to establish the blueprint for that cooperation. It provides new opportunities on habitat restoration through the creation of low-cost restoration and enhancement demonstration projects. These projects are key to protecting the living resources of the Bay, the main goal of the Chesapeake Bay Agreement.

As a signatory to the 1987 Chesapeake Bay Agreement, the Commission is committed to the reduction of nutrient and toxic loads entering the Chesapeake Bay. To do this, we have developed a river-specific approach to the implementation of pollution control strategies. The tributary strategy provisions of the legislation will support this effort and ensure that these strategies are implemented, basinwide.

The Chesapeake Bay watershed will face increasing environmental threats in the years ahead. The population of the watershed is growing. Development of our natural resource lands is commonplace. The burdens placed on our pollution control infrastructure are constantly expanding. The Commission has long recognized that coordinated, locally-based programs can help to counter these pressures.

For this reason, we are particularly supportive of the small watershed grants component of your bill. We believe that it will enhance efforts made by non-governmental organizations, local governments and private individuals to implement water quality and habitat protection programs at the local level. The small watershed grants program is also directly complementary to the Local Government Participation Action Plan, developed by the Chesapeake Bay Program in 1996, to better involve local governments in Bay restoration activities.

In our watershed, there are many examples of small watershed projects that would benefit from a cost-share grant program. In Maryland, residents and local government officials in Worcester and Somerset Counties have committed to improve the local economy through well-planned conservation and the promotion of natural, historic and cultural resources. In Pennsylvania, the Lackawanna River Corridor Association has been working to improve water quality by addressing acid mine drainage, combined sewer overflows and urban stormwater flow problems by developing public-private partnerships that leverage resources and expertise. And in my own home state of Virginia, private organizations have joined forces with local, state and federal government officials in the Chesconessex Creek Watershed to establish a project to restore vital habitat and living resources on Virginia's Eastern Shore.

In closing, I want to thank you, and Charles Stek and Kevin Miller of your office, for consulting extensively with our staff, and with the many sectors of the Bay community during the drafting of your legislation. The final product reflects a strong cooperative relationship with the Chesapeake Bay Program and will allow us to build on the progress that we have already made.

I look forward to working with you. We hope that this legislation can be moved forward as quickly as possible, and we offer our assistance with the hope that it will be enacted before this Congress comes to a close. I am,

Sincerely yours,

W. TAYLOE MURPHY, Jr.,
Chairman.

CHESAPEAKE BAY FOUNDATION,
Annapolis, MD, April 9, 1997.

Hon. PAUL S. SARBANES,
Washington, DC.

DEAR SENATOR SARBANES: I am writing to express the Chesapeake Bay Foundation's support for the Chesapeake Bay Restoration Act of 1997. Although I realize that no single piece of legislation can save the Chesapeake Bay, I believe this bill will help push the Bay Program towards an increased effort to carrying out the commitments made by the signatories.

I am particularly glad to see the section enhancing the oversight responsibilities of the Environmental Protection Agency. CBF has long felt that it is important for the Environmental Protection Agency to take a stronger leadership role in assuring that the participants are held accountable for their commitments.

I am also enthusiastic about the provisions providing for a small watershed grant program. Restoration of the Bay's essential habitat—its forests, wetlands, and grass beds—is a critical component of the effort to save the Bay, and this legislation should help move that effort forward.

In summary, this legislation provides a step forward for the Bay Program, and will help steer it in the right direction. I would like to thank you and your cosponsors for your efforts on behalf of this legislation and on behalf of the Chesapeake Bay.

Very truly yours,

WILLIAM C. BAKER,
President.

CHESAPEAKE BAY LOCAL
GOVERNMENT ADVISORY COMMITTEE,
Easton, MD, April 7, 1997.

Hon. SENATOR PAUL SARBANES,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of the Maryland Delegation of the Chesapeake Bay Local Government Advisory Committee (LGAC), I would like to offer support for the Bill to amend section 117 of the Clean Water Act which specifies a financial commitment by the Federal Government to the Chesapeake Bay protection effort. Specifically, the Maryland Delegation is in strong support of the Small Watershed Grants Program component of the Bill. This Program holds much promise to augment the important efforts being made by local governments in restoring, protecting, and sustaining the health of the Chesapeake Bay and its tributaries.

Additionally, the Bill directly supports policies of the Chesapeake Executive Council. The Executive Council recently adopted

the Local Government Partnership Initiative and the Local Government Participation Action Plan. The aim of these policies is to broaden the efforts of local governments in restoring and protecting the Chesapeake Bay and its tributaries. The Action Plan includes a commitment to seek a small watershed grants program through reauthorization of the Clean Water Act.

Over 14.9 million people live within the jurisdiction of more than 1,650 local governments within the Chesapeake Bay watershed. Each local government has the statutory authority to manage land use, manage infrastructure, including sewage treatment facilities and stormwater, and take a leadership role in fostering a land stewardship ethic in its community. Supporting local governments' collective efforts to restore, protect and sustain the health of Chesapeake Bay is a critical element of the Bay effort.

The Chesapeake Bay is a regional and national treasure that local governments throughout the watershed cherish and value. The LGAC commends the leadership role you have taken in furthering the efforts being made to protect and sustain the health of the Chesapeake Bay and its tributaries.

Sincerely,

GARY G. ALLEN,
Vice Chair.

CHESAPEAKE BAY LOCAL
GOVERNMENT ADVISORY COMMITTEE,
Easton, MD, April 7, 1997.

Hon. SENATOR PAUL SARBANES,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of the Pennsylvania Delegation of the Chesapeake Bay Local Government Advisory Committee (LGAC), I would like to offer support for the Bill to amend section 117 of the Clean Water Act which specifies a financial commitment by the Federal Government to the Chesapeake Bay protection effort. Specifically, the Pennsylvania Delegation is in strong support of the Small Watershed Grants Program component of the Bill. This Program holds much promise to augment the important efforts being made by local governments in restoring, protecting, and sustaining the health of the Chesapeake Bay and its tributaries.

Additionally, the Bill directly supports policies of the Chesapeake Executive Council. The Executive Council recently adopted the Local Government Partnership Initiative and the Local Government Participation Action Plan. The aim of these policies is to broaden the efforts of local governments in restoring and protecting the Chesapeake Bay and its tributaries. The Action Plan includes a commitment to seek a small watershed grants program through reauthorization of the Clean Water Act.

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The Chesapeake Bay is a regional and nation treasure that local governments throughout the watershed cherish and value. The LGAC commends the leadership role you have taken in furthering the efforts being made to protect and sustain the health of the Chesapeake Bay and its tributaries.

Sincerely,

RUSSELL PETTYJOHN,
Chair.

CHESAPEAKE BAY LOCAL
GOVERNMENT ADVISORY COMMITTEE,
Easton, MD, April 7, 1997.

Hon. SENATOR PAUL SARBANES,
Washington, DC.

DEAR SENATOR SARBANES: On behalf of the Washington, D.C. Delegation of the Chesapeake Bay Local Government Advisory Committee (LGAC), I would like to offer support for the Bill to amend section 117 of the Clean Water Act which specifies a financial commitment by the Federal Government to the Chesapeake Bay protection effort. Specifically, the District of Columbia Delegation is in strong support of the Small Watershed Grants Program component of the Bill. This Program holds much promise to augment the important efforts being made by local governments in restoring, protecting, and sustaining the health of the Chesapeake Bay and its tributaries.

Additionally, the Bill directly supports policies of the Chesapeake Executive Council. The Executive Council recently adopted the Local Government Partnership Initiative and the Local Government Participation Action Plan. The aim of these policies is to broaden the efforts of local governments in restoring and protecting the Chesapeake Bay and its tributaries. The Action Plan includes a commitment to seek a small watershed grants program through reauthorization of the Clean Water Act.

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The Chesapeake Bay is a regional and national treasure that local governments throughout the watershed cherish and value. The LGAC commends the leadership role you have taken in furthering the efforts being made to protect and sustain the health of the Chesapeake Bay and its tributaries.

Sincerely,

WILLIAM RUMSEY, Jr.,
Vice-Chair.

By Mr. GREGG (for himself, Mr. ROTH, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. MURKOWSKI, Mr. FAIRCLOTH, Mr. SANTORUM, Mr. BOND, Ms. COLLINS, Mr. DEWINE, Mr. ROBERTS, Mr. CRAIG, Mr. NICKLES, Mr. MCCONNELL, Mr. KYL, Ms. SNOWE, Mr. MACK, Mr. HAGEL, and Mr. GRASSLEY):

S. 620. A bill to amend the Internal Revenue Code of 1986 to provide greater equity in savings opportunities for families with children, and for other purposes; to the Committee on Finance.

THE WOMEN'S INVESTMENT AND SAVINGS EQUITY ACT

Mr. GREGG. Mr. President, I rise to introduce important and unique legislation known as the Women's Investment and Savings Equity Act, or the WISE bill.

As chairman of the Republican Task Force on Retirement Security, I have worked with other task force members to explore various ways that the Federal Government might better facilitate adequate savings for retirement. I am extremely pleased that Majority Leader LOTT convened this task force, and asked me to lead it, because the problem of ensuring adequate retirement savings has been one in which I have become increasingly engaged. I am extremely pleased to have had the assistance and cooperation of all of the other Senators in the task force.

We are currently in the process of drafting a comprehensive package of legislation designed to increase retirement saving through a diverse variety of means. However, one of these legislative initiatives, the WISE bill, has struck us as being so important that it warrants separate introduction and action. I am very proud of this legislation, and I am gratified to see the rapid growth in support for it.

One thing has become ever more clear in the course of our work: this Nation must increase retirement saving—at every level—in order to meet retirement needs in the 21st century.

The problem for women is particularly severe. They live longer than men, and they have less saving. As a result, they are almost twice as likely as men to spend their retirement years in poverty.

If you wan to see a demonstration of why it is important that we permit greater saving by women in their own name, all that you must do is to review the poverty rates for widows and divorcees. Overall, elderly women have a poverty rate of 15.7 percent. For men, the level is 8.9 percent. Divorcees suffer poverty rates of 29.1 percent, widows 21.5 percent. For too many women, it is the case that they enter their elderly years, after devoting much of their lives to raising a family, only to find themselves alone and without sufficient means of financial support. That is not right.

Current law has an unequal impact on women because they are more likely to interrupt their periods of paid employment in order to raise children. When they finally do return to the work force, and when they finally may have surplus money for saving, the law places tight limits on what they can contribute towards their own retirement.

We shouldn't force women to choose between attentive parenting and saving for retirement. Women shouldn't be more likely to enter poverty in retirement simply because they have taken time out from work to raise a child.

Our legislation would do three things:

First, it would strengthen the homemaker IRA law. We would permit

homemakers—and other workers without a pension—to make deductible contributions to IRA, regardless of whether their spouse participates in a pension plan.

This is good for saving. It is also good for women; we shouldn't deprive homemakers of the opportunity to save on the basis of their spouse's participation in a pension plan. This is an idea that already has broad bipartisan support.

Second, we would permit catch-up contributions to 401(k) retirement plans—and other types of elective deferral plans—for parents who miss time from work for maternity or paternity leave.

Under current law, if an individual goes on unpaid leave from work for service in the National Guard or certain other military service, they may make "catch-up" contributions to their 401(k) or similar retirement plans for the time that they missed.

We would make similar "catch-up" contributions available to cover the employee portion of contributions that would have been made by parents had they not gone on parental leave. This is good savings policy, and good family policy.

Third, and this is the most creative aspect of the legislation: We would create higher contribution limits—in "catch-up years"—for parents who have returned to work after a long period of nonparticipation in a pension plan.

Consider a too-familiar story: A woman spends 15 years working at home, raising a family. Or—and let me stress that our provision applies in this case, too—maybe she works part-time, but she cannot contribute to a pension plan because she needs that money for day care. Either way, she spends a large amount of her life, unable to contribute to a pension plan.

If she returns to the workforce at age 45 or 50, and her children are "out of the nest," perhaps only then does she have surplus money to put into retirement savings. But current law is inflexible; she can't "catch-up" for the lost years. She is limited by a short number of working years, and tight annual limits on what she can contribute.

Our legislation would simply do the following: For every year that you are unable to participate in a pension plan, and during which you are caring for a dependent child, you may take that number of "catch-up" years when you return to plan participation.

During that catch-up year, you can make your normal allowed contribution to a 401(k) or similar plan, and you can make an additional contribution of equal size to "catch-up" for a missed year. You can do this for up to 18 years.

Working people have been telling us that they need some flexibility in being allowed to "catch-up" for missed opportunities to save. Not everyone has the money to save when they are 25. The problem is most severe for parents—for mothers. The least we can do is to make the law flexible enough to permit additional retirement contributions when they can afford it.

These issues are not abstractions. For too many women, this is how life works. Maybe they suddenly become widows, or they go through a divorce. And they have forever lost their opportunity to generate saving in their own name. We see the results in the comparatively large number of women in poverty.

This legislation would build additional flexibility into the law so that women—and all parents—are not penalized for making the choice to raise a child.

Current law assumes that you have the same opportunity to save in every year of your life. That is just not so. Families with children often find it very difficult to save money, and this legislation would give them a chance to catch up when they reach a point where they at last can save.

I believe this legislation is worthy of favorable consideration by the Senate. I also believe that prospects are good that we can pass at least a version of it. The chairman of the Finance Committee, Senator ROTH, has contributed his valuable support, as has the chairman of the Labor Committee, Senator JEFFORDS. With the support of the leadership, and the support of the appropriate committee chairmen, I believe there is a basis for optimism that such overdue reforms will be passed by the Senate.

Mr. ROTH. Mr. President, Today, I am proud to join the Republican pension task force chaired by Senator GREGG to introduce the Women's Investment and Savings Equity Act of 1997, known as the Wise bill. I want to commend Senator GREGG for his leadership of the Republican pension task force and his hard work in putting this bill together.

Of the 63 million baby boomers in America, a full 32 million of them are saving less than one-third of what they will need for retirement. This concerns me. It concerns me even further that the overwhelming majority of these Americans, unprepared for retirement, are women. According to the Census Bureau, retired women are almost twice as likely as men to live in poverty. The poverty rate for elderly single women is about four times greater than the rate for those who are married.

I consider the Wise bill one of the beginning steps toward creating an environment where Americans can work for self-reliance and a secure future. It will go a long way toward establishing equity in the Tax Code for stay-at-home parents who want to save for their retirement years. And while it's called the women's investment and savings equity bill—because the majority of those who will benefit are women—it covers both mothers and fathers, whichever serves as homemaker.

The Wise bill of 1997 will allow homemakers and other workers without a pension plan to make a full $2,000 tax-deductible IRA contribution each year, regardless of their spouse's pension plan. In addition, parents who take maternity or paternity leave will be allowed to make catch-up payments to their retirement plans after they return to work. Even homemakers who return to employment after an extended absence, and working parents who cannot afford pension contributions while raising children, will be able to catch-up for the years they were raising children.

This bill is an important first step of a larger retirement savings and security expansion bill by the Republican pension task force. It will give families the tools for a secure retirement.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. HATCH, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 65, a bill to amend the Internal Revenue Code of 1986 to ensure that members of tax- exempt organizations are notified of the portion of their dues used for political and lobbying activities, and for other purposes.

S. 293

At the request of Mr. HATCH, the names of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. WYDEN], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 295

At the request of Mr. JEFFORDS, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 295, a bill to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

S. 304

At the request of Mr. DORGAN, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 304, a bill to clarify Federal law with respect to assisted suicide, and for other purposes.

