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House of Representatives

The House was not in session today. Its next meeting will be held on Monday, July 8, 1996, at 12 noon.

Senate

FRIDAY, JUNE 28, 1996

The Senate met at 8:30 a.m., and was called to order by the Honorable CRAIG THOMAS, a Senator from the State of Wyoming.

PRAYER

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

Gracious Father, we live in a land of freedom and yet, on so many days we don't feel free. So often we are tied down by feelings of guilt; bound up by frustrating anxieties; uptight over problems; incarcerated by people's criticisms or negative opinions; and pressured by fears of the future. We all feel it at times. This longing to be free. Truly free. Free to be and express our real selves. Free to enjoy life, ourselves, and others. Free to give and receive love, forgiveness, acceptance. Free to pull out all the stops and live with boldness and courage. You have shown us that a new burst of personal freedom comes from knowing You, trusting You and committing to Your care the burdens we carry. Untie us when we get tied up in knots, unbind us when we are bound up in ourselves, unleash us to serve You by serving others. Free us from self-concern and help us give ourselves away to our loved ones, friends and those with whom we work.

In Your holy name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 28, 1996.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CRAIG THOMAS, a Senator from the State of Wyoming, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. THOMAS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader.

SCHEDULE

Mr. MCCAIN. Mr. President, this morning the Senate will immediately begin consideration of the Department of Defense authorization bill.

At 9:30 this morning, there will be a rollcall vote on the motion to invoke cloture on the DOD bill.

It is hoped that Senators will cooperate today in allowing us to reach an agreement on the defense bill. I would anticipate rollcall votes throughout the day on or in relation to amendments to the bill.

As a reminder, a third cloture motion was filed last night. The vote could occur as early as Saturday. That vote could occur as early as Saturday if it becomes necessary.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leader time is reserved.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the DOD bill, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1745) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Nunn amendment No. 4367, to require the President to submit a report to Congress on NATO enlargement.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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

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AMENDMENT NO. 4387

(Purpose: To ensure fair and equitable pricing of equipment to be provided to Bosnia and Herzegovina under current drawndown authorities)

Mr. MCCAIN. Mr. President, I offer an amendment which would express the sense of the Senate that the price of defense articles transferred to Bosnia be priced at the lowest fair price in order to maximize the amount of equipment provided under the Bosnia drawdown authority.

I believe this amendment has been cleared by the other side.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 4387.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . It is the sense of the Senate that, notwithstanding any other provision of law, in order to maximize the amount of equipment provided to the Government of Bosnia and Herzegovina under the authority contained in Section 540 of the Foreign Operations Act of 1996 (P.L. 104–107), the price of the transferred equipment shall not exceed the lowest level at which the same or similar equipment has been transferred to any other country under any other U.S. government program.

Mr. MCCAIN. Mr. President, I urge the Senate adopt this amendment.

Mr. NUNN. Mr. President, this amendment has been agreed to. I urge its passage.

Mr. LAUTENBERG. Objection. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LAUTENBERG. Objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

The legislative clerk continued with the call of the roll.

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

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 4177, AS FURTHER MODIFIED

(Purpose: To provide for defense burdensharing)

Mr. NUNN. Mr. President, on behalf of Senator HARKIN, I ask unanimous consent amendment No. 4177 offered by Senator HARKIN, as modified, and previously adopted, be further modified by the language in the amendment I am sending to the desk.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The amendment (No. 4177), as further modified, is as follows:

At the end of subtitle D of title X, add the following:

SEC. 1044. DEFENSE BURDENSHARING.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States continues to spend billions of dollars to promote regional security and to make preparations for regional contingencies.

(2) United States defense expenditures promote United States national security interests; however, they also significantly contribute to the defense of our allies.

(3) In 1993, the gross domestic product of the United States equaled $6,300,000,000,000, while the gross domestic product of other NATO member countries totaled $7,200,000,000,000.

(4) Over the course of 1993, the United States spent 4.7 percent of its gross domestic product on defense, while other NATO members collectively spent 2.5 percent of their gross domestic product on defense.

(5) In addition to military spending, foreign assistance plays a vital role in the establishment and maintenance of stability in other nations and in implementing the United States national security strategy.

(6) This assistance has often prevented the outbreak of conflicts which otherwise would have required costly military interventions by the United States and our allies.

(7) From 1990–1993, the United States spent $59,000,000,000 in foreign assistance, a sum which represents an amount greater than any other nation in the world.

(8) In 1995, the United States spent over $10,000,000,000 to promote European security, while European NATO nations only contributed $2,000,000,000 toward this effort.

(9) With a smaller gross domestic product and a larger defense budget than its European NATO allies, the United States shoulders an unfair share of the burden of the common defense.

(11) Japan now pays over 75 percent of the nonpersonnel costs incurred by United States military forces permanently assigned there, while our European allies pay for less than 25 percent of these same costs. Japan signed a new Special Measures Agreement this year which will increase Japan's contribution toward the cost of stationing United States troops in Japan by approximately $30,000,000 a year over the next five years.

(12) These increased contributions help to rectify the imbalance in the burden shouldered by the United States for the common defense.

(13) The relative share of the burden of the common defense still falls too heavily on the United States, and our allies should dedicate more of their own resources to defending themselves.

(b) EFFORTS TO INCREASE ALLIED BURDENSHARING.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

(1) Increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving the following percentages of such costs:

(A) By September 30, 1997, 37.5 percent.

(B) By September 30, 1998, 50 percent.

(C) By September 30, 1999, 62.5 percent.

(D) By September 30, 2000, 75 percent.

An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 1997.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights) by 10 percent or at least to a level commensurate to that of the United States by September 30, 1997.

(4) Increase the amount of military assets (including personnel, equipment, logistics, support and other resources) that it contributes, or would be prepared to contribute, to multinational military activities worldwide.

(c) AUTHORITIES TO ENCOURAGE ACTIONS BY UNITED STATES ALLIES.—In seeking the actions described in subsection (b) with respect to any nation, or in response to a failure by any nation to undertake one or more of such actions, the President may take any of the following measures:

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent duty ashore in that nation.

(2) Impose on that nation taxes, fees, or other charges similar to those that such nation imposes on United States forces stationed in that nation.

(3) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) the amount the United States contributes to the NATO Civil Budget, Military Budget, or Security Investment Program.

(4) Suspend, modify, or terminate any bilateral security agreement the United States has with that nation.

(5) Reduce (through rescission, impoundment or other appropriate procedures as authorized by law) any United States bilateral assistance appropriated for that nation.

(6) Take any other action the President determines to be appropriate as authorized by law.

(d) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1997, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other nations to complete the actions described in subsection (b);

(2) all measures taken by the President, including those authorized in subsection (c), to achieve the actions described in subsection (b); and

(3) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).

(e) REPORT ON NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—(1) In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the United States Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The alliance requirements that are to be found in agreements between the United States and other countries.

(B) The national security interests that support permanently stationing elements of the United States Armed Forces outside the United States.