S. 328

At the request of Mr. HUTCHINSON, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 328, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 387

At the request of Mr. HATCH, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 405

At the request of Mr. HATCH, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to allow greater opportunity to elect the alternative incremental credit.

S. 415

At the request of Mr. BAUCUS, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 415, a bill to amend the medicare program under title XVIII of the Social Security Act to improve rural health services, and for other purposes.

S. 419

At the request of Mr. BOND, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 438

At the request of Mr. GRASSLEY, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Arkansas [Mr. HUTCHINSON], and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 438, a bill to provide for implementation of prohibitions against payment of social security benefits to prisoners, and for other purposes.

S. 495

At the request of Mr. KYL, the names of the Senator from Missouri [Mr. ASHCROFT], the Senator from Michigan [Mr. ABRAHAM], and the Senator from Kansas [Mr. BROWNBACK] were added as cosponsors of S. 495, a bill to provide criminal and civil penalties for the unlawful acquisition, transfer, or use of any chemical weapon or biological weapon, and to reduce the threat of acts of terrorism or armed aggression involving the use of any such weapon against the United States, its citizens, or Armed Forces, or those of any allied country, and for other purposes.

S. 575

At the request of Mr. DURBIN, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 575, A bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals.

At the request of Mr. HAGEL, the names of the Senator from Wyoming [Mr. ENZI], the Senator from Kansas [Mr. BROWNBACK], the Senator from Arkansas [Mr. HUTCHINSON], and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 575, supra.

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the names of the Senator from New Jersey [Mr. TORRICELLI], the Senator from Nevada [Mr. REID], the Senator from Georgia [Mr. CLELAND], and the Senator from Florida [Mr. MACK] were added as cosponsors of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 13

At the request of Mr. SESSIONS, the names of the Senator from Mississippi [Mr. LOTT], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Concurrent Resolution 13, A concurrent resolution expressing the sense of Congress regarding the display of the Ten Commandments by Judge Roy S. Moore, a judge on the circuit court of the State of Alabama.

SENATE CONCURRENT RESOLUTION 22—RELATIVE TO THE STATUE OF ROGER WILLIAMS

Mr. CHAFEE (for himself and Mr. REED) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 22

Whereas Roger Williams was the primary architect of the lively experiment of church-state separation as the necessary corollary of religious liberty;

Whereas Roger Williams was an ardent advocate of the legal rights of Native Americans, maintained a close friendship with them and purchased land from them;

Whereas Roger Williams may also be seen as the first European environmentalist on this continent; and

Whereas Roger Williams was the founder of the first Baptist church in America and the founder of the first Baptist denomination in this hemisphere: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the statue of Roger Williams shall be returned to the United States Capitol Rotunda at the conclusion of the temporary display of the Suffragists Portrait Monument.

Mr. CHAFEE. Mr. President, this weekend while we are away from the Capitol, an unusual event will occur here. Areas in the Capitol rotunda and the small rotunda, which are ordinarily open to the public, will be closed to visitors, as will the passageway to the majority leader's office. And starting tomorrow, temporary structures will be constructed in these areas. Under the able supervision of the Architect of the Capitol's office, steps are underway to move the statue of Roger Williams, which stands in the rotunda, to the second floor hallway outside of the majority leader's office.

In February, Senator WARNER, chairman of the Committee on Rules and Administration, notified me that the statue of Roger Williams would be moved from the rotunda in order to accommodate the so-called portrait monument of Elizabeth Cady Stanton, Susan B. Anthony, and Lucretia Mott in accordance with a concurrent resolution approved by both houses during the last Congress. While I have no objection to moving the portrait monument to the rotunda, I was disappointed to learn that it would result in the dislocation of the statue of Roger Williams. Senator WARNER assured me that the Roger Williams statue would receive an excellent new location and that none of the alternatives—namely in the rotunda—were available.

Senator WARNER certainly kept his word. The new location is very satisfactory. The statue will stand in the second floor hallway between the Senate Chamber and the rotunda, on the way to the majority leader's office. It is a bright and sunny space with windows looking out beyond the West Front of the Capitol to the Washington Monument. The statue of Roger Williams will be in good company, too. Other statues in this area depict Maria L. Sanford, a 19th century Minnesota teacher known as the best loved woman of the North Star State; Edward Douglas White of Louisiana, who served as Chief Justice of the U.S. Supreme Court; John Hanson, who was among the strongest colonial advocates for independence and who served as President of the United States in Congress Assembled under the Articles of Confederation from 1781 to 1782; representing Kentucky is a statue of Ephraim McDowell who was an eminent surgeon and founder of Centre College in Danville, KY; William Edgar Borah, a former chairman of the Senate Foreign Relations Committee who is best remembered for his integrity, his skills as an orator, and his bipartisanship, and finally; John Middleton Clayton who served in the Delaware State Legislature, the U.S Senate, as chief justice of the Delaware Supreme Court, and as Secretary of State.

I would like to commend the Architect of the Capitol, Alan Hantman, and his staff, most notably Roberto Miranda, Satish Gupta, and Ralph Atkins, for their extraordinary efforts to protect the statue of Roger Williams as it is transported to its new perch overlooking the National Mall. To ensure the safety of the statue which is quite delicate, it was wrapped in numerous layers of protective materials. First it was completely covered in plastic wrap. Then, it was wrapped in several layers of aluminum foil which was secured with duct tape. Next, it was covered with paraffin wax and a quarter of an inch of latex rubber was applied. All of this was bundled in burlap and a second layer of latex was applied. It was then completely covered with plaster, and tomorrow all of this will be encased in fiberglass. The actual move is

expected to occur on Saturday, and on Sunday, after the statue is replaced on its base and precisely positioned in the hallway, all of these layers of covering will be removed with the same kind of instrument orthopedic surgeons use to remove casts from patients. I have every confidence in the Architect's office and the office of the Curator that the job of relocating the Roger Williams statue will be skillfully completed.

As satisfied as I am with all of this, Mr. President, I am submitting a concurrent resolution to return this statue of Roger Williams to the rotunda when the portrait monument is removed. I do this because I believe that the millions of girls and boys, men and women, from all parts of the United States and of the world, should be reminded of the principles for which Roger Williams is known.

Roger Williams was born in England around 1603 to James and Alice Williams. He grew up in a section of London in which religious dissenters were burned at the stake. Through his personal ingenuity, he gained notice by Sir Edward Coke, who helped young Roger attend school. Later he was able to attend Pembroke Hall in Cambridge University. He was ordained by the Church of England and made chaplain at a manor house in Essex. It was there that he met and married his wife, Mary Barnard.

By 1629, Roger Williams had accepted many of the views of the Puritans and 1 year later, he and Mary left England aboard the *Lyon* to start a new life in New England.

He refused to join the congregation at Boston because of its close ties to the Church of England, and instead, became minister at Salem. The bad blood between Roger Williams and the Boston magistrates led to his departure from Salem. He moved to Plymouth where he joined the Separatist Pilgrims. He remained in Plymouth for 2 years, and eventually became assistant pastor. It was during his time in Plymouth that Roger Williams first became acquainted with and interested in native Americans.

Eventually he returned to Boston where he found himself again embroiled in controversy, this time because he questioned the validity of the Massachusetts Bay Colony's Charter. Roger Williams pointed out that the King of England had no authority to grant a charter giving away lands that were owned by the native Americans. Of course, this was virtual heresy, and Roger Williams, once again, was banished.

You can see that Roger Williams was way ahead of his time with his concern for native Americans and that they be paid fairly for their land. Because of this, once again he was banished.

Leaving his wife and baby daughter behind, he journeyed for 14 weeks through the winter harshness to seek refuge with his native American friends in Narragansett County. In the spring, he was joined by others, but soon this small group of dissenters was forced to uproot themselves again because they were still within the boundaries of the Massachusetts Bay Colony. They traveled across the Seekonk River, landed at Slate Rock on the west side of the Seekonk River and, in gratefulness for the goodness of God to him, he named the area where he was "Providence," and therefrom came the name of Providence. Subsequently, of course, it was the capital of the State of Rhode Island.

Roger Williams and his followers purchased land from Canonicus and Miantonomi, the chief sachems of the Narragansett Tribe, and in 1636, founded a new colony devoted to religious freedom and tolerance, the first time in the history of the world that there had been anything like this.

No one was turned away or banished because of his or her religious beliefs. Roger Williams embraced people of all faiths. In fact, the first synagogue in the New World was built in Newport, RI, and, after joining the Baptist faith, Roger Williams built the first Baptist Church in the New World. Both of these historic and religious landmarks still stand today and are completely operational, a living tribute to Roger Williams.

Roger Williams was banished time and again for having the courage of his convictions. He believed that every individual should be free to practice whatever faith he chose, a view that today is as integral to our national consciousness as is freedom of expression. He believed in the separation of church and state. And he believed in protecting the rights of those who first inhabited this beautiful land, the native Americans. This weekend, he will be banished once more from the pantheon of leaders with whom he certainly deserves to stand.

Mr. President, I believe it is only fair for this statue of Roger Williams—in this symbol here you see the picture on the stamp that was issued depicting his settlement in the State of Rhode Island in 1636.

I believe it only fair for this statue of Roger Williams, his symbol of tolerance, be returned to the Capitol Rotunda. This provision in the concurrent resolution says—the suggestion is that the statue of the women, the so-called monument, will only be there for a temporary period. Indeed, the resolution says that at the conclusion of the temporary display of the suffragettes—how long the temporary period is we are not sure. We are not against the statue of the suffragettes at all. But when that is moved, we ask that the statue of Roger Williams go back into the Rotunda.

As I say, I have no desire to hasten the removal of the portrait monument. But at the appropriate time, I and my colleagues believe that the Roger Williams statue should be returned.

So I send the concurrent resolution to the desk, and ask that it be referred to the appropriate committee.

I thank the Chair.

Mr. REED. Mr. President, I rise this evening to join my colleague, Senator CHAFEE, in support of his resolution to return a statue of Roger Williams to the Capitol rotunda, and also to commend Senator CHAFEE for his excellent statement. He has described in detail the central role that Roger Williams has played not only in the life of Rhode Island, but in the life of this Nation.

His displacement from the rotunda will not be the first time he was banished. In 1635 he was banished from his first home because he advocated at that time the revolutionary idea that there should be a separation between church and state, that individuals should have freedom of conscience, that individuals should be able to worship the god of their choice, and that the system of government should respect that choice.

In a sense he began the intellectual revolution that would culminate years later in the revolution against Great Britain that would lead to our Declaration of Independence and to the Constitution of the United States, because he emphasized in his quest for the rights of conscience that element of individuality which is so much a part of America.

Roger Williams was a central figure not only in the history of Rhode Island but in the history of this country, and we recognize that by giving him a place of honor and distinction in the rotunda of the Capitol.

Like Senator CHAFEE, I do not object at all to the display of the suffragettes statute. That is once again a recognition of individual Americans who showed us the way, who advocated for the right of people. In fact, their behavior was in some way directly or indirectly inspired by the tradition established by Roger Williams in the 1600's.

I also respect the deliberations of Senator WARNER to find a location which would be appropriate for Roger Williams. But my feeling, as well as my colleague's feeling, is that he is of such a historical character, not just to Rhode Island but to the Nation, that he well deserves a place in the rotunda of the Capitol of the United States.

When Roger Williams came to Rhode Island he created not just a State, but an attitude, an idea, that men and women could worship as they saw fit. He inspired the development of the first Baptist church in America which stands today in Providence. That spirit of tolerance, a respect for individuality, of respect for the dignity of the individual to choose, became a beacon for people around the world to come to

Rhode Island. As Senator CHAFEE indicated, the first Jewish synagogue in North America was established in Newport and stands today as a symbol of Roger Williams' legacy, of our commitment to tolerance, and the right and dignity of the individual.

Such accomplishments, which go to the very fiber and the spirit of America, must be recognized, and, in fact, I feel should be appropriately recognized by the display of the Roger Williams statue in the rotunda of the Capitol.

When Roger Williams established Rhode Island, he said he was going to begin a lively experiment, and he has. That lively experiment has spun through the ages the creation of our Government; the very debate that we have here today. His legacy is monumental. His monument should be in the rotunda.

I am proud to join my colleague from Rhode Island to cosponsor this resolution and to urge, along with him, that at the first appropriate moment the statue of Roger Williams should be returned to the rotunda, that its temporary banishment from the rotunda be ended, and that scores of Americans in this generation and generations to come can recognize his accomplishments, can recognize his particular contributions to America and, in recognizing those contributions, can continue to reaffirm the spirit of religious freedom, of tolerance, and of individual dignity which he represents so magnificently. I am proud to be associated with my senior colleague and hope that this Senate will move quickly to support the return of Roger Williams to the rotunda.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, our good friends and colleagues from Rhode Island make a very important statement about one of our very significant, historic leaders. But we in Massachusetts take some credit because Roger Williams really originated in Massachusetts before going to Rhode Island.

As a Senator from Massachusetts, I want to say that all of us in Massachusetts hope that our two friends and colleagues are going to be successful because we, too, hold this very important and significant historical figure in very high regard.

SENATE EXECUTIVE RESOLUTION 75—RELATIVE TO THE CHEMICAL WEAPONS CONVENTION

Mr. HELMS submitted the following executive resolution; which was referred to the Committee on Foreign Relations:

S. Exec. Res. 75

Resolved (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS.

The Senate advises and consents to the ratification of the Chemical Weapons Convention (as defined in section 3 of this resolution), subject to the conditions in section 2.

SEC. 2. CONDITIONS.

The Senate's advice and consent to the ratification of the Chemical Weapons Convention is subject to the following conditions, which shall be binding upon the President:

(1) EFFECT OF ARTICLE XXII.—Upon the deposit of the United State instrument of ratification, the President shall certify to the Congress that the United States has informed all other States Parties to the Convention that the Senate reserves the right, pursuant to the Constitution of the United States, to give its advice and consent to ratification of the Convention subject to reservations, notwithstanding Article XXII of the Convention.

(2) FINANCIAL CONTRIBUTIONS.—Notwithstanding any provision of the Convention, no funds may be drawn from the Treasury of the United States for payments or assistance (including the transfer of in-kind items) under paragraph 16 of Article IV, paragraph 19 of Article V, paragraph 7 of Article VIII, paragraph 23 of Article IX, Article X, or any other provision of the Convention, without statutory authorization and appropriation.

(3) ESTABLISHMENT OF AN INTERNAL OVERSIGHT OFFICE.—

(A) CERTIFICATION.—Not later than 240 days after the deposit of the United States instrument of ratification, the President shall certify to the Congress that the current internal audit office of the Preparatory Commission has been expanded into an independent internal oversight office whose functions will be transferred to the Organization for the Prohibition of Chemical Weapons upon the establishment of the Organization. The independent internal oversight office shall be obligated to protect confidential information pursuant to the obligations of the Confidentiality Annex. The independent internal oversight office shall—

(i) make investigations and reports relating to all programs of the Organization;

(ii) undertake both management and financial audits, including—

(I) an annual assessment verifying that classified and confidential information is stored and handled securely pursuant to the general obligations set forth in Article VIII and in accordance with all provisions of the Annex on the Protection of Confidential Information; and

(II) an annual assessment of laboratories established pursuant to paragraph 55 of Part II of the Verification Annex to ensure that the Director General of the Technical Secretariat is carrying out his functions pursuant to paragraph 56 of Part II of the Verification Annex;

(iii) undertake performance evaluations annually to ensure the Organization has complied to the extent practicable with the recommendations of the independent internal oversight office;

(iv) have access to all records relating to the programs and operations of the Organization;

(v) have direct and prompt access to any official of the Organization; and

(vi) be required to protect the identity of, and prevent reprisals against, all complainants.

(B) COMPLIANCE WITH RECOMMENDATIONS.—The Organization shall ensure, to the extent practicable, compliance with recommendations of the independent internal oversight office, and shall ensure that annual and other relevant reports by the independent internal oversight office are made available to all member states pursuant to the requirements established in the Confidentiality Annex.

(C) WITHHOLDING A PORTION OF CONTRIBUTIONS.—Until a certification is made under subparagraph (A), 50 percent of the amount of United States contributions to the regular budget of the Organization assessed pursuant to paragraph 7 of Article VIII shall be withheld from disbursement, in addition to any other amounts required to be withheld from disbursement by any other provision of law.

(D) ASSESSMENT OF FIRST YEAR CONTRIBUTIONS.—Notwithstanding the requirements of this paragraph, for the first year of the Organization's operation, ending on April 29, 1998, the United States shall make its full contribution to the regular budget of the Organization assessed pursuant to paragraph 7 of Article VIII.

(E) DEFINITION.—For purposes of this paragraph, the term "internal oversight office" means the head of an independent office (or other independent entity) established by the Organization to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the Organization.

(4) COST SHARING ARRANGEMENTS.—

(A) ANNUAL REPORTS.—Prior to the deposit of the United States instrument of ratification, and annually thereafter, the President shall submit a report to Congress identifying all cost-sharing arrangements with the Organization.

(B) COST-SHARING ARRANGEMENT REQUIRED.—The United States shall not undertake any new research or development expenditures for the primary purpose of refining or improving the Organization's regime for verification of compliance under the Convention, including the training of inspectors and the provision of detection equipment and on-site analysis sampling and analysis techniques, or share the articles, items, or services resulting from any research and development undertaken previously, without first having concluded and submitted to the Congress a cost-sharing arrangement with the Organization.

(C) CONSTRUCTION.—Nothing in this paragraph may be construed as limiting or constricting in any way the ability of the United States to pursue unilaterally any project undertaken solely to increase the capability of the United States means for monitoring compliance with the Convention.

(5) INTELLIGENCE SHARING AND SAFEGUARDS.—

(A) PROVISION OF INTELLIGENCE INFORMATION TO THE ORGANIZATION.—

(i) IN GENERAL.—No United States intelligence information may be provided to the Organization or any organization affiliated with the Organization, or to any official or employee thereof, unless the President certifies to the appropriate committees of Congress that the Director of Central Intelligence, in consultation with the Secretary of State and the Secretary of Defense, has established and implemented procedures, and has worked with the Organization to ensure implementation of procedures, for protecting from unauthorized disclosure United States intelligence sources and methods connected to such information. These procedures shall include the requirement of—

(I) the offer and provision of advice and assistance to the Organization in establishing

and maintaining the necessary measures to ensure that inspectors and other staff members of the Technical Secretariat meet the highest standards of efficiency, competence, and integrity, pursuant to paragraph 1(b) of the Confidentiality Annex, and in establishing and maintaining a stringent regime governing the handling of confidential information by the Technical Secretariat, pursuant to paragraph 2 of the Confidentiality Annex;

(II) a determination that any unauthorized disclosure of United States intelligence information to be provided to the Organization or any organization affiliated with the Organization, or any official or employee thereof, would result in no more than minimal damage to United States national security, in light of the risks of the unauthorized disclosure of such information;

(III) sanitization of intelligence information that is to be provided to the Organization to remove all information that could betray intelligence sources and methods; and

(IV) interagency United States intelligence community approval for any release of intelligence information to the Organization, no matter how thoroughly it has been sanitized.

(ii) WAIVER AUTHORITY.—

(I) IN GENERAL.—The Director of Central Intelligence may waive the application of clause (i) if the Director of Central Intelligence certifies in writing to the appropriate committees of Congress that providing such information to the Organization or an organization affiliated with the Organization, or to any official or employee thereof, is in the vital national security interests of the United States and that all possible measures to protect such information have been taken, except that such waiver must be made for each instance such information is provided, or for each such document provided. In the event that multiple waivers are issued within a single week, a single certification to the appropriate committees of Congress may be submitted, specifying each waiver issued during that week.

(II) DELEGATION OF DUTIES.—The Director of Central Intelligence may not delegate any duty of the Director under this paragraph.

(B) PERIODIC AND SPECIAL REPORTS.—

(i) IN GENERAL.—The President shall report periodically, but not less frequently than semiannually, to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on the types and volume of intelligence information provided to the Organization or affiliated organizations and the purposes for which it was provided during the period covered by the report.

(ii) EXEMPTION.—For purposes of this subparagraph, intelligence information provided to the Organization or affiliated organizations does not cover information that is provided only to, and only for the use of, appropriately cleared United States Government personnel serving with the Organization or an affiliated organization.

(C) SPECIAL REPORTS.—

(i) REPORT ON PROCEDURES.—Accompanying the certification provided pursuant to subparagraph (A)(i), the President shall provide a detailed report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives identifying the procedures established for protecting intelligence sources and methods when intelligence information is provided pursuant to this section.

(ii) REPORTS ON UNAUTHORIZED DISCLOSURES.—The President shall submit a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives within 15 days after it has become known to the United States Government regarding any unauthorized disclosure of intelligence provided by the United States to the Organization.

(D) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under this section.

(E) RELATIONSHIP TO EXISTING LAW.—Nothing in this paragraph may be construed to—

(i) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)); or

(ii) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(F) DEFINITIONS.—In this section:

(i) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

(ii) ORGANIZATION.—The term "Organization" means the Organization for the Prohibition of Chemical Weapons established under the Convention and includes any organ of that Organization and any board or working group, such as the Scientific Advisory Board, that may be established by it.

(iii) ORGANIZATION AFFILIATED WITH THE ORGANIZATION.—The terms "organization affiliated with the Organization" and "affiliated organizations" include the Provisional Technical Secretariat under the Convention and any laboratory certified by the Director-General of the Technical Secretariat as designated to perform analytical or other functions.

(6) AMENDMENTS TO THE CONVENTION.—

(A) VOTING REPRESENTATION OF THE UNITED STATES.—A United States representative will be present at all Amendment Conferences and will cast a vote, either affirmative or negative, on all proposed amendments made at such conferences.

(B) SUBMISSION OF AMENDMENTS AS TREATIES.—The President shall submit to the Senate for its advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States any amendment to the Convention adopted by an Amendment Conference.

(7) CONTINUING VITALITY OF THE AUSTRALIA GROUP AND NATIONAL EXPORT CONTROLS.—

(A) DECLARATION.—The Senate declares that the collapse of the informal forum of states known as the "Australia Group," either through changes in membership or lack of compliance with common export controls, or the substantial weakening of common Australia Group export controls and nonproliferation measures in force on the date of United States ratification of the Convention, would constitute a fundamental change in circumstances to United States ratification of the Convention.

(B) CERTIFICATION REQUIREMENT.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(i) nothing in the Convention obligates the United States to accept any modification, change in scope, or weakening of its national export controls;

(ii) the United States understands that the maintenance of national restrictions on trade in chemicals and chemical production technology is fully compatible with the provisions of the Convention, including Article XI(2), and solely within the sovereign jurisdiction of the United States;

(iii) the Convention preserves the right of State Parties, unilaterally or collectively, to maintain or impose export controls on chemicals and related chemical production technology for foreign policy or national security reasons, notwithstanding Article XI(2); and

(iv) each Australia Group member, at the highest diplomatic levels, has officially communicated to the United States Government its understanding and agreement that export control and nonproliferation measures which the Australia Group has undertaken are fully compatible with the provisions of the Convention, including Article XI(2), and its commitment to maintain in the future such export controls and nonproliferation measures against non-Australia Group members.

(C) ANNUAL CERTIFICATION.—

(i) EFFECTIVENESS OF AUSTRALIA GROUP.—The President shall certify to Congress on an annual basis that—

(I) Australia Group members continue to maintain an equally effective or more comprehensive control over the export of toxic chemicals and their precursors, dual-use processing equipment, human, animal and plant pathogens and toxins with potential biological weapons application, and dual-use biological equipment, as that afforded by the Australia Group as of the date of ratification of the Convention by the United States; and

(II) the Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials and technology, and that the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of the date of ratification of the Convention by the United States.

(ii) CONSULTATION WITH SENATE REQUIRED.—In the event that the President is, at any time, unable to make the certifications described in clause (i), the President shall consult with the Senate for the purposes of obtaining a resolution of continued adherence to the Convention, notwithstanding the fundamental change in circumstance.

(D) PERIODIC CONSULTATION WITH CONGRESSIONAL COMMITTEES.—The President shall consult periodically, but not less frequently than twice a year, with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, on Australia Group export control and nonproliferation measures. If any Australia Group member adopts a position at variance with the certifications and understandings provided under subparagraph (B), or should seek to gain Australia Group acquiescence or approval for an interpretation that various provisions of the Convention require it to remove chemical-weapons related export controls against any State Party to the Convention, the President shall block any effort by that Australia Group member to secure Australia Group approval of such a position or interpretation.

(E) DEFINITIONS.—In this paragraph:

(i) AUSTRALIA GROUP.—The term "Australia Group" means the informal forum of states, chaired by Australia, whose goal is to

discourage and impede chemical and biological weapons proliferation by harmonizing national export controls chemical weapons precursor chemicals, biological weapons pathogens, and dual-use production equipment, and through other measures.

(ii) HIGHEST DIPLOMATIC LEVELS.—The term "highest diplomatic levels" means at the levels of senior officials with the power to authoritatively represent their governments, and does not include diplomatic representatives of those governments to the United States.

(8) NEGATIVE SECURITY ASSURANCES.—

(A) REEVALUATION.—In forswearing under the Convention the possession of a chemical weapons retaliatory capability, the Senate understands that deterrence of attack by chemical weapons requires a reevaluation of the negative security assurances extended to non-nuclear-weapon states.

(B) CLASSIFIED REPORT.—Accordingly, 180 days after the deposit of the United States instrument of ratification, the President shall submit to the Congress a classified report setting forth the findings of a detailed review of United States policy on negative security assurances, including a determination of the appropriate responses to the use of chemical or biological weapons against the Armed Forces of the United States, United States citizens, allies, and third parties.

(9) PROTECTION OF ADVANCED BIOTECHNOLOGY.—Prior to the deposit of the United States instrument of ratification, and on January 1 of every year thereafter, the President shall certify to the Committee on Foreign Relations and the Speaker of the House of Representatives that the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms in the United States are not being significantly harmed by the limitations of the Convention on access to, and production of, those chemicals and toxins listed in Schedule 1 of the Annex on Chemicals.

(10) MONITORING AND VERIFICATION OF COMPLIANCE.—

(A) DECLARATION.—The Senate declares that—

(i) the Convention is in the interests of the United States only if all State Parties are in strict compliance with the terms of the Convention as submitted 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 all State Parties to be in strict compliance with their obligations under the terms of the Convention, as submitted to the Senate for its advice and consent to ratification;

(B) BRIEFINGS ON COMPLIANCE.—Given its concern about the intelligence community's low level of confidence in its ability to monitor compliance with the Convention, the Senate expects the executive branch of the Government to offer regular briefings, not less than four times a year, to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on compliance issues related to the Convention. Such briefings shall include a description of all United States efforts in bilateral and multilateral diplomatic channels and forums to resolve compliance issues and shall include a complete description of—

(i) any compliance issues the United States plans to raise at meetings of the Organization, in advance of such meetings;

(ii) any compliance issues raised at meetings of the Organization, within 30 days of such meeting;

(iii) any determination by the President that a State Party is in noncompliance with or is otherwise acting in a manner inconsistent with the object or purpose of the Convention, within 30 days of such a determination.

(C) ANNUAL REPORTS ON COMPLIANCE.—The President shall submit on January 1 of each year to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a full and complete classified and unclassified report setting forth—

(i) a certification of those countries included in the Intelligence Community's Monitoring Strategy, as set forth by the Director of Central Intelligence's Arms Control Staff and the National Intelligence Council (or any successor document setting forth intelligence priorities in the field of the proliferation of weapons of mass destruction) that are determined to be in compliance with the Convention, on a country-by-country basis;

(ii) for those countries not certified pursuant to clause (i), an identification and assessment of all compliance issues arising with regard to the adherence of the country to its obligation under the Convention;

(iii) the steps the United States has taken, either unilaterally or in conjunction with another State Party—

(I) to initiate challenge inspections of the noncompliant party with the objective of demonstrating to the international community the act of noncompliance;

(II) to call attention publicly to the activity in question; and

(III) to 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;

(iv) a determination of the military significance and broader security risks arising from any compliance issue identified pursuant to clause (ii); and

(v) a detailed assessment of the responses of the noncompliant party in question to action undertaken by the United States described in clause (iii).

(D) COUNTRIES PREVIOUSLY INCLUDED IN COMPLIANCE REPORTS.—For any country that was previously included in a report submitted under subparagraph (C), but which subsequently is not included in the Intelligence Community's Monitoring Strategy (or successor document), such country shall continue to be included in the report submitted under subparagraph (C) unless the country has been certified under subparagraph (C)(i) for each of the previous two years.

(E) FORM OF CERTIFICATIONS.—For those countries that have been publicly and officially identified by a representative of the intelligence community as possessing or seeking to develop chemical weapons, the certification described in subparagraph (C)(i) shall in be unclassified form.

(F) ANNUAL REPORTS ON INTELLIGENCE.—On January 1, 1998, and annually thereafter, the Director of Central Intelligence shall submit to the Committees on Foreign Relations, Armed Services, and the Select Committee on Intelligence of the Senate and to the Committees on International Relations, National Security, and Permanent Select Committee of the House of Representatives, a full and complete classified and unclassified report regarding—

(i) the status of chemical weapons development, production, stockpiling, and use, within the meanings of those terms under the Convention, on a country-by-country basis;

(ii) any information made available to the United States Government concerning the development, production, acquisition, stockpiling, retention, use, or direct or indirect transfer of novel agents, including any unitary or binary chemical weapon comprised of chemical components not identified on the schedules of the Annex on Chemicals, on a country-by-country basis;

(iii) the extent of trade in chemicals potentially relevant to chemical weapons programs, including all Australia Group chemicals and chemicals identified on the schedules of the Annex on Chemicals, on a country-by-country basis;

(iv) the monitoring responsibilities, practices, and strategies of the intelligence community (as defined in section 3(4) of the National Security Act of 1947) and a determination of the level of confidence of the intelligence community with respect to each specific monitoring task undertaken, including an assessment by the intelligence community of the national aggregate data provided by State Parties to the Organization, on a country-by-country basis;

(v) an identification of how United States national intelligence means, including national technical means and human intelligence, is being marshaled together with the Convention's verification provisions to monitor compliance with the Convention; and

(vi) the identification of chemical weapons development, production, stockpiling, or use, within the meanings of those terms under the Convention, by subnational groups, including terrorist and paramilitary organizations.