(C) The stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(D) The alternatives available to forward deployment (such as material prepositioning, enhanced airlift and sealift, or joint training operations) to meet such alliance requirements or national security interests, with such alternatives identified and described in detail.

(E) The costs and force structure configurations associated with such alternatives to forward deployment.

(F) The financial contributions that allies of the United States make to common defense efforts (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights).

(G) The contributions that allies of the United States make to meeting the stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(H) The annual expenditures of the United States and its allies on national defense, and the relative percentages of each nation's gross domestic product constituted by those expenditures.

(2) The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 1997, in classified and unclassified form.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. I support the amendment. I would like to point out that after this amendment technical correction is made, the Senator from New Jersey has made it clear that he will block further progress on the Department of Defense authorization bill. The Senator from New Jersey can speak to it for himself, as to why he chooses to block a bill concerning the defense and security of the Nation on Friday of the beginning date of recess.

As I say, I do not pretend to describe it. I think it is irresponsible. I think it is unnecessary. We worked very, very hard on this bill for months of hearings, of markup. We have been on this bill now for many, many days. We are nearing the end. And the Senator from New Jersey has decided that he will prevent this body from moving forward.

I hope whatever problems that he has can be resolved, but I believe, if I might say, from a personal standpoint, this is sort of an indicator of a very unpleasant kind of environment that has begun to permeate this body. The Senator from New Jersey has the right, as a Senator, to block this legislation and suggest the absence of a quorum. He has that right. I do not deny him that right.

But I, frankly, am befuddled as to why he would want to block legislation that concerns the welfare of hundreds of thousands of young men and women in the military. It has enormous impact for the security of this Nation. Frankly, I think the American people might deserve an explanation from the Senator from New Jersey as to why he chooses to block a bill that has to do with the defense and security of this Nation. I regret it. I hope he will reconsider his blockage of further progress on this bill, as it is important to the lives of hundreds of thousands of young Americans who are members of the military as well as the security of the country.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, lest it be misunderstood, the insinuation that I have just heard that I want to prevent the armed services from doing their job, prevent the authorizing legislation from going through, is hardly the appropriate characterization of the condition we are in.

The Senator from New Jersey reserves his right, as a U.S. Senator, to take an action to respond to an action that was begun on the Republican side. Last week we had a resolution developed, enthusiastically supported by both sides of the aisle, to caution the Arab countries surrounding Israel not to gang up on Israel, not to start with bellicose statements, making demands that were unrealistic before the Government could even be formed. But someone on the Republican side chose at the last minute, Friday last, within 10 minutes of the time we were ready to recess for the weekend—chose to put a hold on it. The suggestion was the resolution that I wrote—that my name be dropped and others' substituted. Silly, petty stuff.

So, when there is an accusation here—and I think I have served this body well—coming from a distinguished Senator like the Senator from Arizona, no one challenges his right to say what he chooses and to stand up proudly as someone who served his country well. By the same token, in fairness, no one has a right to assail my motives. This is very clear. You have never, never seen Senator LAUTENBERG on this floor stopping action in the 14 years that I have been here. So it has to be an unusual condition that would occasion this.

Mr. President, I want to move this bill along, I want to get it out of the way, but I want someone on the Republican side of the aisle to come up and tell me why there is a problem just because it has a New Jersey attachment. That is hardly the way we do business here. It is a vendetta against the State; it is a vendetta against the Senator. I am not going to put up with it.

Unfortunately, we have to call attention to things sometimes. I have seen the Senator from Arizona and others on that side of the aisle take advantage of the process to make sure that their voices and their concerns were heard. And so it is. Thank you, Mr. President.

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from Arizona.

Mr. McCAIN. Mr. President, as the Senator from New Jersey knows, when I prefaced my remarks, I fully acknowledged the right of the Senator from New Jersey to exercise his rights as a Senator. I respect those rights.

The Senator from New Jersey has explained his reasons for not allowing the Senate to proceed with the Department of Defense bill. That is his right to do that.

I state again that there is a great deal at stake here. There are issues that are important to the security of the country that we are considering. I am sure that the Senator from New Jersey would agree with that. I simply urge him to allow us to move forward and proceed with the orderly disposition of a bill that we have been on now since last Friday.

Mr. President, what is the pending business?

AMENDMENT NO. 4387

The PRESIDING OFFICER. The Chair advises the Senator from Arizona that amendment No. 4387 is pending.

Mr. McCAIN. I urge adoption of the amendment.

Mr. NUNN. I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NUNN. 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. NUNN. Mr. President, this is the seventh day of debate on S. 1745. We have been on and off this bill. There have been interruptions. But for the last 2 or 3 days, we have been on it most of the time.

I would like to acquaint our colleagues, as everybody I know is prepared to try to leave town today, as to where we are on this bill.

We have had 6 days of debate, with total time of debate 55 hours 10 minutes. We have disposed of 111 amendments as follows: 91 were adopted by voice vote; 5 were adopted by rollcall vote; 1 was defeated by voice vote; 3 were defeated by rollcall vote; 5 were tabled by rollcall votes; 6 were withdrawn; 2 failed to be tabled by rollcall vote.

There have been a total of 15 rollcall votes, including the cloture vote on June 26.

Of the amendments, 63 were offered by people who were not on the Armed Services Committee; I believe 32 Democratic amendments, 31 Republican amendments. Armed Services Committee members: 20 Democratic amendments, 28 Republican amendments.

We really have had a balanced kind of approach to this, including balanced amendments and bipartisan amendments that were relevant to this bill. That is about balanced, too.

I have not tried to keep score, but when we have amendments that have nothing to do with the jurisdiction of this bill or when we have things poured over on this bill that have no bearing, as we do right now at the moment, we

get delayed and it is very hard to finish this bill.

Starting about 10 o'clock, everybody will be walking in demanding to know when we are going to finish this bill and when they can catch a plane. If they are really interested in doing that, then what they should do is—right now on our side, we have an amendment by Senator CONRAD, an amendment by Senator DASCHLE, an amendment by Senator FEINGOLD, an amendment by Senator FEINSTEIN, two amendments by Senator FORD. Senator HARKIN has one; Senator JOHNSTON has two; Senator LAUTENBERG has one; Senator LEVIN has three; Senator CONRAD has one.

These are all amendments that are not worked out and appear to either have to be substantially altered or they will require rollcall votes and debate.

We have two unanimous-consent requests which we are going to be posing in a little while. If those two consent agreements go through, then we have a chance of finishing this bill at a reasonable hour today. If they do not go through, no chance—no chance.

In addition, though, if those two unanimous-consent agreements go through, we are going to have to have time agreements on these amendments. I believe there are probably three or four amendments on the Republican side of the aisle. We are going to have to have time agreements on them. The time agreements are going to have to be short, and by short, I mean 20 minutes each equally divided. If we do not, then there is not going to be any way to go home this afternoon. The majority leader will make that determination, not me. The floor managers will have recommendations to the majority leader and the minority leader, but they will make the decision.

The majority leader has said over and over and over again he intends to finish this bill. I believe it, and I think that is the appropriate course. If we come back here with this bill hanging out there for the next 10 days, based on my experience, we will have an average of 40 new amendments a day that staff will be dreaming up, unless we send all the staff on vacation, which might be a good idea, because 40 amendments a day times 7 or 8 days, we will have somewhere around 300 more amendments to this bill. It will just grow and grow and grow. It is easy.

We can easily spend the rest of this session on this bill. It would not be difficult at all. We can just say we will have all the amendments come on the armed services bill. We will take them all to conference. The Speaker will appoint the whole House of Representatives to the conference. We cannot get 435 people in the room, but here we go, because so many amendments do not have anything to do with this bill.

When we get to conference, our conferees on the House side and Senate side cannot make decisions that relate to the Judiciary Committee or others. When people continue to put amendments that are not relevant on this bill, that is what happens, and we simply will not be able to get it done.

If we do not get this bill passed, we will have a hard time passing the appropriations bill on Defense, and everybody knows we must pass these two bills.

It is my hope, No. 1, that we can clear this immediate problem we have with the Senator from New Jersey and that we can move forward to get all these cleared amendments done by 9:30; otherwise, we are going to eat into time on the other side of the cloture vote.

I have to tell everyone that, if we do not clear these amendments by 9:30, any of them that are not only not relevant, but not germane—and that is a very technical term; a lot of them are not germane to this bill—they will be ruled out if cloture is invoked. So if cloture is invoked, we will have a lot of people who thought they had amendments worked out or who are getting them worked out, who will not be able to get them passed. That is another consideration.

It is my hope, No. 1, that the Senator from New Jersey and the Senator from Texas will have a conversation and we can get that matter ironed out and moved forward and clear these amendments in the next 20 minutes; No. 2, that we can get these two unanimous-consent agreements entered into as soon as the leadership is prepared to propose them; and, No. 3, that we can get this list of amendments and get a time agreement on every one of them. The time agreements are going to have to be anywhere from 10 minutes to 20 minutes; otherwise, I hope no one will walk in at around 11 o'clock and say, ''Can I catch my 11:30 plane?'' because it will be beyond the ability of the managers of this bill to make that happen.

Mr. President, I thank the Senator from New Jersey for permitting me to make those remarks.

Mr. LAUTENBERG. 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. NUNN. 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. NUNN. Mr. President, I am not calling an amendment up here, for the information of my friend from New Jersey. I just want to make it clear, Mr. President, we are voting on a cloture motion at 9:30. There is nothing I would rather do than invoke cloture, but I do not think we can do it at this stage, in fairness to our colleagues on both sides of the aisle. I will vote against cloture for that reason.

No. 1, we do not have unanimous-consent agreements, that are very important, that relate to things beyond this bill, that relate to the whole ballistic missile debate, which we hope to have. We hope to lay down three different proposals on ballistic missile defense, including the Dole-Gingrich proposal, the Clinton administration proposal, and the proposal I will have. We think we are on the verge of working that out.

We have also a couple provisions in this bill that, unless they are changed, this bill is very likely to be a veto candidate. All of us who want to see this enacted into law would like to see those changes so we do not go into the House conference with two provisions that are identical to the House provisions, which means that they would not have the flexibility of changing them, which means the administration is likely to veto any bill coming out. So changing those two amendments relating to missile defense and the ABM Treaty is also important. So without those unanimous consents we cannot do that. If we vote cloture, we are not likely to get the unanimous consents.

In addition, we have 27 amendments that have been cleared on both sides. We had hoped to have all these done this morning, but they are not done because we have not been able to get them done.

So everyone should know and be warned that if cloture were to be invoked, these amendments, I am informed, would not be germane, would not be in order, and could not be agreed to.

We have an amendment by Senator MCCAIN on Bosnia that we do not believe is germane; we have an amendment by Senator EXON on the Lincoln Airport we do not believe is germane; Senator ROBB has an amendment on budget request displays we do not think is germane; Senator SARBANES has an amendment that is on the Forest Glen Annex we do not believe is germane; Senator BINGAMAN has an amendment on the White Sands land exchange which is not germane.

All of them are relevant to the defense bill, relate to defense, but they do not meet the technical definition of germaneness, which is very narrow, as Bob Dove, the Parliamentarian, knows, and the occupant of the chair from Georgia knows.

We have an amendment by Mr. SMITH which is not germane; we have an amendment by Mr. JOHNSTON which is not germane; worked out, we can accept it, but it cannot be done if cloture is invoked. We have one by Mr. DOMENICI which is not germane, another one by Mr. DOMENICI not germane. Mr. HEFLIN has an amendment that is not germane; Mr. LOTT, Mr. EXON, Mr. GLENN, Mr. THURMOND, Mr. COHEN, Mr. LEVIN, Mr. STEVENS, Mr. DOMENICI another one, Mr. CHAFEE, Mr. SMITH, Mr. ROBB, Mr. LEVIN, Mr. SMITH, Mr. GLENN, Mr. CHAFEE, and Mr. THURMOND. We do not believe these are germane. There may be one or two of them we have on this list that are. But 95 percent of them are not.

I want to inform our colleagues on both sides, if the cloture vote is passed, none of these amendments will be able to go on this bill. I do not have a problem myself, but I do think a lot of our colleagues will have a problem.

I hope that cloture is not invoked. It is also my hope, though, that we are going to be able to get this list down and people are going to drop amendments and that we are going to break this impasse between the Senator from New Jersey and the Senator from Texas. I hope that can be done and that we can move this bill forward.

It is also my view that a lot of these amendments, even those that look like they are going to take rollcall votes, are likely to disappear as the planes start flying out this afternoon. But if we do not get these unanimous consent requests, we are going to be here a long time, according to the majority leader, and we are going to be here tonight. So everyone should be on notice of that.

Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I, too, want to see this bill moved. There has been a lot of hard and very thoughtful work that has gone into it. We are at a time when passage, or at least an attempt at passage, would be the best order of business.

Mr. President, this is the defense authorization bill. The effects of this bill begin on October 1 of this year. The results of the authorization that might pass here today will be put into place starting October 1, 1996, 4 months from now. So there is an urgency because of the amount of work that has gone into it.

My friend and colleague, the Senator from Georgia, and the floor manager, Senator MCCAIN, have worked very hard to get us to a point in time when action can be taken to resolve some differences. I would like that done. I feel badly that we are in this momentary state of suspension. When I hear from our friends on the other side that they want to work cooperatively, then I am prepared to move things along expeditiously.

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. MCCAIN. 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

NOMINATION OF ALFRED C. DECOTIIS, OF NEW JERSEY, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination: Calendar No. 529, Alfred C. DeCotiis, of New Jersey, to be a representative of the United States of America to the 50th session of the General Assembly of the United Nations.

I ask for immediate consideration of his nomination.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read the nomination of Alfred C. DeCotiis, of New Jersey, to be a representative of the United States of America to the 50th session of the General Assembly of the United Nations.

Mr. MCCAIN. Mr. President, I ask unanimous consent the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then immediately return to legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Alfred C. DeCotiis, of New Jersey, to be a Representative of the United States of America to the Fiftieth Session of the General Assembly of the United Nations.