(G) REPORTS ON RESOURCES FOR MONITORING.—Each report required under subparagraph (F) shall include a full and complete classified annex submitted solely to the Select Committee on Intelligence of the Senate and to the Permanent Select Committee of the House of Representatives regarding—

(i) a detailed and specific identification of all United States resources devoted to monitoring the Convention, including information on all expenditures associated with the monitoring of the Convention; and

(ii) an identification of the priorities of the executive branch of Government for the development of new resources relating to detection and monitoring capabilities with respect to chemical and biological weapons, including a description of the steps being taken and resources being devoted to strengthening United States monitoring capabilities.

(11) ENHANCEMENTS TO ROBUST CHEMICAL AND BIOLOGICAL DEFENSES.—

(A) SENSE OF THE SENATE.—It is the sense of the Senate that—

(i) chemical and biological threats to deployed United States Armed Forces will continue to grow in regions of concern around the world, and pose serious threats to United States power projection and forward deployment strategies;

(ii) chemical weapons or biological weapons use is a potential element of future conflicts in regions of concern;

(iii) it is essential for the United States and key regional allies to preserve and further develop robust chemical and biological defenses;

(iv) the United States Armed Forces are inadequately equipped, organized, trained and exercised for chemical and biological defense against current and expected threats, and that too much reliance is placed on non-active duty forces, which receive less training

and less modern equipment, for critical chemical and biological defense capabilities;

(v) the lack of readiness stems from a de-emphasis of chemical and biological defenses within the executive branch of Government and the United States Armed Forces;

(vi) the armed forces of key regional allies and likely coalition partners, as well as civilians necessary to support United States military operations, are inadequately prepared and equipped to carry out essential missions in chemically and biologically contaminated environments;

(vii) congressional direction contained in the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201) should lead to enhanced domestic preparedness to protect against chemical and biological weapons threats; and

(viii) the United States Armed Forces should place increased emphasis on potential threats to forces deployed abroad and, in particular, make countering chemical and biological weapons use an organizing principle for United States defense strategy and development of force structure, doctrine, planning, training, and exercising policies of the United States Armed Forces.

(B) ACTIONS TO STRENGTHEN DEFENSE CAPABILITIES.—The Secretary of Defense shall take those actions necessary to ensure that the United States Armed Forces are capable of carrying out required military missions in United States regional contingency plans, despite the threat or use of chemical or biological weapons. In particular, the Secretary of Defense shall ensure that the United States Armed Forces are effectively equipped, organized, trained, and exercised (including at the large unit and theater level) to conduct operations in a chemically or biologically contaminated environment that are critical to the success of the United States military plans in regional conflicts, including—

(i) deployment, logistics, and reinforcement operations at key ports and airfields;

(ii) sustained combat aircraft sortie generation at critical regional airbases; and

(iii) ground force maneuvers of large units and divisions.

(C) DISCUSSIONS WITH REGIONAL ALLIES AND LIKELY COALITION PARTNERS.—

(i) IN GENERAL.—The Secretaries of Defense and State shall, as a priority matter, initiate discussions with key regional allies and likely regional coalition partners, including those countries where the United States currently deploys forces, where United States forces would likely operate during regional conflicts, or which would provide civilians necessary to support United States military operations, to determine what steps are necessary to ensure that allied and coalition forces and other critical civilians are adequately equipped and prepared to operate in chemically and biologically contaminated environments.

(ii) REPORTING REQUIREMENT.—Not later than one year after deposit of the United States instrument of ratification, the Secretaries of Defense and State shall submit a report to the Committees on Foreign Relations and Armed Services of the Senate and to the Speaker of the House on the result of these discussions, plans for future discussions, measures agreed to improve the preparedness of foreign forces and civilians, and proposals for increased military assistance, including through the Foreign Military Sales, Foreign Military Financing, and the International Military Education and Training programs pursuant to the Foreign Assistance Act of 1961.

(D) UNITED STATES ARMY CHEMICAL SCHOOL.—The Secretary of Defense shall take those actions necessary to ensure that the United States Army Chemical School remains under the oversight of a general officer of the United States Army.

(E) SENSE OF THE SENATE.—Given its concerns about the present state of chemical and biological defense readiness and training, it is the sense of the Senate that—

(i) in the transfer, consolidation, and reorganization of the United States Army Chemical School, the Army should not disrupt or diminish the training and readiness of the United States Armed Forces to fight in a chemical-biological warfare environment;

(ii) the Army should continue to operate the Chemical Defense Training Facility at Fort McClellan until such time as the replacement training facility at Fort Leonard Wood is functional.

(F) ANNUAL REPORTS ON CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE ACTIVITIES.—On January 1, 1998, and annually thereafter, the President shall submit a report to the Committees on Foreign Relations, Appropriations, and Armed Services of the Senate and the Committee on International Relations, National Security, and Appropriations of the House of Representatives, and Speaker of the House on previous, current, and planned chemical and biological weapons defense activities. The report shall contain for the previous fiscal year and for the next three fiscal years—

(i) proposed solutions to each of the deficiencies in chemical and biological warfare defenses identified in the March 1996 report of the General Accounting Office entitled "Chemical and Biological Defense: Emphasis Remains Insufficient to Resolve Continuing Problems", and steps being taken pursuant to subparagraph (B) to ensure that the United States Armed Forces are capable of conducting required military operations to ensure the success of United States regional contingency plans despite the threat or use of chemical or biological weapons;

(ii) identification of the priorities of the executive branch of Government in the development of both active and passive chemical and biological defenses;

(iii) a detailed summary of all budget activities associated with the research, development, testing, and evaluation of chemical and biological defense programs;

(iv) a detailed summary of expenditures on research, development, testing, and evaluation, and procurement of chemical and biological defenses by fiscal years defense programs, department, and agency;

(v) a detailed assessment of current and projected vaccine production capabilities and vaccine stocks, including progress in researching and developing a multivalent vaccine;

(vi) a detailed assessment of procedures and capabilities necessary to protect and decontaminate infrastructure to reinforce United States power-projection forces, including progress in developing a nonaqueous chemical decontamination capability;

(vii) a description of progress made in procuring light-weight personal protective gear and steps being taken to ensure that programmed procurement quantities are sufficient to replace expiring battle-dress overgarments and chemical protective overgarments to maintain required wartime inventory levels;

(viii) a description of progress made in developing long-range standoff detection and identification capabilities and other battlefield surveillance capabilities for biological and chemical weapons, including progress on developing a multi-chemical agent detector, unmanned aerial vehicles, and unmanned ground sensors;

(ix) a description of progress made in developing and deploying layered theater missile defenses for deployed United States Armed Forces which will provide greater geographic coverage against current and expected ballistic missile threats and will assist in mitigating chemical and biological contamination through higher altitude intercepts and boost-phase intercepts;

(x) an assessment of—

(I) the training and readiness of the United States Armed Forces to operate in a chemically or biologically contaminated environment; and

(II) actions taken to sustain training and readiness, including training and readiness carried out at national combat training centers;

(xi) a description of progress made in incorporating chemical and biological considerations into service and joint exercises as well as simulations, models, and war games and the conclusions drawn from these efforts about the United States capability to carry out required missions, including missions with coalition partners, in military contingencies;

(xii) a description of progress made in developing and implementing service and joint doctrine for combat and non-combat operations involving adversaries armed with chemical or biological weapons, including efforts to update the range of service and joint doctrine to better address the wide range of military activities, including deployment, reinforcement, and logistics operations in support of combat operations, and for the conduct of such operations in concert with coalition forces; and

(xiii) a description of progress made in resolving issues relating to the protection of United States population centers from chemical and biological attack, including plans for inoculation of populations, consequence management, and a description of progress made in developing and deploying effective cruise missile defenses and a national ballistic missile defense.

(12) PRIMACY OF THE UNITED STATES CONSTITUTION.—Nothing in the Convention requires or authorizes legislation, or other action, by the United States prohibited by the Constitution of the United States, as interpreted by the United States.

(13) NONCOMPLIANCE.—

(A) IN GENERAL.—If the President determines that persuasive information exists that a State Party to the Convention is maintaining a chemical weapons production or production mobilization capability, is developing new chemical agents, or is in violation of the Convention in any other manner so as to threaten the national security interests of the United States, then the President shall—

(i) consult with the Senate, and promptly submit to it, a report detailing the effect of such actions;

(ii) seek on an urgent basis a challenge inspection of the facilities of the relevant party in accordance with the provisions of the Convention with the objective of demonstrating to the international community the act of noncompliance;

(iii) seek, or encourage, on an urgent basis a meeting at the highest diplomatic level with the relevant party with the objective of bringing the noncompliant party into compliance;

(iv) implement prohibitions and sanctions against the relevant party as required by law;

(v) if noncompliance has been determined, seek on an urgent basis within the Security Council of the United Nations a multilateral imposition of sanctions against the noncompliant party for the purposes of bringing the noncompliant party into compliance; and

(vi) in the event that the noncompliance continues for a period of longer than one year after the date of the determination made pursuant to subparagraph (A), promptly consult with the Senate for the purposes of obtaining a resolution of support of continued adherence to the Convention, notwithstanding the changed circumstances affecting the object and purpose of the Convention.

(B) CONSTRUCTION.—Nothing in this section may be construed to impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5)).

(C) PRESIDENTIAL DETERMINATIONS.—If the President determines that an action otherwise required under subparagraph (A) would impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure, the President shall report that determination, together with a detailed written explanation of the basis for that determination, to the chairmen of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence not later than 15 days after making such determination.

(14) FINANCING RUSSIAN IMPLEMENTATION.—The United States understands that, in order to be assured of the Russian commitment to a reduction in chemical weapons stockpiles, Russia must maintain a substantial stake in financing the implementation of both the 1990 Bilateral Destruction Agreement and the Convention. The United States shall not accept any effort by Russia to make deposit of Russia's instrument of ratification contingent upon the United States providing financial guarantees to pay for implementation of commitments by Russia under the 1990 Bilateral Destruction Agreement or the Convention.

(15) ASSISTANCE UNDER ARTICLE X.—

(A) IN GENERAL.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Congress that the United States shall not provide assistance under paragraph 7(a) of Article X.

(B) COUNTRIES INELIGIBLE FOR CERTAIN ASSISTANCE UNDER THE FOREIGN ASSISTANCE ACT.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Congress that for any State Party the government of which is not eligible for assistance under chapter 2 of part II (relating to military assistance) or chapter 4 of part II (relating to economic support assistance) of the Foreign Assistance Act of 1961—

(i) no assistance under paragraph 7(b) of Article X will be provided to the State Party; and

(ii) no assistance under paragraph 7(c) of Article X other than medical antidotes and treatment will be provided to the State Party.

(16) PROTECTION OF CONFIDENTIAL INFORMATION.—

(A) UNAUTHORIZED DISCLOSURE OF UNITED STATES BUSINESS INFORMATION.—Whenever the President determines that persuasive information is available indicating that—

(i) an officer of employee of the Organization has willfully published, divulged, disclosed, or made known in any manner or to any extent not authorized by the Convention any United States confidential business information coming to him in the course of his employment or official duties or by reason of any examination or investigation of any return, report, or record made to or filed with the Organization, or any officer or employee thereof, and

(ii) such practice or disclosure has resulted in financial losses or damages to a United States person,

the President shall, within 30 days after the receipt of such information by the executive branch of Government, notify the Congress in writing of such determination.

(B) WAIVER OF IMMUNITY FROM JURISDICTION.—

(i) CERTIFICATION.—Not later than 270 days after notification of Congress under subparagraph (A), the President shall certify to Congress that the immunity from jurisdiction of such foreign person has been waived by the Director-General of the Technical Secretariat.

(ii) WITHHOLDING OF PORTION OF CONTRIBUTIONS.—If the President is unable to make the certification described under clause (i), then 50 percent of the amount of each annual United States contribution to the regular budget of the Organization that is assessed pursuant to paragraph 7 of Article VIII shall be withheld from disbursement, in addition to any other amounts required to be withheld from disbursement by any other provision of law, until—

(I) the President makes such certification, or

(II) the President certifies to Congress that the situation has been resolved in a manner satisfactory to the United States person who has suffered the damages due to the disclosure of United States confidential business information.

(C) BREACHES OF CONFIDENTIALITY.—

(i) CERTIFICATION.—In the case of any breach of confidentiality involving both a State Party and the Organization, including any officer or employee thereof, the President shall, within 270 days after providing written notification to Congress pursuant to subparagraph (A), certify to Congress that the Commission described under paragraph 23 of the Confidentiality Annex has been established to consider the breach.

(ii) WITHHOLDING OF PORTION OF CONTRIBUTIONS.—If the President is unable to make the certification described under clause (i), then 50 percent of the amount of each annual United States contribution to the regular budget of the Organization that is assessed pursuant to paragraph 7 of Article VIII shall be withheld from disbursement, in addition to any other amounts required to be withheld from disbursement by any other provision of law, until—

(I) the President makes such certification, or

(II) the President certifies to Congress that the situation has been resolved in a manner satisfactory to the United States person who has suffered the damages due to the disclosure of United States confidential business information.

(D) DEFINITIONS.—In this paragraph:

(i) UNITED STATES CONFIDENTIAL BUSINESS INFORMATION.—The term "United States confidential business information" means any trade secrets or commercial or financial information that is privileged and confidential, as described in section 552(b)(4) of title 5, United States Code, and that is obtained—

(I) from a United States person; and

(II) through the United States National Authority or the conduct of an inspection on United States territory under the Convention.

(ii) UNITED STATES PERSON.—The term "United States person" means any natural person or any corporation, partnership, or other juridical entity organized under the laws of the United States.

(iii) UNITED STATES.—The term "United States" means the several States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

(17) CONSTITUTIONAL PREROGATIVES.—

(A) FINDINGS.—The Senate makes the following findings:

(i) Article II, Section 2, Clause 2 of the United States Constitution states that the President "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur".

(ii) At the turn of the century, Senator Henry Cabot Lodge took the position that the giving of advice and consent to treaties constitutes a stage in negotiation on the treaties and that Senate amendments or reservations to a treaty are propositions "offered at a later stage of the negotiation by the other part of the American treaty making power in the only manner in which they could then be offered".

(iii) The executive branch of Government has begun a practice of negotiating and submitting to the Senate treaties which include provisions that have the purported effect of—

(I) inhibiting the Senate from attaching reservations that the Senate considers necessary in the national interest; or

(II) preventing the Senate from exercising its constitutional duty to give its advice and consent to treaty commitments before ratification of the treaties.

(iv) During the 85th Congress, and again during the 102d Congress, the Committee on Foreign Relations of the Senate made its position on this issue clear when stating that "the President's agreement to such a prohibition cannot constrain the Senate's constitutional right and obligation to give its advice and consent to a treaty subject to any reservation it might determine is required by the national interest".

(B) SENSE OF THE SENATE.—It is the sense of the Senate that—

(i) the advice and consent given by the Senate in the past to ratification of treaties containing provisions which prohibit amendments or reservations should not be construed as a precedent for such provisions in future treaties;

(ii) United States negotiators to a treaty should not agree to any provision that has the effect of inhibiting the Senate from attaching reservations or offering amendments to the treaty; and

(iii) the Senate should not consent in the future to any article or other provision of any treaty that would prohibit the Senate from giving its advice and consent to ratification of the treaty subject to amendment or reservation.

(18) LABORATORY SAMPLE ANALYSIS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that no sample collected in the United States pursuant to the Convention will be transferred for analysis to any laboratory outside the territory of the United States.