Mr. NUNN. I thank the Senator from Arizona for working this out. That was a big roadblock. I appreciate his diligence in doing that.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

Mr. MCCAIN. Mr. President, I ask unanimous consent that we return to consideration of the bill.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with consideration of the bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 433, S. 1745, the Department of Defense authorization bill:

Trent Lott, Don Nickles, Dirk Kempthorne, Rod Grams, Jim Jeffords, Craig Thomas, Kay Bailey Hutchison, Christopher S. Bond, John Ashcroft, Conrad Burns, Judd Gregg, Larry Pressler, Orrin G. Hatch, Mitch McConnell, Hank Brown, Sheila Frahm.

VOTE

The PRESIDING OFFICER. The mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on S. 1745, the Department of Defense authorization bill, shall be brought to a close? The yeas and nays are required.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Oklahoma [Mr. INHOFE] are necessarily absent.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS] and the Senator from Arkansas [Mr. BUMPERS] are necessarily absent.

The yeas and nays resulted—yeas 53, nays 43, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—53

Abraham	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Pell
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Helms	Shelby
Coats	Hollings	Simpson
Cochran	Hutchison	Smith
Cohen	Jeffords	Snowe
Coverdell	Kassebaum	Specter
Craig	Kempthorne	Stevens
D'Amato	Kyl	Thomas
DeWine	Lott	Thompson
Domenici	Lugar	Thurmond
Faircloth	Mack	Warner
Frahm	McCain	

NAYS—43

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

NOT VOTING—4

Baucus	Hatfield
Bumpers	Inhofe

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 43. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. FEINGOLD addressed the Chair.

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

Mr. FEINGOLD. I thank the Chair. I ask unanimous consent that the pending amendments be set aside.

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

AMENDMENT NO. 4388

(Purpose: To require a cost-benefit analysis of the F/A–18E/F aircraft program)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk relating to the F/A–18E/F program on behalf of myself and Senator KOHL.

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Wisconsin [Mr. FEINGOLD], for himself and Mr. KOHL, proposes an amendment numbered 4388.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle B of title II, add the following:

SEC. 223. COST-BENEFIT ANALYSIS OF F/A–18E/F AIRCRAFT PROGRAM.

(a) REPORT ON PROGRAM.—Not later than March 30, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the F/A/–18E/F aircraft program.

(b) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the F/A/–18E/F aircraft program.

(2) An analysis and estimate of the production costs of the program for the total number of aircraft realistically expected to be procured at each of three annual production rates as follows:

(A) 18 aircraft.

(B) 24 aircraft.

(C) 36 aircraft.

(3) A comparison of the costs and benefits of the program with the costs and benefits of the F/A–18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.

(c) LIMITATION ON USE OF FUNDS PENDING TRANSMITTAL OF REPORT.—No funds authorized to be appropriated by this Act may be obligated or expended for the procurement of F/A–18E/F aircraft before the date that is 90 days after the date on which the congressional defense committees receive the report required under subsection (a).

Mr. FEINGOLD. Mr. President, this amendment would ''fence'' the funds authorized for production of the 12 F/A–18E/F's authorized in this legislation until such time as the Department of Defense [DOD] submits a cost/benefit analysis to Congress and Congress has an opportunity to evaluate whether production of this aircraft should commence, in light of the cost and concerns about the benefit of the F/A–18E/F in contrast to the F/A–18C/D, a far less costly yet extremely capable aircraft.

The genesis for this amendment resulted from a General Accounting Office [GAO] draft report made available recently entitled ''Navy Aviation: F/A–18E/F will Provide Marginal Operational Improvement at High Cost''. In this report GAO studied the rationale and need for the F/A–18E/F in order to determine whether continued development of the aircraft is the most cost-effective approach to modernizing the Navy's tactical aircraft fleet. GAO concluded that the marginal improvements of the F/A–18E/F are outweighed by the high cost of the program.

Mr. President, in our current fiscal climate, I have serious concerns about authorizing funding for such a costly program which according to GAO will deliver only marginal improvements over the current C/D version of the F/A–18.

As GAO noted in its report, at a projected total program cost of $89.15 billion, the F/A–18E/F program is one of the most costly aviation programs in the Department of Defense. The total program cost is comprised of $5.833 billion in development costs and $83.35 billion in procurement costs for 1,000 aircraft. The administration has requested $2.09 billion in fiscal year 1997 for the procurement of 12 F/A–18E/F's. To date, the Navy has already spent $3.75 billion on the research and development phase of the F/A–18E/F program.

Before I begin to describe GAO's findings, I would first like to discuss briefly the role of the F/A–18 aircraft in our Nation's overall naval aviation force structure. The Navy performs its carrier-based missions with a mix of fighter (air-to-air combat), strike (air-to-ground combat), and strike/fighter (multicombat role) aircraft. Currently, carrier based F–14 fighter aircraft perform air-to-air missions; A6E's perform air-to-ground missions; and F/A–18's perform both air-to-air and air-to-ground missions. The F/A–18E/F Super Hornet is the latest version of the Navy's carrier-based F/A–18 strike/fighter plane.

The Navy has based the need for development and procurement of the F/A–18E/F on existing or projected operational deficiencies of the F/A–18C/D in the following key areas: strike range, carrier recovery payload and survivability. In addition, the Navy notes limitations of current C/D's with respect to avionics growth space and payload capacity. In its report, GAO concludes that the operational deficiencies in the C/D that the Navy cited in justifying the E/F either have not materialized as projected or such deficiencies can be corrected with nonstructural changes to the current C/D and additional upgrades made which would further improve its capabilities.

One of the primary reasons the Navy cites in justifying the E/F is the need for increased range and the C/D's inability to perform long-range unrefueled missions against high-value targets. However, GAO concludes that the Navy's F/A–18 strike range requirements can be met by either the F/A–18E/F or F/A–18C/D. Furthermore, it concludes that the increased range of the E/F is achieved at the expense of its aerial combat performance, and that even with increased range, both aircraft will still require aerial refueling for low-altitude missions.

The F/A–18E/F specification requirements call for the aircraft to have a flight range of 390 nautical miles [nm] while performing low-altitude bombing missions. The F/A–18E/F will achieve a strike range of 465 nm while performing low-altitude missions by carrying 2 external 480 gallon fuel tanks. While current C/D's achieve a flight range of 325 nm with 2–330 gallon fuel tanks while performing low-altitude missions—65 nm below the specification requirement of the E/F—when they are equipped with the 2–480 gallon external fuel tanks that are planned to be used on the E/F, the C/D can achieve a strike range of 393 nm on low-altitude missions.

Recent Navy range predictions show that the F/A–18E/F is expected to have a 683 nm strike range when flying a more fuel-efficient, survivable, and lethal high-altitude mission profile rather than the specified low-altitude profile. Similarly, although F/A–18E/F range will be greater than the F/A–18C/D, the C/D could achieve strike ranges—566 nm with 3–330 gallon fuel tanks or 600 nm with 2–480 gallon tanks and 1–330 gallon tank—far greater than the target distances stipulated in the E/F's system specifications by flying the same high-altitude missions as the E/F. Additionally, according to GAO, the E/F's increased strike range is achieved at the expense of the aircraft's aerial combat performance as evidenced by its sustained turn rate, maneuvering, and acceleration which impact its ability to maneuver in either offensive or defensive modes.

Mr. President, another significant reason the Navy cites in developing the F/A–18E/F is an anticipated deficiency in F/A–18C carrier recovery payload—the amount of fuel, weapons and external equipment that an aircraft can carry when returning from a mission and landing on a carrier. The deficiency in carrier recovery payload which the Navy anticipated of the F/A–18C simply has not materialized. When initially procured, F/A–18C's had a total carrier recovery payload of 6,300 pounds. Because of the Navy's decision to increase the F/A–18C's maximum allowable carrier landing weight and a lower aircraft operating weight resulting from technological improvements, the F/A–18C now has a carrier recovery payload of 7,113 pounds.

F/A–18C's operating in support of Bosnian operations are now routinely returning to carriers with operational loads of 7,166 pounds, which exceeds the Navy's stated carrier recovery payload capacity. This recovery payload is substantially greater than the Navy projected it would be and is even greater than when the F/A–18C was first introduced in 1988. In addition, GAO notes that while it is not necessary, upgrading F/A–18C's with stronger landing gear could allow them to recover carrier payloads of more than 10,000 pounds—greater than that sought for the F/A–18E/F—9,000 pounds.

While the Navy also cites a need to improve combat survivability in justifying the development of the F/A–18E/F, it was not developed to counter a particular military threat that could

not be met with existing or improved F/A–18C/D's. Additional improvements have subsequently been made or are planned for the F/A–18C/D to enhance its survivability including improvements to reduce its radar detectability, while survivability improvements of the F/A–18E/F are questionable. For example, because the F/A–18E/F will be carrying weapons and fuel externally, the radar signature reduction improvements derived from the structural design of the aircraft will be diminished and will only help the aircraft penetrate slightly deeper than the F/A–18C/D into an integrated defensive system before being detected.

In addition to noting the operational capability improvements in justifying the development of the F/A–18E/F, the Navy also notes limitations of current C/D's with respect to avionics growth space and payload capacity. The Navy predicted that by the mid-1990's the F/A–18C/D would not have growth space to accommodate additional new weapons and systems under development. Specifically, the Navy predicted that by fiscal year 1996 C/D's would only have 0.2 cubic feet of space available for future avionics growth; however, 5.3 cubic feet of available space have been identified for future system growth. Furthermore, technological advancements such as miniaturization, modularity, and consolidation may result in additional growth space for future avionics.

The Navy also stated that the F/A–18E/F will provide increased payload capacity as a result of two new outboard weapons stations; however, unless current problems concerning weapons release are resolved—airflow problems around the fuselage and weapons stations—the types and amounts of weapons the E/F can carry will be restricted and the possible payload increase may be negated. Also, while the E/F will provide a marginal increase in air-to-air capability by carrying two extra missiles, it will not increase its ability to carry the heavier, precision-guided, air-to-ground weapons that are capable of hitting fixed and mobile hard targets and the heavier stand-off weapons that will be used to increase aircraft survivability.

Understanding that the F/A–18E/F may not deliver as significant operational capability improvements as originally expected, I would now like to focus on the cost of the F/A–18E/F program and possible alternatives to it. As previously mentioned, the total program cost of the F/A–18E/F is projected to be $89.15 billion. These program costs are based on the procurement assumption of 1,000 aircraft—660 by the Navy and 340 by the Marine Corps—at an annual production rate of 72 aircraft per year. As the GAO report points out, these figures are overstated. According to Marine Corps officials and the Marine Corps aviation master plan, the Marine Corps does not intend to buy any F/A–18E/F's and, therefore, the projected 1,000 aircraft buy is overstated by 340 aircraft.

Furthermore, the Congress has stated that an annual production rate of 72 aircraft is probably not feasible due to funding limitations and directed the Navy to calculate costs based on more realistic production rates as 18, 36 and 54 aircraft per year. In fact, according to the Congressional Research Service: ''No naval aircraft have been bought in such quantities in recent years, and it is unlikely that such annual buys will be funded in the 1990's, given expected force reductions and lower inventory requirements and the absence of consensus about future military threats.''

Using the Navy's overstated assumptions about the total number of planes procured and an estimated annual production rate of 72 aircraft per year, the Navy calculates the unit recurring flyaway cost of the F/A–18E/F—costs related to the production of the basic aircraft—at $44 million. However, using GAO's more realistic assumptions of the procurement of 660 aircraft by the Navy, at a production rate of 36 aircraft per year, the unit recurring flyaway cost of the E/F balloons to $53 million. This is compared to the $28 million unit recurring flyaway cost of the F/A–18C/D based on a production rate of 36 aircraft per year. Thus, GAO estimates that this cost difference in unit recurring flyaway would result in a savings of almost $17 billion if the Navy were to procure 660 F/A–18C/D's rather than 660 F/A–18E/F's.

Mr. President, this is certainly a significant amount of savings. Now I know that some of my colleagues will say that by halting production of the F/A–18E/F and instead relying on the F/A–18C/D, we will be mortgaging the future of our naval aviation fleet. However, Mr. President, there is a far less costly program already being developed which may yield more significant returns in operational capability. This program is the Joint Advanced Strike Technology or JAST Program.

The JAST Program office is currently developing technology for a family of affordable next generation Joint Strike Fighter [JSF] aircraft for the Air Force, Marine Corps, and Navy. The JSF is expected to be a stealthy strike aircraft built on a single production line with a high degree of parts and cost commonality. The driving focus of JAST is affordability achieved by tri-service commonality. The Navy plans to procure 300 JSF's with a projected initial operational capability around 2007.

Contractor concept exploration and demonstration studies indicate that the JSF will have superior or comparable capabilities in all Navy tactical aircraft mission areas, especially range and survivability, at far less cost than the F/A–18E/F. The JSF is expected to be a stand alone, stealthy, first-day-of-the-war survivable aircraft. Overall, the JSF is expected to be more survivable and capable than any existing or planned tactical aircraft in strike and air-to-air missions, with the possible exception of the F–22 in air-to-air missions. The Navy's JSF variant is also expected to have longer ranges than the F/A–18E/F to attack high-value targets without using external tanks or tanking. Unlike the F/A–18E/F which would carry all of its weapons externally, the Navy's JSF will carry at least 4 weapons for both air-to-air and air-to-ground combat internally, thereby maximizing its stealthiness and increasing its survivability. Finally, the JSF would not require jamming support from EA–6B aircraft as does the F/A–18E/F in carrying out its mission in the face of integrated air defense systems.

While the JSF is expected to have superior operational capabilities, it is expected to be developed and procured at far less expense than the F/A–18E/F. In fact, the unit recurring flyaway cost of the Navy's JSF is estimated to range from $32 to $40 million depending on which contractor design is chosen for the aircraft, as compared to GAO's $53 million estimate for the F/A–18E/F. Additional cost benefits of the JSF would result from having common aircraft spare parts, simplified technical specifications, and reduced support equipment variations, as well as reductions in aircrew and maintenance training requirements.