(19) EFFECT ON TERRORISM.—The Senate finds that—

(A) without regard to whether the Convention enters into force, terrorists will likely view chemical weapons as a means to gain greater publicity and instill widespread fear; and

(B) the March 1995 Tokyo subway attack by the Aum Shinrikyo would not have been prevented by the Convention.

(20) CONSTITUTIONAL SEPARATION OF POWERS.—

(A) FINDINGS.—The Senate makes the following findings:

(i) Article VIII(8) of the Convention allows a State Party to vote in the Organization if the State Party is in arrears in the payment of financial contributions and the Organization is satisfied that such nonpayment is due to conditions beyond the control of the State Party.

(ii) Article I, Section 8 of the United States Constitution vests in Congress the exclusive authority to "pay the Debts" of the United States.

(iii) Financial contributions to the Organization may be appropriated only by Congress.

(B) SENSE OF SENATE.—It is therefore the sense of the Senate that—

(i) such contributions thus should be considered, for purposes of Article VIII(8) of the Convention, beyond the control of the executive branch of the United States Government; and

(ii) the United States vote in the Organization should not be denied in the event that Congress does not appropriate the full amount of funds assessed for the United States financial contribution to the Organization.

(21) ON-SITE INSPECTION AGENCY.—It is the sense of the Senate that the On-Site Inspection Agency of the Department of Defense should have the authority to provide assistance in advance of any inspection to any facility in the United States that is subject to a routine inspection under the Convention, or to any facility in the United States that is the object of a challenge inspection conducted pursuant to Article IX, if the consent of the owner or operator of the facility has first been obtained.

(22) LIMITATION ON THE SCALE OF ASSESSMENT.—

(A) LIMITATION ON ANNUAL ASSESSMENT.—Notwithstanding any provision of the Convention, and subject to the requirements of subparagraphs (B), (C), and (D) the United States shall pay as a total annual assessment of the costs of the Organization pursuant to paragraph 7 of Article VIII not more than $25,000,000.

(B) RECALCULATION OF LIMITATION.—On January 1, 2000, and at each 3-year interval thereafter, the amount specified in subparagraph (A) is to be recalculated by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period.

(C) ADDITIONAL CONTRIBUTIONS REQUIRING CONGRESSIONAL APPROVAL.—

(i) AUTHORITY.—Notwithstanding subparagraph (A), the President may furnish additional contributions which would otherwise be prohibited under subparagraph (A) if—

(I) the President determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the failure to provide such contributions would result in the inability of the Organization to conduct challenge inspections pursuant to Article IX or would otherwise jeopardize the national security interests of the United States; and

(II) Congress enacts a joint resolution approving the certification of the President.

(ii) STATEMENT OF REASONS.—The President shall transmit with such certification a detailed statement setting forth the specific reasons therefor, and the specific uses to which the additional contributions provided to the Organization would be applied.

(D) ADDITIONAL CONTRIBUTIONS FOR VERIFICATION.—Notwithstanding subparagraph (A), for a period of not more than ten years, the President may furnish additional contributions to the Organization for the purposes of meeting the costs of verification under Articles IV and V.

(23) ADDITIONS TO THE ANNEX ON CHEMICALS.—

(A) PRESIDENTIAL NOTIFICATION.—Not later than 10 days after the Director-General of the Technical Secretariat communicates information to all States Parties pursuant to Article XV(5)(a) of a proposal for the addition of a chemical or biological substance to a schedule of the Annex on Chemicals, the President shall notify the Committee on Foreign Relations of the Senate of the proposed addition.

(B) PRESIDENTIAL REPORT.—Not later than 60 days after the Director-General of the Technical Secretariat communicates information of such a proposal pursuant to Article XV(5)(a) or not later than 30 days after a positive recommendation by the Executive Council pursuant to Article XV(5)(c), whichever is sooner, the President shall submit to the Committee on Foreign Relations of the Senate a report, in classified and unclassified form, detailing the likely impact of the proposed addition to the Annex on Chemicals. Such report shall include—

(i) an assessment of the likely impact on United States industry of the proposed addition of the chemical or biological substance to a schedule of the Annex on Chemicals;

(ii) a description of the likely costs and benefits, if any, to United States national security of the proposed addition of such chemical or biological substance to a schedule of the Annex on Chemicals; and

(iii) a detailed assessment of the effect of the proposed addition on United States obligations under the Verification Annex.

(C) PRESIDENTIAL CONSULTATION.—The President shall, after the submission of the notification required under subparagraph (A) and prior to any action on the proposal by the Executive Council under Article XV(5)(c), consult promptly with the Senate as to whether the United States should object to the proposed addition of a chemical or biological substance pursuant to Article XV(5)(c).

(24) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the Constitutionally based principles of treaty interpretation set forth in 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 Shorter Range Missiles, together with the related memorandum of understanding and protocols, approved by the Senate on May 27, 1988.

(25) FURTHER ARMS REDUCTIONS 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.

(26) RIOT CONTROL AGENTS.—

(A) PERMITTED USES.—Prior the the deposit of the United States instrument of ratification, the President shall certify to Congress that the United States is not restricted by the Convention in its use of riot control agents, including the use against combatants who are parties to a conflict, in any of the following cases:

(i) UNITED STATES NOT A PARTY.—The conduct of peacetime muilitary operations within an area of ongoing armed conflict when the United States is not a party to the conflict (such as recent use of the United States Armed Forces in Somalia, Bosnia, and Ruanda).

(ii) CONSENSUAL PEACEKEEPING.—Consensual peacekeeping operations when the use of force is authorized by the receiving state, including operations pursuant to Chapter VI of the United Nations Charter.

(iii) CHAPTER VII PEACEKEEPING.—Peacekeeping operations when force is authorized by the Securtity Council under Chapter VII of the United Nations Charter.

(B) IMPLEMENTATION.—The President shall take no measure, and prescribe no rule or regulation, which would alter or eliminate Executive Order 11850 of April 8, 1975.

(C) DEFINITION.—In this paragraph, the term "riot control agent" has the meaning given the term in Article II(7) of the Convention.

(27) CHEMICAL WEAPONS DESTRUCTION.—Prior to the deposit of the United States instrument of ratification of the Convention, the President shall certify to the Congress that all of the following conditions are satisfied:

(A) EXPLORATION OF ALTERNATIVE TECHNOLOGIES.—The President has agreed to explore alternative technologies for the destruction of the United States stockpile of chemical weapons in order to ensure that the United States has the safest, most effective and environmentally sound plans and programs for meeting its obligations under the Convention for the destruction of chemical weapons.

(B) CONVENTION EXTENDS DESTRUCTION DEADLINE.—The requirement in section 1412 of Public Law 99–145 (50 U.S.C. 1521) for completion of the destruction of the United States stockpile of chemical weapons by December 31, 2004, will be superseded upon the date the Convention enters into force with respect to the United States by the deadline required by the Convention of April 29, 2007.

(C) AUTHORITY TO EMPLOY A DIFFERENT DESTRUCTION TECHNOLOGY.—The requirement in Article III(1)(a)(v) of the Convention for a declaration by each State Party not later than 30 days after the date the Convention enters into force with respect to that Party, on general plans of the State Party for destruction of its chemical weapons does not preclude in any way the United States from deciding in the future to employ a technology for the destruction of chemical weapons different than that declared under that Article.

(D) PROCEDURES FOR EXTENSION OF DEADLINE.—The President will consult with Congress on whether to submit a request to the Executive Council of the Organization for an extension of the deadline for the destruction of chemical weapons under the Convention, as provided under part IV(A) of the Annex on Implementation and Verification to the Convention, if, as a result of the program of alternative technologies for the destruction of chemical munitions carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (as contained in Public

Law 104-208), the President determines that alternatives to the incineration of chemical weapons are available that are safer and more environmentally sound but whose use would preclude the United States from meeting the deadlines of the Convention.

(28) CONSTITUTIONAL PROTECTION AGAINST UNREASONABLE SEARCH AND SEIZURE.—

(A) IN GENERAL.—In order to protect United States citizens against unreasonable searches and seizures, prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(i) for any challenge inspection conducted on the territory of the United States pursuant to Article IX, where consent has been withheld, the United States National Authority will first obtain a criminal search warrant based upon probable cause, supported by oath or affirmation, and describing with particularity the place to be searched and the persons or things to be seized; and

(ii) for any routine inspection of a declared facility under the Convention that is conducted on an involuntary basis on the territory of the United States, the United States National Authority first will obtain an administrative search warrant from a United States magistrate judge.

(B) DEFINITION.—For purposes of this resolution, the term "National Authority" means the agency or office of the United States Government designated by the United States pursuant to Article VII(4) of the Convention.

(29) RUSSIAN ELIMINATION OF CHEMICAL WEAPONS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Congress that—

(A) Russia is making reasonable progress in the implementation of the Agreement between the United States of America and the Union of Soviet Socialist Republics on Destruction and Nonproduction of Chemical Weapons and on Measures to Facilitate the Multilateral Convention on Banning Chemical Weapons, signed on June 1, 1990 (in this resolution referred to as the "1990 Bilateral Destruction Agreement");

(B) the United States and Russia have resolved, to the satisfaction of the United States, outstanding compliance issues under the Memorandum of Understanding Between the Government of the United States of America and the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989, also known as the "1989 Wyoming Memorandum of Understanding", and the 1990 Bilateral Destruction Agreement;

(C) Russia has deposited the Russian instrument of ratification for the Convention and is in compliance with its obligations under the Convention; and

(D) Russia is committed to forgoing any chemical weapons capability, chemical weapons modernization program, production mobilization capability, or any other activity contrary to the object and purpose of the Convention.

(30) CHEMICAL WEAPONS IN OTHER STATES.—

(A) CERTIFICATION REQUIREMENT.—Prior to the deposit of the United States instrument of ratification the President, in consultation with the Director of Central Intelligence, shall certify to the Congress that countries which have been determined to have offensive chemical weapons programs, including Iran, Iraq, Syria, Libya, the Democratic People's Republic of Korea, China, and all other countries determined to be state sponsors of international terrorism, have ratified or otherwise acceded to the Convention.

(31) EXERCISE OF RIGHT TO BAR CERTAIN INSPECTORS.—

(i) IN GENERAL.—The President shall exercise United States rights under paragraphs 2 and 4 of Part II of the Verification Annex to indicate United States non-acceptance of all inspectors and inspection assistants who are nationals of countries designated by the Secretary of State as supporters of international terrorism under section 40(d) of the Arms Export Control Act, or nationals of countries that have been determined by the President, in the last five years, to have violated United States nonproliferation law, including—

(I) chapters 7, 8, and 10 of the Arms Export Control Act;

(II) sections 821 and 824 of the Nuclear Proliferation Prevention Act of 1994;

(III) sections 11b and 11c of the Export Administration Act of 1979;

(IV) the Export-Import Bank Act of 1945; and

(V) sections 1604 and 1605 of the Iran-Iraq Nonproliferation Act of 1992.

(ii) OTHER GROUNDS OF EXCLUSION.—The President shall also bar such nationals from entering United States territory for the purpose of conducting any activity associated with the Convention, notwithstanding paragraph 7 of Part II of the Verification Annex.

(32) STEMMING THE PROLIFERATION OF CHEMICAL WEAPONS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(A) the State Parties have concluded an agreement amending the Convention—

(i) by striking Article X; and

(ii) by amending Article XI to strike any provision that states or implies disapproval of trade restrictions in the field of chemical activities, including paragraphs 2(b), 2(c), 2(d), and 2(e); and

(B) no provision has been added to the Convention or to any of its annexes, and no statement, written or oral, has been issued by the Organization, stating or implying the right or obligation of States Parties to share or facilitate the exchange among themselves of chemical weapons defense technology, chemicals, equipment, or scientific and technical information.

(33) EFFECTIVE VERIFICATION.—

(A) CERTIFICATION.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that compliance with the Convention is effectively verifiable.

(B) DEFINITIONS.—In this paragraph:

(i) EFFECTIVELY VERIFIABLE.—The term "effectively verifiable" means that the Director of Central Intelligence has certified to the President that the United States intelligence community (as defined in section 3(4) of the National Security Act of 1947) has a high degree of confidence in its ability to detect militarily significant violations of the Convention, including the production, possession, or storage of militarily significant quantities of lethal chemicals, in a timely fashion, and to detect patterns of marginal violation over time.

(ii) MILITARILY SIGNIFICANT.—The term "militarily significant" means one metric ton or more of chemical weapons agent.

(iii) TIMELY FASHION.—The term "timely fashion" means detection within one year of the violation having occurred.

SEC. 3. DEFINITIONS.

As used in this resolution:

(1) CHEMICAL WEAPONS CONVENTION OR CONVENTION.—The terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, Opened for Signature and Signed by the United States at Paris on January 13, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the "Chemical Weapons Convention" or the "Convention" (contained in Treaty Document 103-21):

(A) The Annex on Chemicals.

(B) The Annex on Implementation and Verification.

(C) The Annex on the Protection of Confidential Information.

(D) The Resolution Establishing the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons.

(E) The Text on the Establishment of a Preparatory Commission.

(2) ORGANIZATION.—The term "Organization" means the Organization for the Prohibition of Chemical Weapons established under the Convention.

(3) STATE PARTY.—The term "State Party" means any nation that is a party to the Convention.

(4) UNITED STATES INSTRUMENT OF RATIFICATION.—The term "United States instrument of ratification" means the instrument of ratification of the United States of the Convention.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, April 17, 1997, at 9 a.m. in SR-328A to receive testimony regarding crop and revenue insurance oversight.

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

COMMITTEE ON FINANCE

Mrs. HUTCHISON. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, April 17, 1997, beginning at 10 a.m. in room 215 Dirksen.

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

COMMITTEE ON FOREIGN RELATIONS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 17, 1997, at 10 a.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, April 17, 1997, at 9:15 a.m. for a hearing on public education improvement opportunities for the District of Columbia.

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

COMMITTEE ON THE JUDICIARY

Mrs. HUTCHISON. Mr. President, the Committee on the Judiciary would like to request unanimous consent to hold an executive business meeting on Thursday, April 17, 1997, at 10 a.m., in Room 226 of the Senate Dirksen Office Building.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, April 17, 1997, beginning at 9:30 a.m. to consider the course of action regarding petitions in connection with a contested U.S. Senate election held in Louisiana in November 1996.

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

COMMITTEE ON VETERANS' AFFAIRS

Mrs. HUTCHISON. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing to hear the testimony of Gen. Colin Powell on Persian Gulf War issues. The hearing will be held on April 17, 1997, at 9:30 a.m., in room 216 of the Hart Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, April 17, 1997, at 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON EASTERN AND SOUTH ASIAN AFFAIRS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 15, 1997, at 2 p.m. to hold a hearing.

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

SUBCOMMITTEE ON EMPLOYMENT AND TRAINING

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a Employment and Training Subcommittee Hearing on Innovations in Youth Training, during the session of the Senate on Thursday, April 17, 1997, at 9:30 a.m.

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

SUBCOMMITTEE ON INTERNATIONAL SECURITY, SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mrs. HUTCHISON. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Thursday, April 17, at 10:30 a.m. for a classified hearing on "Proliferation: Chinese Case Studies."

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

SUBCOMMITTEE ON READINESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Subcommittee of Readiness of the Committee on Armed Services be authorized to meet at 10 a.m. on Thursday, April 17, 1997, in open session, to receive testimony on the status of the operational readiness of the U.S. Military Forces in review of S. 450, the National Defense Authorization Act for fiscal year 1998 and 1999.