Given the enormous cost and marginal improvement in operational capabilities the F/A–18E/F would provide, it seems that the justification for the E/F is not as evident as once thought. Operational deficiencies in the C/D aircraft either have not materialized or can be corrected with nonstructural changes to the plane. As a result, proceeding with the E/F Program may not be the most cost-effective approach to modernizing the Navy's tactical aircraft fleet. In the short term, the Navy can continue to procure the F/A–18C/D aircraft, while upgrading it to improve further its operational capabilities. For the long term, the Navy can look toward the next generation strike fighter, the JSF, which will provide more operational capability at far less cost than the E/F.

Mr. President, succinctly put, the Navy needs an aircraft that will bridge between the current force and the new, superior JSF which will be operational around 2007. The question is whether the F/A–18C/D can serve that function, as it has demonstrated its ability to exceed predicted capacity or whether we should proceed with an expensive, new plane for a marginal level of improvement. The $17 billion difference in projected costs does not appear to provide a significant return on our investment. In times of severe fiscal constraints and a need to look at all areas of the budget to identify more cost-effective approaches, the F/A–18E/F is a project in need of reevaluation.

For these reasons, I think it would be prudent to take a go-slow approach toward the F/A–18E/F program and allow the Congress sufficient time to evaluate GAO's findings and obtain a thorough response from DOD to these issues. I ask my colleagues to support

my amendment to fence all fiscal year 1997 funds authorizing the production of F/A–18E/F's until certain conditions are met. I thank my colleagues and I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, this particular aircraft program has been thoroughly examined for program costs, schedule, technical performance, and recent test results. The program is on schedule and on cost.

This is one of those clear examples of where the GAO and the Department of Defense are at odds on certain data, and I respect fully the very detailed presentation by our distinguished colleague from Wisconsin. But I have to assure Members of the Senate that this is a matter that has been examined by the Armed Services Committee, and we will strongly oppose the amendment.

The analytical tests for the decision to begin engineering and manufacturing development of the program was thoroughly examined by the Department of the Navy and the Department of Defense in 1992. A number of studies which looked at the future of naval aviation, projected threats and the capabilities required to defeat those threats were considered. To say now it is a better idea to remain with the earlier model of the 18, in our judgment, ignores all of the analyses that went into the decisions to develop the newer model and threatens one of the best run developmental programs and production programs in progress today.

Therefore, Mr. President, the amendment would have the effect of delaying the 18 E/F program for up to 8 months at heavy costs to the American taxpayers until we get another study. There will always be more capable programs postulated for the future and there will always be lesser programs as we look over the past. This program has met all the requirements placed on it, is on schedule and at cost. Therefore, I urge the Senate to oppose the amendment.

Mr. President, I see the presence on the floor of the Senator from Missouri who has spent a great deal of time in this program.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, briefly to respond to the Senator from Virginia, I appreciate his remarks and his great knowledge in this area, particularly when it comes to the Navy.

Let me simply remind my colleagues what this amendment seeks to do. It asks, in light of this recently released GAO report, released yesterday, that we fence the money until such time as the Department of Defense provides us with a response to this, and then there will be just a 90-day period afterward, during which we would have an opportunity to look at it and GAO would look at it.

This is a serious report. There may be disagreement. When you are talking about $17 billion between the C/D and Super Hornet, I think it deserves a look. I am not suggesting, nor have I suggested, the E/F is a bad airplane. Clearly, many of the things you indicated about its capabilities are there.

The question that was raised by the report was whether or not the current C/D plane can provide these benefits and that perhaps we could move directly from the C/D plane on to the JSF plane as a cheaper and most cost-effective way. All we are suggesting here then is this brief period when we would have a chance to see whether the GAO was on the right track and see what the Department of Defense has to say about it.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, I have to oppose the amendment as it is now worded. I have no objection whatsoever to getting the information on the GAO report from the military. I think that is appropriate.

I think the Senator is absolutely right to raise these questions once you have a serious GAO report. But I do not think we can hold up the entire funding on this program. I am told it would cost an 8- to 12-month slip in the program, and then assuming you go forward with the program, you end up spending a whole lot more money. So, in an effort to save money, you end up spending a lot more money.

So I have to oppose the amendment as it is now worded. If the Senator would like to have his staff work with our staff to hold up a reasonable amount of money so it does not throw the whole schedule off, to assure the Senator that the report will be forthcoming, I think that could be accommodated. But to hold up the entire funding, I would have to oppose that.

I will leave it up to the Senator whether he would like to get a vote on this now or would like to take 10 minutes to see if there is a portion of the funding that would not disrupt the program but would indicate the seriousness with which the information is received. I think that would work. I have not discussed this with the other side of the aisle. It may be they will not want to do that. Maybe we ought to go ahead with a rollcall vote, if that is appropriate, but I certainly defer to the Senator from Missouri.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I always appreciate the knowledge and experience of the Senator from Georgia and particularly his reasonableness. I certainly would like to take the opportunity to consult and see if there might be a way to work that out.

I ask unanimous consent that the pending amendment be set aside.

Mr. BOND. Reserving the right to object, I will not object to setting aside the amendment, but I do want to add some points on the discussion of it. I have no objection to setting it aside, but I do seek the floor to respond to some of the questions raised by the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, let me explain why I think this amendment is not appropriate, it is not a good idea. The distinguished Senator from Georgia has already pointed out that an amendment like this, by delaying the production of the aircraft, would inevitably do little more than add cost to the total program and to the total buy. There are ongoing studies. The Navy and the Defense Department have been conducting these studies. They have reviews ongoing, and we will have access to not only their comments on the GAO report but their reviews.

Let me say in summary, the GAO is not flying the airplane. The GAO people are not the ones landing fully-weapons-loaded airplanes on pitching aircraft carriers in the ocean. The Navy people are. They are the ones who made a compelling case for this airplane and the need for it. I should point out the F/A–18E/F exceeds the interdiction mission of the current C/D models in range by some 40 to 50 percent, regardless of the mission profile.

There is talk about adding additional tanks or larger tanks on the C/D, but these have been rejected because of restrictive load limitations and the structural operational limitations on the C/D on board the carrier. The Navy has conducted a thorough engineering analysis on the matter of putting larger tanks, for example, on the C/D's and concluded this was not suitable for carrier operations.

The real question is the bringback capability. The current model of C/D fleet is at its operational limit in regard to its ability to bring back weapons. The E/F will be able to bring back the more advanced smart weapons which tend to be heavier than the majority of weapons in the fleet today. The E/F, the next generation of the Super Hornet, provides future room for future growth and flexibility to accommodate the technological advancements into the next century.

One point the GAO has made is that there is a waiver for the C/D's landing restrictions. They say it is a permanent waiver. Well, that is not true. NAVAIR has said the waiver was acceptable in the interim, but it was up to individual air wings to approve or disapprove depending on their own assessments.

Let me tell you, from the viewpoint of those who have flown on carriers and flown on and off of carriers at sea, what will have to happen. With the current C/D's to bring back fully loaded the weapons and the fuel, the ship will have to increase its speed to maintain 30 knots or more of wind over the deck, which will increase its fuel costs, whether nuclear or conventional; then the pilots will have to fly a full flap approach. But if the wind goes over 35

knots because of unpredictable winds, then the pilot is required by the Navy safety manual to fly at half lap and would not be able to land with the heavier strike munitions load.

It is a small and costly window to achieve. Though in some instances it can be achieved, it is only because of the extreme skill of our carrier crews. It is not an ideal situation to put the pilots or the carrier crews at risk when there is such a limited window of acceptable operations.

The new E/F Super Hornet will enable the carrier to cruise at its normal speed and the pilots will be able to fly the normal patterns. They will not have to drop either their weapons or dump their fuel into the ocean to below safe minimums to bring back our most sophisticated and expensive ordnance.

Let us remember, however, that the F/A–18C/D models will continue to carry numerous ordnance loads safely and without restrictions covering many missions. It is only for certain strike mission loads that the waiver is required. But we have to plan for the future. For the Navy, that future should and must include the F/A–18E/F. The Super Hornet is desired by the customer, the Navy, which has been consistent and vocal in its support of procuring the aircraft rapidly and efficiently.

Further delays in a go-slow approach for this program in its current stage are both inappropriate and costly. We cannot sit around and wait for future paper airplanes magically to appear. We have modified to the limit our older aircraft.

For many years aviation, and naval aviation in particular, has been subject to technical, administrative and political forces which have given it the appearance of having no direction. We have been clamoring for such direction. Now we have it. The Navy has said, ''This is what we need. This airplane is meeting our specs. We need it.'' Let us go forward with it.

I strongly urge this body not to be in a position of ''go-slowing'' this program to death. Our pilots want the aircraft. They need the aircraft to maintain their critical edge. I urge this body not to pull the wings off. Let us let the Navy get about the job of continuing to defend this Nation now and in the future.

The F/A–18E/F program has been a model program, by any measure, and remains on cost, on schedule in meeting all performance requirements. The Navy is developing, at one-half to one-third the cost of a new-start program, a highly capable carrier-based tactical aircraft.

The amendment, as written, would divert program management attention away from the execution of the program and, if yet another program review were to be required, could impose as much as an 8-month delay in the program. This delay would affect the 3-year flight test program, the operational evaluation, and IOC of the first squadron.

I think that the formal program reviews which are already being conducted are enough. The analytical basis of the program was thoroughly examined at the previous milestone decision, and the program has performed precisely to the plan approved at that time. I believe there are studies going on, and thus this amendment is unnecessary to ensure that we continue to get the kind of additional capability that the Navy, its pilots, and its aircraft crews demand and need.

I urge my colleagues, if this amendment is brought up for a vote, to oppose the amendment. I thank the Chair and yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President.

I am coming to the end of the debate on this portion. I want to respond to the Senator from Missouri very briefly.

Let us be clear what we are attempting. We are in a period here where everyone in the country knows we are trying to find places where we can reduce spending. There are a number of areas that receive very strict scrutiny. There is a sense—it is not held by just one party—that perhaps sometimes the defense spending does not get the same scrutiny that other areas do. Sometimes it leads to defense bashing which may not be justified. It is even possible, if people get an attitude that the Defense Department expenditures are not scrutinized, that there may develop an attitude in this country that would actually threaten national security, that it may become difficult for those advocating defense expenditures to be believed, and that there are those who do not take a warning signal seriously.

All that we are suggesting here in this amendment is that a very recent report, yesterday, from the General Accounting Office says—not that this is a bad aircraft, I say to the Senator from Missouri, not that it does not provide perhaps some additional benefits; it may be and probably would turn out that in some areas this is a more capable airplane—but the question is, is the marginal benefit of those improvements sufficient to justify a $17 billion difference in cost, vis-a-vis the C/D planes? That is the issue.

We are not stopping the plane here. We are not saying it should never be continued. We are saying that when a report comes out from the GAO entitled, ''F/A–18E/F Will Provide Marginal Operational Improvement at High Cost,'' it is incumbent on us in the U.S. Senate to stop for a bit and find out what it is all about. $17 billion is real money.

If there is an opportunity here to ask some questions and find out maybe, just possibly, the Navy, the Defense Department could go with the C/D's, I think that is our obligation. The Senator from Georgia has suggested perhaps a way in which we can allow more of this to go forward while the questions are answered. We are exploring that at this point. I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, there is no question that we need to study carefully all of the views and opinions and the best information available on any program like this. But I suggest that if you take a look at the series of reviews and experiments, tests, and evaluations that have been done on this plane and that will be done, there is no need, unless and until we find from the Navy that the GAO has raised questions which they have not addressed or we can find that responses by the Defense Department are not adequate, there is no reason to raise further the cost of this program and delay it even further.

The Assistant Secretary of the Navy for Research, Development and Acquisition completed a review of the F/A–18E/F program on March 25 of this year. As of that time, the program review included program cost, schedule, and technical performance, examination of the formal exit criteria which had been approved at the previous milestone, and results of an early operational assessment conducted by the Navy's commander, Operational Test and Evaluation Force. This assessment was based on extensive documentation review, modeling and simulation, and analysis flight test data from the first two test aircraft.

In May 1996, notification was provided to Congress that the review had been successfully completed and the Navy had authorized contracting for long-lead items for the first low-rate initial production of the aircraft.

The Office of the Secretary of Defense is scheduled to conduct another program review in March 1997. At that time, all aspects of the program will again be examined prior to authorizing full funding for the procurement of the first low-rate initial production aircraft.

The analytical basis for the decision to begin engineering and manufacturing development of the F/A–18E/F program was thoroughly evaluated by both the Department of the Navy and the Department of Defense prior to the milestone decision in May of 1992.

Numerous studies which looked at the future of naval aviation, projected threats, and capabilities required to defeat those threats were considered as part of these analyses. It is not to say that we should not continue to review and analyze, look at the cost and determine the capability. That is an ongoing process.

What I am saying, Mr. President, is we could significantly increase the cost of the program, throw production off schedule, and delay the availability of aircraft which the Navy said they have needed by putting a roadblock in the way of the initial low-rate production of the aircraft. This is not the time to throw a monkey wrench into a program which has been on schedule,

above performance, and well within cost parameters at this time.

I urge my colleagues not to delay the program.

Mr. NUNN. Mr. President, I thank the Senator from Wisconsin and the Senator from Missouri. I think there has been a good debate on this. I suggest the Senator lay aside his amendment. We can see if we can find a way to see that the report is forthcoming, without disrupting the program. It seems to me that is the way to proceed.

If not, I would be joined with the Senator from Missouri in moving to table the amendment. I believe the staff is prepared to work with your staff on this.

I have a call in for the Senator from Michigan, Senator LEVIN, who has two amendments that will require rollcalls. In the meantime, I suggest we clear these amendments that have all been agreed to or are going to be agreed to by both sides.

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. MCCAIN. 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. MCCAIN. Mr. President, what is the pending business?