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

ADDITIONAL STATEMENTS

SURFACE TRANSPORTATION AND EFFICIENCY ACT

• Mr. JEFFORDS. Mr. President, I am pleased to join 31 of my fellow Senators in introducing a reauthorization of our Nation's transportation legislation, the Intermodal Surface Transportation and Efficiency Act [ISTEA]. This bill commits our country to sound transportation planning and development and reflects the vital role transportation plays in our expanding economy.

In 1991, I was proud to be a member of the Environment and Public Works Committee and an original author of ISTEA. This innovative law has resulted in the development of efficient and effective transportation throughout our country. ISTEA shifted decision making from Washington to local communities, enhanced air quality health standards, increased mobility and allowed our economy to grow in an intelligent manner.

Today, I am equally honored to be involved in the introduction of ISTEA WORKS, the continuation of this successful law. This bill retains the basic structure of ISTEA, preserving the role of States and local communities in deciding transportation policies, continuing the emphasis on intermodalism and maintaining support for strong environmental provisions. The bill protects the important enhancements programs, expands the Congestion Mitigation and Air Quality program and improves safety.

This legislation also addresses an issue important to Vermont and the Nation. As we have heard recently, Amtrak continues to struggle with its finances. Although I know Amtrak will survive, action must be taken to improve the system now. ISTEA WORKS grants States the flexibility to use Federal transportation dollars for operating and maintaining passenger service. This flexibility is important to Vermont, where we are running two of the most successful passenger trains in the Nation. The new authority will also enable our State to expand passenger rail and upgrade rail lines to benefit freight rail traffic.

Mr. President, this is a historic occasion. With the introduction of this legislation, we begin to raise the awareness of the success of ISTEA and the urgent need to reauthorize this important legislation with few major changes.•

NOMINATION OF PETE PETERSON TO BE AMBASSADOR TO VIETNAM

• Mr. FEINGOLD. Mr. President, I was pleased to see the Senate consider the President's nomination of Douglas "Pete" Peterson to be the United States Ambassador to Socialist Republic of Vietnam late last week. I supported this nomination in the Foreign Relations Committee. But I did so after careful consideration of the symbolism of this vote and of the signal it sends to Americans.

Mr. President, the appointment of an ambassador is a normal consequence of having full diplomatic relations with a given country. And we have had diplomatic relations with Vietnam since July 1995 when the President signed an executive order establishing such ties. So, technically, the Senate's view on this nominee does not represent a statement of policy. It simply represents the normal procedure by which the Senate provides its advice and consent to a Presidential nomination.

There has never been any serious question raised regarding the President's selection of Mr. Peterson to fill this position. Mr. Peterson is an outstanding citizen and public servant. He spent nearly 30 years in the U.S. Air Force, including 6½ years as a prisoner of war in Vietnam, and has received numerous awards for his valiant service. As a three-term Member of Congress from the second district in Florida, Mr. Peterson also has devoted significant energies to working with both the Bush administration and the Clinton administration to bolster the U.S. search program for POW/MIA's. There are few people who have as deep of an understanding of the uniqueness of America's relationship with Vietnam, so I fully support the President's choice.

This does not mean that there do not remain myriad outstanding questions and issues in our bilateral relations with Vietnam. One issue that is of particular concern to me is the human rights record of the Vietnamese Government which remains poor. According to the most recent State Department Report on Human Rights Practices, the Government of Vietnam continues to restrict basic freedoms; of speech, of the press, of assembly, of association, of privacy, and of religion.

Citizens can be arbitrarily arrested or detained for trying to express political or religious objections to government policies. And although the Vietnamese Constitution provides for the right to privacy, according to the State Department, the Vietnamese Government continues to operate a "nationwide system of surveillance and control through * * * block wardens who use informants to keep track of individuals' activities." The Vietnamese Government also has in place a policy of forced family planning.

Mr. President, this is not a country that shares with the United States the principle that government should exist to promote the general welfare of its people. Nor is it one that has respect for the rule of law.

But, as I said in 1995 when the President first announced his decision to restore diplomatic relations with Vietnam, I believe that diplomatic relations actually enhance our ability to advocate for issues such as human rights and political freedoms. Through a permanent, high-level presence in the country, I believe the United States can intensify the dialog on human rights, work more closely with Vietnamese reformers, and more effectively monitor developments in the human rights situation.

Now I have listened carefully to the veterans in Wisconsin and to the national veterans' organizations. I recognize that the veterans themselves have differing opinions on the issue of diplomatic relations, in general, and of Senate confirmation of this nomination, in particular. The concerns are two-fold: Does having an ambassador on the ground in Vietnam actually help advance the accounting of POW and MIA cases? Or does the dispatching of a President's representative with ambassadorial rank imply that the United States no longer thinks we have reason to withhold a special privilege for Vietnam?

Mr. President, it is my view that having an ambassador resident in Hanoi can serve to better advance U.S. interests, in human rights, as I said earlier, and on issues related to the continued accounting of our POW's and MIA's. I salute the efforts of all those who have tirelessly sought details about missing U.S. service men and women, and, from most of their testimony, I am inclined to believe that we will enhance our ability to collect more information about the remaining POW and MIA cases through fulfilling the President's commitment to full diplomatic relations.

On the other hand, I think it is equally important to acknowledge that sending a Presidential representative of ambassadorial rank does indicate a symbolic change in our relationship with Vietnam that I know some observers still are hesitant to send. It is my view, however, that the United States can serve two purposes by that change: Better advance our interests as described above, and better indicate our concerns about Vietnam or its government through other actions. For example, that is why I voted against lifting the trade embargo against Vietnam and why I have supported congressional efforts to limit United States assistance to Vietnam.

However, I believe that in an era of global engagement and integration, it usually makes little sense to refuse diplomatic relations with a country in the international community. Vietnam is a large presence in a fast-growing region where the United States has ever-increasing interests. We can no longer hope to isolate it, nor will isolation serve to advance any of our goals.

To reiterate, Mr. President, I support the President's choice of Pete Peterson to be Ambassador to Vietnam because I believe that the United States best serves its citizens by having a Presidential representative of the highest order resident in the country. Nevertheless, I remain concerned about other aspects of our bilateral relations in that country and I will continue to scrutinize carefully the President's policies in that regard.•

COMMENDATION OF LT. COL. STEPHEN G. GRESS, JR.

• Mr. SANTORUM. Mr. President, I rise today to pay tribute to Lt. Col. Stephen G. Gress, Jr., who recently retired from the U.S. Air Force. A native of Pittsburgh, PA, Lieutenant Colonel Gress has served his country with valor and distinction for more than 22 years as an instructor pilot, a combat pilot, and as a member of the Air Force legislative liaison.

One needs only to look at Steve's academic credentials to see that he is a man of exceptional achievement. In addition to graduating from the Air Force Academy, Lieutenant Colonel Gress earned a masters degree in operation research from the Air Force Institute of Technology at Wright-Patterson Air Force Base. Likewise, Steve became a distinguished graduate of the Air Command and Staff College at Maxwell Air Force Base in 1987.

Mr. President, Lieutenant Colonel Gress was one of the military's premier pilots. He served as an instructor pilot for the T-38 at Webb Air Force Base, and later, for the T-41 at his alma mater, the U.S. Air Force Academy. In 1979, the Air Force chose Steve from a very select few to become an F-15 fighter pilot. Steve also distinguished himself in the Air Force Special Programs Office, where he managed the development of future fighter weapons systems. During his tenure at Bitburgh Air Force Base, Steve's extensive knowledge of fighter combat operations led to an appointment as the chief of wing inspections, a position that is critical to the combat effectiveness of all Air Force organizations.

I would also note that Lieutenant Colonel Gress is a war hero. As an F-15 flight leader, he flew 19 combat missions in Operation Desert Storm.

Later in 1991, Steve returned to the Pentagon. Once again, the Air Force came to rely upon his keen understanding of fighter combat. As the branch chief for both air to air weapons and fighter development, he worked to ensure that the next generation of fighter systems would secure American air dominance.

Steve moved to the Office of the Air Force Legislative Liaison in 1993. He worked his way up from the branch chief for fighter and fighter weapons to the division chief of the weapons systems division. As always, Steve took tremendous pride in his work. He strove to ensure that critical military issues were presented to Congress in a clear and nonparochial manner. Over the years, many congressional staff members have come to know Steve both as a serious professional and as a man of integrity.

As Lt. Col. Stephen G. Gress, Jr. retires to private life, I ask my colleagues will join me in commending the outstanding service he has given this country. On behalf of the Senate, I would like to wish Lieutenant Colonel Gress and his family the very best.•

FENTON A.J. PHILLIPS LIBRARY

• Mr. LEVIN. Mr. President, I rise today to honor the Fenton A.J. Phillips Library as it celebrates the 10th anniversary of operations in its current building. The history of the library dates back to 1906, when local industrialist A.J. Phillips bequeathed his old office building to the community for use as a library. Since then, the library has experienced many changes, but it has never stopped serving the residents of Fenton. In order to properly celebrate this achievement, the city of Fenton and the Fenton Library Board is holding a gala event which will include some of Neil Simon's hilarious sketches. These will be presented by the actors of the Readers Theatre at the library. Mayor Patricia Lockwood has proclaimed April 17, "Pride in the Fenton A.J. Phillips Library Day."

The Fenton Library is one of 18 libraries in the Genesee County Library System. It serves over 10,000 residents of Fenton, Fenton Township, and Tyrone Township. It contains over 55,000 volumes and offers online services to the community. It provides CD's, videos, and books on tape. The library also offers special programs for adults and children, and complete reference services. In 1988, the library was awarded the Michigan Municipal League's Municipal Achievement Award Honorable Mention for its outstanding work.

I recently visited the Fenton A.J. Phillips Library and saw the positive

influence it has on the local community. In this era when institutions are being asked to do more with less, it is heartening to see this library continue to provide quality service to the public. I know my Senate colleagues will join me in honoring the Fenton A.J. Phillips Library on its 10th Anniversary.•

COMMEMORATING THE FIRST INTERNATIONAL SCHOOL OF AMERICA

• Mrs. HUTCHISON. Mr. President, I rise today to recognize the Dallas Public School System in my State of Texas, and North Dallas High School in particular. Today the school is holding a celebration of cultural unity to recognize a wonderfully diverse student body made up of young Americans with family heritage from 33 different cultures around the world. To celebrate the day, the students of North Dallas High School have painted a mural titled "Unity Among Cultures," which will be unveiled today.

The Dallas Public School System, which administers North Dallas High School, covers over 300 square miles and 208 schools. Over 60 different cultural and linguistic groups are represented, from Amharic to Vietnamese. Within this school system, and most notably at the newly designated First International School of America, these diverse cultures come together as they always have in this country to form the great American culture.

Since its very beginnings as an independent republic, Texas has been a place to which people come to build their lives while helping build the land. No State in this great Nation represents a more diverse and exciting mix of cultures than Texas.

The First International School of America represents this great Texas heritage in a truly unique way, and gives life to the very foundation of these United States, engraved on the wall above me: E Pluribus Unum—From Many, One.

Mr. President, the future of my State and our country passes through the schoolhouse doors of Texas and schools around the country every day. I ask my colleagues to join me in commending North Dallas High School—the First International School of America—for leadership and wisdom in celebrating the cultural unity that makes America great.•

FIRST A.M.E. OF LOS ANGELES AND REV. CECIL MURRAY

• Mrs. BOXER. Mr. President, I would like to pay tribute today and commemorate the 125th anniversary of the First African Methodist Episcopal Church in Los Angeles, CA. First A.M.E., as it is known to millions of southern Californians, is the oldest predominately African-American church in Los Angeles. For the past 20 years, First A.M.E. has been led by the Reverend Cecil L. "Chip" Murray, who has distinguished himself as one of the leading black clergymen in America during his tenure at this church.

This year's anniversary celebration is about much more than longevity. It is about a legacy of and commitment to leadership and inspiration. First A.M.E. is not only the oldest and most well-known African-American church in Los Angeles, it is also the most highly respected. Its reputation as a place of worship and a center of black community fellowship and action is known to Angelenos of every social and ethnic background. Its voice has been an essential part of a city known for dynamic civic dialog.

In addition to its central role as a church, First A.M.E. also provides much-needed leadership and social service assistance in the community. Church outreach efforts include providing food and housing assistance to families and individuals in need, job training and placement services and working with young people to encourage them along the paths of personal and spiritual fulfillment and social responsibility. Although its focus is primarily local, First A.M.E. has also hosted leaders of national and international stature at its Sunday services. In so doing, First A.M.E. has provided a valuable forum, which has stimulated dialog and action in the community.

One-hundred and twenty-five years ago, a former slave, Biddy Mason, founded the First A.M.E. in her home in what is now downtown Los Angeles. Today, the congregation worships in a beautiful building designed by the renowned black architect Paul Williams. When the first service was held there were only 12 people in attendance. When I was there last year, there were over 600 people at just one service, and there were several held that day.

The Reverend Chip Murray joined First A.M.E. in 1977, when the congregation had but 300 active members. Today, this number has increased to over 9,000, representing all age ranges and every socioeconomic group in Los Angeles' diverse African-American community. Under Reverend Murray's leadership, First A.M.E. has developed 30 task forces that focus on such issues as health, substance abuse, aid to needy families and the elderly, housing and economic development, job training, and tutoring. I cannot say enough about First A.M.E.'s efforts to reach out to people from all walks of life.

Reverend Murray's mission has been to expand the church beyond its walls. As an example, every new congregant is asked to participate in a task force. Efforts such as this help ensure that First A.M.E. remains intimately involved in the life and times of the great city which it serves. Because of this dedication to public service, Reverend Murray and First A.M.E. have become beacons of hope and inspiration in a city where all too often fear and despair prevail. Their hard work and boundless decency represent well the power of faith leavened with action.•

WASTE TIRE RECYCLING, ABATEMENT, AND DISPOSAL ACT OF 1997

• Mr. CHAFEE. Mr. President, on March 14, I came to the floor to introduce S. 445, the Waste Tire Recycling, Abatement, and Disposal Act of 1997. Today, I want to make sure that the record is clear on an issue relating to the retreading of radial-type tires.

It has come to my attention that my remarks regarding retreading have led to some concern on the part of those engaged in the retreading industry. There are approximately 1,440 retreading plants in the United States, and approximately 90 percent of the retreading plants are independently owned small businesses.

In my oral remarks on March 14, I said "the nature of modern steel belted radial tires makes it very difficult to recycle these tires into new ones. Once upon a time, old tires were retreaded, as we all know. You cannot do that with radial tires." While that statement is true with regards to recycling rubber from modern radial tires directly into new radial tires, it is not accurate with respect to retreading of radials.

The Tire Retread Information Bureau and the International Tire and Rubber Association recently provided me with the information on the retreading of tires in 1996, when a total of 29.1 million tires were retreaded in the United States. This breaks down to approximately 4.2 million passenger car tires, 99 percent of them radials; 7 million light truck tires, 80 percent of them radials; and 16.5 million medium truck tires—tires for so-called 18 wheelers, 89 percent of them radials. The remainder are off-road vehicle tires, aircraft tires, and specialty tires.

My bill, S. 445, recognizes that retreading tires is an environmentally beneficial fate for tires that would otherwise require immediate disposal. Proposed section 4011(d)(1)(B) provides tire retreaders with an exception to the general prohibition on storage of more than 1,500 unshredded waste tires for a period greater than 7 days. This section affirmatively promotes retreading by allowing retreaders to store at their plants the greater of either 2,500 tires; or a number equal to the number of tires to be retreaded over a 30-day period.•

IN SUPPORT OF SENATE RESOLUTION 72

• Mr. DODD. Mr. President, I rise today in support of Senate Resolution

72, to allow disabled people with floor privileges to bring supporting services onto the floor with them when appropriate. For years, the disability community has fought for the right to be included and to be brought into the economic and social mainstream of American life. This resolution represents one more step forward in that long struggle to win equal treatment.

Throughout our history, the rules of the Senate have served us extraordinarily well. They enable us to preserve order and decorum so that the affairs of our Nation can be debated, discussed, and considered in a reasoned, deliberate manner. Yet, as is true of any set of rules, occasionally the need for change becomes apparent. Such a moment occurred in the Senate on Monday when a Senator sought floor privileges for a member of his staff who is blind and utilizes a guide dog in her work.

As a body, we responded to this moment as we should have: Carefully, deliberately, and swiftly. The staff member in question was granted access to the floor, and Senate Resolution 72 was promptly referred to the Committee on Rules and Administration. I am hopeful that, in due course, we will revise our rules to allow all people with disabilities to bring supporting services with them to the floor when appropriate.

Former Senator Lowell Weicker of my home State once said that people with disabilities spend a lifetime overcoming not what God wrought but what man imposed by custom and law. This resolution gratefully eliminates some of those customs and laws. It is an important step for disabled Americans, for the Senate, and for the entire country.●

U.S. ATTORNEY CHUCK STEVENS

● Mrs. FEINSTEIN. Mr. President, I rise today to pay tribute to a trusted colleague and dedicated public servant, Chuck Stevens. During his three-and-a-half-year tenure as the United States Attorney for the Eastern District of California, he compiled an undeniably strong record. However, what may be most impressive about Chuck is his self-effacing demeanor in a position that often requires being pushed into the limelight.

Chuck Stevens' career exemplifies the kind of integrity, dedication and skills essential for anyone who seeks to be an effective public servant. His success at the helm of the Eastern District in California so early in his career undoubtedly will be followed by great accomplishments in the future.

A native of Cranford, NJ, Mr. Stevens moved to California to study law at the University of California, Berkeley where he graduated in 1982. Prior to his current position, he worked as a litigator in complex cases in the private sector and as an Assistant United States Attorney.

Mr. Stevens returned to public service when he was appointed by President Clinton in November 1993 to be the United States Attorney for the Eastern District of California. I had the honor of recommending Mr. Stevens to the President for appointment.

Since then, Chuck has succeeded in prosecuting a multitude of crimes—from hate crimes to political corruption to halting health care fraud—with distinction and diligence. He was also appointed by United States Attorney General Reno to serve on her advisory committee representing United States Attorneys across the nation.

The Sacramento-based Eastern District of California is the tenth largest of the Nation's 94 Federal judicial districts. It covers 34 counties with 6 million residents scattered across 87,000 square miles from Oregon to Los Angeles and Nevada to the coastal range.

Members of the legal community and Federal investigative agents give Mr. Stevens universally high marks for his job performance. He is credited with having "no ego about himself and his work, unlike most lawyers," according to Sacramento based Federal Defender Quin Denvir. As anyone who has worked with Chuck knows, his work speaks for itself.

Recently, Mr. Stevens' office has handled the weighty responsibility of trying the Unabomber case for incidents that occurred in California. Due to Mr. Stevens' leadership, Sacramento was considered as a site for the Federal trial against Ted Kacyzinski. It comes as no surprise that this case has been handled without fanfare, but with the utmost professionalism Mr. Stevens is known for.

Chuck has always been ready and able to provide valuable advice on some of the State's most troubling problems. He is one of the most practical problem solvers in the criminal justice system.

Chuck leaves the United States Attorney's office to form his own law firm in California's capitol with his predecessor, former United States Attorney George O'Connell. I am sure this formidable pair will quickly make its mark in the Sacramento legal community.

Congratulations, Chuck, on the great opportunities that lie ahead and thank you for your outstanding public service to the people of this State and this Nation.●

TRIBUTE TO DR. VARTAN GREGORIAN, PRESIDENT OF BROWN UNIVERSITY

● Mr. REED. Mr. President, I rise today to commend a fellow Rhode Islander and friend, Dr. Vartan Gregorian. On January 6, Dr. Gregorian announced that he will leave his post as president of Brown University in Providence, RI, to become President of the Carnegie Corp. After 9 years on College Hill, he leaves behind a flourishing campus and community. Brown has more than doubled its endowment during his tenure. An ambitious capital campaign has raised over $500 million under Dr. Gregorian's leadership, and he has brought 275 new faculty members to Brown, including 72 new professors.

But, Mr. President, the true measure of Vartan Gregorian is not his skill as an administrator, booster, and fund raiser, it is his passion for teaching and learning. Even in the midst of the demands of his presidency, he has managed to find time to continue to teach, and I understand that he also continues to serve as an advisor for several fortunate students. In this regard, he is unique among his peers, and they recognize his prodigious efforts. James Freedman, president of Dartmouth, said of Dr. Gregorian, "He communicates the joy of learning."

Vartan Gregorian's interest in education is not limited to Brown or to other institutions of higher learning. He is deeply concerned about the condition of the Nation's public schools. As his colleague, Theodore Sizer, said recently, "No Ivy League president has put his shoulder to the wheel of public education more than Vartan Gregorian."

Last month, Dr. Gregorian wrote an article in Parade magazine entitled "10 Things You Can Do to Make Our Schools Better." Mr. President, I commend this article to my colleagues, and I hope all Senators read and benefit from Dr. Gregorian's observations, particularly that it is everyone's job to help improve our public schools. Mr. President, I ask that Dr. Gregorian's article be printed in the RECORD following my remarks.

Mr. President, no matter where he has gone, Vartan Gregorian has taken his appreciation for education and left behind him successful institutions and inspired students. Brown, Providence, and Rhode Island will miss him, but we know he will stay in close touch and that he will continue to lead at his new post at the Carnegie Corp. We wish him well.

The article follows:

10 THINGS YOU CAN DO TO MAKE OUR SCHOOLS BETTER

(By Vartan Gregorian)

When I was invited by Parade to write an article about improving our public educational system, I thought for a moment of titling it "In Praise of Public School Teachers." This is because, while our schools badly need reform and upgrading, the responsibility for their problems cannot simply be dumped on our teachers, who by and large are a dedicated, hardworking and undervalued corps of professionals.

In fact, even as we acknowledge that our public schools need help, we ought to recognize their achievements and successes along

with their shortcomings. They face problems that reflect those of our entire society, and they have to contend with burdens and restrictions that don't affect most of the private and parochial schools with which they are sometimes unfairly compared. Nevertheless, our public schools should be better—much better—than they are, and improving them is a job for everyone from parents to college presidents.

What are some of the things that you, as a concerned individual, can do right now to better the schools and the educational process in your own area? Here are 10 practical steps you can take in this direction.

1. Visit your schools. It's not enough for parents to go once or twice a year for PTA meetings. I'd like to see schools make it easier for parents to visit regularly, even holding weekend and evening open houses for parents who can't get there during their working hours.

2. Involve the grandparents. This is especially important in cases of single parents.

3. Make the public school a magnet for the community. Hold social and community functions in school buildings.

4. Volunteer to help in your school. When rules permit, parents or others should offer to take over nonteaching jobs, such as hall monitors or cafeteria supervisors. Teachers should be treated as professionals whose job is teaching.

5. Read to your children. Nothing is more important than this. Start your children with nursery rhymes and go on from there.

6. Give every schoolchild a library card. When I was president of the New York Public Library, we arranged with Mayor Ed Koch to give one million library cards to the city's schoolchildren. We found that the majority of them were put to good use. Every town library should issue a card to each child in the community.

7. Organize and attend shows that the children put on. They encourage children to work together and also serve as a bond with the community.

8. Recognize that too much television has a terrible effect. Consider making television a chore rather than an amusement. Let children watch four hours a day if they want to, but require them to write papers on what they see. My objection to television is not only the time it wastes but also the passivity it brings. It produces isolation, not communication. If children had to critique what they watched, it might even serve to reduce the violence on the screen.

9. Let our children go. Schools should take children on expeditions, and not just to a museum or zoo. Business and civic leaders could invite whole classes to visit workplaces for a day—banks, hospitals, universities, factories, police stations, places of worship, government offices.

10. Restore the arts as a major element in education. We've made a tremendous mistake in diminishing or eliminating art, music and dance as fluff or frills. The arts like sports, play a vital role in bringing students together and promoting teamwork. Athletics provide stability and a way to release energy. The arts allow children to develop creativity and imagination. The Duke Ellington School in Washington, D.C., has one of the lowest dropout rates anywhere. Ninety percent of the participants in The Boys Choir of Harlem go to college following high school. It's almost impossible to overemphasize the significance of the creative arts in education. Make sure that your own school district recognizes this.

An important challenge faced by today's schools that didn't exist in the past is the changed expectations of the public. Today, it is assumed that almost everybody has to go to college. A university education is regarded more as a necessity than as something extraordinary. And we glamorize the past. The 1930s and '40s had high dropout rates too, but fewer people then were deeply concerned about that. American society has changed and raised its expectations of what an educational system should provide.

How can we meet those expectations? The core of the teaching process is, and always will be, the teacher. I believe that to become a teacher is to join a noble profession. Teachers have an awesome responsibility: We entrust our sons and daughters to teachers to help prepare them for life. Yet too often teachers are held in low esteem. We pay them less than we pay plumbers and mechanics, and we complain about them more readily. As I have suggested, teachers today are not just teachers—they're called upon to be supervisors, custodians, counselors, hall and cafeteria monitors, law and order officers. Despite all this, thousands and thousands of men and women are public school teachers because they are dedicated people.

Are teachers' unions part of the solution? Yes. They are interested in the economic aspects of teaching, and they should be. But they have a moral; professional and historical obligation to help rescue and reform our public schools. The burnout rate among teachers in our nation's public schools is very high. Unions should join in an effort to allow teachers to be retrained, re-educated and immersed in the very disciplines in which they need renewal so they can further the horizons of education and knowledge.

There is a great need for strengthening the schools of education in our colleges and universities, so we can raise our standards of teaching. This is something in which college presidents can play a part, for too often the school of education is not regarded as highly as the rest of the university. The arts and science faculties in many universities have no close affinity with the schools of education. Schools of education often stress the technique rather than the substance of the subject matter. We really need to rethink our teacher-education and teacher-retraining programs.

I don't agree with those who feel that school vouchers are a panacea for our educational ills. Vouchers may solve individual problems, but not society's. Choice is meaningless for the millions of Americans who live in rural areas with few schools. Choice between bad schools is not useful to city dwellers.

Parents who want their children to attend private schools learn quickly that parents don't choose private schools—private schools choose children. I have a drastic solution for a school that is bad: Shut it down. We don't allow a bad hospital to function: why should we allow a bad school?

A national consensus exists on the need for school reform. According to a *Wall Street Journal*/NBC News poll taken just before the election, four in 10 voters said education should be one of the next President's two top priorities. It ranked evenly with keeping the economy healthy as the No. 1 concern. During the last decade, there has been a nationwide movement for school reform, and there is a major national effort now being made to bring this about—the Annenberg Challenge, which deserves to be widely recognized.

The Annenberg Challenge is a metaphor for change in our schools. It was launched in 1993 with a five-year, $500 million grant by Walter Annenberg, our former ambassador to Great Britain. Since it was a 2-for-1 matching challenge, the total amount will reach $1.5 billion, the largest such grant ever made to American public education. The Annenberg Challenge is not for budget relief; it is for enhancement. A full 90 percent must go to teaching and to the classroom, with only 10 percent to be spent on overhead.

The Annenberg Challenge operates on a variety of fronts. It includes grants to some of the nation's largest urban school systems, a rural schools initiative and an arts initiative, as well as aid to such organizations as the New American Schools Development Corporation, the Education Commission of the States and the Annenberg Institute of School Reform to carry forward their respective programs.

Wherever it has been put in operation, the Annenberg Challenge has required a cooperative effort by the school boards, labor leaders and legislators, as well as corporate and foundation executives. In New York City, Chicago, Philadelphia, Los Angeles, Detroit and other localities where the Challenge now functions, I actually have witnessed the encouraging phenomenon of such groups working together to produce results. As of now, some 4500 schools throughout the country are benefiting from the program. The Annenberg Challenge money itself will not reform the entire system, but it has created laboratories for change.

So I am optimistic about the possibilities of improving our schools. As a college president, especially, I know how important it is that we do so, for I do not want to see our universities turn into remedial schools. The superstructure cannot stand without a healthy infrastructure. When the *Titanic* sinks, you cannot say, "I was traveling first class." We all are our future's guardians, and our future is our children.●

TRIBUTE TO PATRICK H. WINDHAM

● Mr. HOLLINGS. Mr. President, I want to take a few moments to remark on the outstanding Senate career of my long time science staffer, Pat Windham, whose last day on the Senate Commerce Committee staff will be tomorrow. At the end of this month, Pat will be returning to the San Francisco area where he grew up. With his wife Arati and their cute infant daughter Katie, he will be living within shouting distance of Stanford University, his undergraduate alma mater, and across the bay from the University of California at Berkeley where he received his masters in public policy.

Pat first came to the Senate in the late 1970's for a 2-year stint on the Commerce Committee staff as a congressional fellow in connection with his doctoral program at Berkeley. He returned in 1982, when he served for 2 years as a legislative assistant on my personal staff. Since 1984 he has been the Commerce Committee's resident expert on science policy, touching on virtually every science and technology issue you can imagine.

Early in his career here Pat was deeply involved in the ocean and coastal issues that are so important to the recreational and commercial needs of South Carolinians. On my personal

staff he also mastered the myriad complexities of the Nation's nuclear energy policy, acquiring detailed knowledge of nuclear powerplant technology and waste storage problems.

In his service for the Commerce Committee's Science, Techology, and Space Subcommittee, he has had principal responsibility for overseeing technology policy and industrial competitiveness. I strongly believe that the key to our national economic strength is the link between technology and industry. Pat shares this vision, and has made an enormous difference to me in developing programs that are targeted at forging that link. One such program is the Manufacturing Extension Partnership, which facilitates the transfer of manufacturing technology directly from the laboratory to the operations of the small- and medium-sized firms that carry out the bulk of U.S. manufacturing. Thanks in large part to Pat's tenacity in working to steadily improve the program, there are now locally run and cost-shared manufacturing extension centers in South Carolina and throughout the Nation that provide essential technical assistance to thousands of small manufacturers.

Another such program is the Advanced Technology Program [ATP], overseen by the National Institute of Science and Technology within the Department of Commerce. ATP recognizes the intense investor pressure on American companies to cut costs and spend limited research dollars on projects with short-term payoffs. It is a peer-reviewed, industry-led undertaking that provides matching funds for the development of advanced technologies—in areas like electronics, information technology, robotics, advanced materials, and biotechnology—that will be central to the formation of new industries in the 21st century. Pat spearheaded the creation of ATP in the late 1980's, and now that ATP is beginning to bear fruit, he has fought tirelessly against efforts to undercut its effectiveness.

During his 17 years of Senate service, Pat has earned wide respect and affection from Members of Congress and staff, administration officials, and the scientific community for his commitment to the development of sound science and technology policy. He has an extraordinary capacity to digest large amounts of highly technical information in a number of scientific fields and communicate it clearly to decisionmakers. Further, in spite of his intense dedication to achieving his legislative goals, Pat has made loyal and enthusiastic friends among allies and adversaries alike.

I have no doubt that in his new surroundings Pat will find ways to further his splendid contributions to our Nation's industry and technological progress. He has certainly been everything I have wanted, and more, as a staff professional, and I thank him for his excellent work.

I wish Pat, Arati, and little Katie the bestoffortuneinalltheirfuture endeavors.•

TRIBUTE TO JACKIE AND RACHEL ROBINSON

• Mr. DODD. Mr. President, this past Tuesday, more than 34,000 baseball fans, including President Clinton, came to Shea Stadium in New York to honor Jackie Robinson on the 50th anniversary of his breaking the color barrier for major league baseball. For all Americans, and especially for African-Americans, Jackie Robinson's historic achievement was a source of inspiration, and it forever changed the face of our society.

Jackie Robinson's legacy is of particular importance to the State of Connecticut, because Jackie Robinson's family retired to Stamford in 1956. Among those in attendance at Shea Stadium on Tuesday were 640 children from Stamford, who are participants in the Jackie Robinson Park of Fame project. The project's goal is to celebrate Jackie Robinson's life and instill our young people with courage and confidence.

Hopefully, these children will learn about Jackie Robinson's heroic feats on the baseball diamond, and, most of all, the grace with which he overcame the many obstacles that were placed in his path as he sought to almost single-handedly integrate our national pastime. More important, I hope that these children and all Americans will learn about Jackie Robinson's sacrifices away from baseball and his undying commitment to uplifting his race and his country.

For anyone who saw Jackie Robinson play, they would probably be surprised to learn that some believe baseball was Jackie's worst sport. He was UCLA's first-ever four-sport letterman, starring in football, basketball, and track, as well as baseball. While there were many Negro League players who were talented enough to play in the major leagues, Jackie Robinson was a special person whose intelligence, character, and athleticism uniquely qualified him to become major league baseball's first African-American player.

When Brooklyn Dodgers' President Branch Rickey signed Jackie Robinson to break baseball's color line, Jackie had to agree that, for two full seasons, he would turn the other cheek no matter what abuse was directed at him by opposing players and fans. Jackie Robinson withstood a seemingly endless barrage of verbal, physical, and psychological assaults and was still able to excel in nearly every facet of the game with an uncommon dignity. When Robinson would slide into second base with an easy double, the opposing shortstop would sometimes slam Jackie in the face with his glove so hard that you could hear it in the dugout. In response, Jackie Robinson would simply stand up, dust himself off, and then steal third on the very next pitch.

Jackie Robinson's quiet humility and devotion to principle stand in sharp contrast to today's pro athletes who seem more interested in corporate sponsorships and performance bonuses in their multimillion dollar contracts than in giving back to their communities. For Jackie Robinson, baseball was about more than individual statistics and lucrative contracts. It was about breaking down barriers and instilling others with a sense of hope.

Jackie Robinson's silence did not last forever, and his actions after retiring from baseball are often overlooked but equally deserving of praise. Many would argue that, by integrating baseball, Jackie Robinson had done more for the cause of racial justice than any other individual of that era. But Jackie Robinson did not view his baseball career as the peak of his life, and his greatest contributions to American society may have come after his retirement.

Whereas his fame and wealth would have allowed him to enjoy a very comfortable retirement, Jackie Robinson remained committed to the fight against racism and social injustice until his death. He helped to establish the Freedom National Bank in Harlem, which provided loans to African-Americans trying to start their own businesses. He also founded his own construction company which built housing for low-income families in New York.

Jackie Robinson was also active politically. He spoke throughout the country in support of civil rights, participated in protest marches, and raised large sums of money for civil rights organizations. He also worked actively for several politicians who promoted the cause of racial equality.

Despite all the sacrifices in his life, Jackie Robinson always maintained that there was more work to be done. Hence, he entitled his autobiography, "I Never Had It Made." He wrote, "I am grateful for all the breaks and honors and opportunities I've had, but I always believe I won't have it made until the humblest black kid in the most remote backwoods of America has it made."

Unfortunately, 50 years after the fall of baseball's color barrier and 25 years after Jackie Robinson's death, America still has a long way to go if it hopes to ever meet Jackie Robinson's vision of what America should be. But while we still have not evolved into a society that is completely free from prejudice and social injustice, there are countless visible signs of Jackie Robinson's impact on this country.

Last week, we all witnessed a true testament to Jackie Robinson's legacy

as we watched 21-year-old Tiger Woods become the first person of color to win the Masters—golf's most prestigious tournament. But perhaps the most encouraging aspect of Tiger Woods' performance came during his acceptance speech. Tiger Woods specifically credited Lee Elder, Charlie Sifford, and Teddy Rhodes, the first African-Americans to ever compete at Augusta, for opening doors for him. He acknowledged that, without the sacrifices of trailblazers like these men and Jackie Robinson, very few of today's minority athletes would know the success that they have grown accustomed to. This is why we must celebrate the achievements of Jackie Robinson and other pioneers, because the lessons that they taught us are as relevant today as they were decades ago, and we must heed their words and actions or we will cease to be a progressive society.

Tuesday night's event at Shea Stadium had many special moments, but the most touching came when Rachel Robinson, Jackie's widow, spoke in honor of her husband, and the audience gave her the warm ovation that she so richly deserved. Her sacrifices were as great as her husband's, and too often we forget that Jackie Robinson, who was described as the loneliest man in sports, endured and prevailed only with the support of his partner Rachel, who was always by his side.

Rachel Robinson sacrificed her own personal aspirations during Jackie's playing career and dedicated herself to raising their children and supporting her husband. But upon their retirement to Connecticut, she earned her master's degree in psychiatric nursing at Yale. She later operated a day clinic for acutely ill psychiatric patients, taught at Yale's School of Nursing, and served as director of nursing for the Connecticut Mental Health Center. Despite her own personal success, Rachel Robinson again displayed tremendous selflessness after Jackie's death in 1972.

Upon his passing, it would have been easy for Rachel Robinson to continue the pursuit of her own career, but instead she gave up her medical career and dedicated her life to preserving the legacy of her husband. In 1973, she formed the Jackie Robinson Foundation, which has awarded more than 450 college scholarships to minority and disadvantaged students who have exhibited leadership potential and shown a commitment to community service. Throughout his life, Jackie Robinson always stressed the importance of education, and for a man whose life was dedicated to creating opportunities for others, providing young adults the chance to go to college is perhaps the most fitting tribute one could ever pay to this great man. I am proud to say that Rachel Robinson still resides in my home State of Connecticut, and we are truly fortunate to call her one of our own.

While many glorious words have been spoken in honor of Jackie Robinson, I truly believe that the greatest tribute that we could ever pay to this man would be through our actions. As Rachel Robinson eloquently said, "This anniversary * * * has given us an opportunity to reassess the challenges of the present. It is my passionate hope that we can take this reawakened feeling of unity and use it as a driving force so that each of us can recommit to equality of opportunity for all Americans." I hope that America will listen to the words of Rachel Robinson and work together to fulfill Jackie's and her dream.

America is a better place because of Jackie and Rachel Robinson, and I want to thank both of them for their courage and sacrifice.•

BABY TALK

• Mr. DURBIN. Mr. President, I rise today to pay tribute to a group of citizens in Decatur, IL, who noticed a serious problem in their community, banded together to develop a solution to this problem, and then saw this practical solution through with a strong sense of commitment and compassion.

All over this country, communities like Decatur are responding to the realization that the experiences of the earliest years of life have a powerful influence on how human beings develop. Research indicates that young children are developing brain patterns which will affect everything they do for the rest of their lives. The way they process information, the way they relate to other people, their abilities in every domain—these important human functions are being written on the minds of children at a time in their lives when basic needs often go unmet. We often realize the importance of this time only when it is too late to go back and fill in the gaps—when these children fail in school or commit a crime or become a burden to society.

The people of Decatur, IL, realized that the most important resource every child must have is a loving adult who cares for them, understands their needs, and makes that child a priority. How can we encourage parents to nurture their own children? How can we take advantage of this wonderful window of opportunity for young children by making sure they are loved and encouraged to develop?

My friends in Decatur pondered these very questions in 1986 and the result is Baby Talk. Baby Talk is a community collaboration that reaches out to all parents of very young children and gives them the support that they need. This project is a joint effort of schools, hospitals, libraries, health clinics, Head Start, literacy projects, and local government. Baby Talk establishes a relationship with every family who has a newborn child in order to offer encouragement and support for the most important task they will ever undertake—raising a child.

Baby Talk delivers programs where parents and children already are. In this way, Baby Talk reaches the entire population of child raising families casting a net of support over the community. Every parent of a child born in one of Decatur's two hospitals, receives a personal visit from Baby Talk to learn about their newborn's abilities and needs. Parents receive a book and advice about how to read aloud with their child. They also receive a magnet with the Baby Talk telephone number to call for assistance.

Information about predictable challenges and encouragement for parents are provided at child clinics and through letters sent to families every 2 to 3 months through the child's first 3 years. "Baby Talk Times" and "Lapsit" groups meet weekly at many locations where parents and children play, sing, read books, and share their challenges and achievements.

Parents who did not finish high school participate in Baby Talk's Even Start program where comprehensive family literacy programming is offered at the health department and Head Start.

Baby Talk makes 4,000 contacts monthly with parents and children of different backgrounds and income levels. Fortunately, this service does not exist only in Decatur. Professionals from 30 States and Canada have received training and materials from the Baby Talk organization to serve families in their communities.

Baby Talk has been recognized by the U.S. Department of Education for meeting Goal One of the America 2000 Strategy: "That by the year 2000, all children will start school ready to learn."

Recently, Baby Talk celebrated its 10th anniversary with the announcement that it has served the families of 20,000 babies. I would specifically like to commend the efforts of Claudia Quigg who was the initial pioneer of this effort and currently acts as Baby Talk's executive director. Through the efforts of Ms. Quigg and many other dedicated Baby Talk staff members, the city of Decatur is investing in its future and putting into practice their belief that a stitch in time saves nine.

We are looking forward to the years ahead when thousands of Baby Talk children grow up to be caring, successful, and productive citizens. I present Baby Talk as an example of what can be accomplished when a community pulls together and stays committed to an important goal. I am very proud to have this organization performing their good works in my State and I hope others can learn from the accomplishments that Baby Talk has had in Illinois.•

AUTHORITY TO MAKE APPOINTMENTS TO SENATE ARMS CONTROL OBSERVER GROUP

Mr. CHAFEE. Mr. President, I ask unanimous consent that during the 105th Congress, the authority of the majority leader to make six appointments and that of the Democratic leader to make seven appointments to the Senate Arms Control Observer Group, pursuant to Senate Resolution 105 of the 101st Congress, as amended, shall be increased to eight appointments for the majority leader and nine appointments for the Democratic leader.

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

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Senate Resolution 105, adopted April 13, 1989, as amended by Senate Resolution 280, adopted October 8, 1994, announces the following appointments and designations to the Senate Arms Control Observer Group:

The Senator from Alaska [Mr. STEVENS] as majority administrative cochairman;

The Senator from South Carolina [Mr. THURMOND] and the Senator from Indiana [Mr. LUGAR] as cochairmen for the majority;

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from North Carolina [Mr. HELMS];

The Senator from Arizona [Mr. KYL];

The Senator from Mississippi [Mr. LOTT];

The Senator from Oklahoma [Mr. NICKLES];

The Senator from New Hampshire [Mr. SMITH];

The Senator from Maine [Ms. SNOWE]; and

The Senator from Virginia [Mr. WARNER].

The Chair, on behalf of the majority leader, after consultation with the Democratic leader, pursuant to Public Law 104-201, appointed the following individuals as members of the Commission on Maintaining United States Nuclear Weapons Expertise: Henry G. Chiles, Jr., of Virginia, and Robert A. Hoover, of Idaho.

ORDER TO PLACE H.R. 1226 ON THE CALENDAR

Mr. CHAFEE. Mr. President, I ask unanimous consent that once the Senate receives from the House H.R. 1226, it be placed on the calendar.

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

ORDERS FOR MONDAY, APRIL 21, AND TUESDAY, APRIL 22, 1997

Mr. CHAFEE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Monday, April 21, for a pro forma session only. I further ask unanimous consent that immediately following the pro forma session, the Senate stand in adjournment until the hour of 10 a.m. on Tuesday, April 22.

I further ask unanimous consent that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and there then be a period for the transaction of morning business, with Senators to speak for up to 5 minutes each, with the following exceptions: Senator COVERDELL, or his designee, in control of 60 minutes from 1 p.m. to 2 p.m.—that is from 1300 to 1400—Senator DASCHLE, or his designee, for 60 minutes.

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

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE RESOLUTION 75

Mr. CHAFEE. Mr. President, I ask unanimous consent, as in executive session, that if executive resolution 75 is defeated, the Senate then agree to the motion to reconsider that vote and the resolution then be pending once again.

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

PROGRAM

Mr. CHAFEE. Mr. President, for the information of all Senators, there will be no session of the Senate on Friday, and the Senate will be in session on Monday for a pro forma session only. No business will be conducted during Monday's pro forma session.

The Senate will then reconvene on Tuesday for a period of morning business. As previously announced, there will be no rollcall votes during Tuesday's session. Also as a reminder to my colleagues, policy lunches normally held on Tuesday will occur on Wednesday of this coming week. All Senators should be aware that under the previous order, the Senate will begin consideration of the Chemical Weapons Convention Treaty on Wednesday and Thursday. Rollcall votes can therefore be expected beginning Wednesday of next week.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. CHAFEE. Mr. President, I ask unanimous consent that committees be permitted to file legislative or executive calendar items from 10 a.m. to 12 noon on Friday, April 18 and Monday, April 20.

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

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

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 63, 64, 66, and 69. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at this point in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed en bloc are as follows:

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Susan R. Baron, of Maryland, to be a member of the National Corporation for Housing Partnerships for the term expiring October 27, 1997.

NATIONAL INSTITUTE OF BUILDING SCIENCES

Charles A. Gueli, of Maryland, to be a member of the Board of Directors of the National Institute of Building Sciences for a term expiring September 7, 1999, vice Walter Scott Blackburn, term expired.

EXECUTIVE OFFICE OF THE PRESIDENT

Jeffrey A. Frankel, of California, to be a member of the Council of Economic Advisers, vice Martin Neil Baily, resigned.

TENNESSEE VALLEY AUTHORITY

Johnny H. Hayes, of Tennessee, to be a member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2005.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ADJOURNMENT UNTIL MONDAY, APRIL 21, 1997

Mr. CHAFEE. If there is no further business to come before the Senate, Mr. President, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:37 p.m., adjourned until Monday, April 21, 1997, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 17, 1997:

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

SUSAN R. BARON, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS FOR THE TERM EXPIRING OCTOBER 27, 1997.

NATIONAL INSTITUTE OF BUILDING SCIENCES

CHARLES A. GUELI, OF MARYLAND, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 1999.

EXECUTIVE OFFICE OF THE PRESIDENT

JEFFREY A. FRANKEL, OF CALIFORNIA, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS.

TENNESSEE VALLEY AUTHORITY

JOHNNY H. HAYES, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2005.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.