The PRESIDING OFFICER. All the pending amendments have been laid aside.

AMENDMENT NO. 4387

Mr. MCCAIN. Mr. President, the amendment I am offering is intended to better facilitate our pledge of material assistance to the armed forces of the Republic of Bosnia and Herzegovina by ensuring the lowest fair price of the equipment we provide to their cause.

When the President dispatched United States troops to Bosnia last year, he did so with the stipulation that they would be there only a year. The administration has since softened the deadline by indicating that troops may still be there on December 19, but that withdrawal will begin on that date. This latest commitment on withdrawal is not entirely reassuring. It is quite plausible that withdrawal will begin as stated, but our overall presence there may be drawn out indefinitely.

A deadline was never an exit strategy. Last year, when then Senate majority leader, Senator Bob Dole, and I led the effort to support the President's prerogatives as Commander in Chief and indirectly to support his dispatch of more than 20,000 American troops to Bosnia, we made clear our reservations about simply imposing a deadline. We also suggested the outline of a true exit strategy. The centerpiece of that strategy, as Senator Dole and I have since repeated on countless occasions, was United States leadership in the effort to adequately equip and train the Bosnian Armed Forces. Only when that nation can defend itself against aggression, which over the course of 3½ years of war reduced its territory by half, will the peace be safe without us.

We tried to address this issue last year by including $100 million in drawdown authority for Bosnia in the Foreign Operations appropriations bill. The amendment I am offering today simply seeks to ensure that the $100 million in equipment to be transferred to Bosnia is accounted for in a manner similar to the way it is in the case of other American allies. I am not advocating unlimited material support for Bosnia because of the impact on our own military readiness. But in order to get the most of the $100 million, we should see to it that the equipment is valued at the lowest possible fair price. This amendment gives us this assurance.

The amendment expresses a sense of the Senate that the pricing of equipment be lowest in order to maximize the amount of equipment provided to Bosnia and Herzegovina under current drawdown authority. I believe the amendment has been cleared by the other side.

Mr. NUNN. This amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4387) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. NUNN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4389

(Purpose: To authorize the Air National Guard to provide fire protection services and rescue services relating to aircraft at Lincoln Municipal Airport, Lincoln, NE)

Mr. NUNN. Mr. President, on behalf of Senator EXON, I offer an amendment that would allow the Nebraska National Guard to provide fire protection services and rescue services relating to aircraft at Lincoln Municipal Airport, Lincoln, NE.

Currently, the Air Guard and local authority share this duty. This amendment would eliminate unnecessary duplication. The air guard would be reimbursed for assuming the entire firefighting mission.

I believe this amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. EXON, proposes an amendment numbered 4389.

The amendment is as follows:

At the end of subtitle E of title III, add the following:

SEC. 368. AUTHORITY OF AIR NATIONAL GUARD TO PROVIDE CERTAIN SERVICES AT LINCOLN MUNICIPAL AIRPORT, LINCOLN, NEBRASKA.

(a) AUTHORITY.—Subject to subsections (b) and (c), the Nebraska Air National Guard may provide fire protection services and rescue services relating to aircraft at Lincoln Municipal Airport, Lincoln, Nebraska, on behalf of the Lincoln Municipal Airport Authority, Lincoln, Nebraska.

(b) AGREEMENT.—The Nebraska Air National Guard may not provide services under subsection (a) until the Nebraska Air National Guard and the authority enter into an agreement under which the authority reimburses the Nebraska Air National Guard for the cost of the services provided.

(c) CONDITIONS.—These services may only be provided to the extent that the provision of such services does not adversely affect the military preparedness of the Armed Forces.

Mr. MCCAIN. Mr. President, this amendment has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4389) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. NUNN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4390

(Purpose: To state the sense of Congress regarding the authorization of appropriation and appropriation of funds for military equipment and not identified in a budget request of the Department of Defense and for certain military construction)

Mr. NUNN. Mr. President, I have an amendment on behalf of Senator ROBB.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. ROBB, proposes an amendment numbered 4390.

The amendment is as follows:

At the end of subtitle A of title X, add the following:

SEC. 1014. SENSE OF CONGRESS REGARDING AUTHORIZATION OF APPROPRIATION AND APPROPRIATION OF FUNDS FOR MILITARY EQUIPMENT NOT IDENTIFIED IN THE BUDGET REQUEST OF THE DEPARTMENT OF DEFENSE AND FOR CERTAIN MILITARY CONSTRUCTION.

It is the sense of Congress that—

(1) to the maximum extent practicable, each House of Congress should consider the authorization of appropriation, and appropriation, funds for the procurement of military equipment only if the procurement is included—

(A) in the budget request of the President for the Department of Defense; or

(B) in a supplemental request list provided to the congressional defense committees, upon request of such committees, by the Office of the Secretary of Defense, by the military departments, by the National Guard Bureau, or by the officials responsible for the administration of the Reserves;

(2) the recommendations for procurement in a defense authorization bill or a defense appropriations bill reported to the Senate or the House of Representatives which reflect a change from the budget request referred to in paragraph (1)(A) should be accompanied in the committee report relating to the bill by a justification of the national security interest addressed by the change;

(3) the recommendations for military construction projects in a defense authorization bill or a defense appropriations bill reported to the Senate or the House of Representatives which reflect a change from such a

budget request should be accompanied by a justification in the committee report relating to the bill of the national security interest addressed by the change; and

(4) the recommendations for procurement of military equipment, or for military construction projects, in a conference to resolve the differences between the two Houses relating to a defense authorization bill or a defense appropriations bill which recommendations reflect a change from the original recommendation of the applicable committee to either House should be accompanied by a justification in the statement of managers of the conference report of the national security interest addressed by the change.

Mr. NUNN. This is not the amendment, I believe, that we have problems with. This amendment would state that it is the sense of the Congress that the defense authorization appropriations bills should rely primarily on the budget request.

I am told this is not cleared. I withdraw the amendment.

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

The amendment (No. 4390) was withdrawn.

AMENDMENT NO. 4391

(Purpose: To require a plan for repairs and stabilization of the historic district at the Forest Glen Annex of Walter Reed Army Medical Center, MD)

Mr. NUNN. On behalf of Senator SARBANES, I offer an amendment to require a plan for basic repairs and stabilization measures for the historic district of the Forest Glen Annex of Walter Reed Army Medical Center, MD.

I believe this amendment has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. SARBANES, proposes an amendment numbered 4391.

The amendment is as follows:

At the end of title XXI, add the following:

SEC. 2105. PLAN FOR REPAIRS AND STABILIZATION OF THE HISTORIC DISTRICT AT THE FOREST GLEN ANNEX OF WALTER REED MEDICAL CENTER, MARYLAND.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a comprehensive plan for basic repairs and stabilization measures throughout the historic district at the Forest Glen Annex of Walter Reed Army Medical Center, Maryland, together with funding options for the implementation of the plan.

Mr. SARBANES. Mr. President, I am pleased to offer an amendment directing the Secretary of the Army to submit a comprehensive plan for basic repairs and stabilization measures needed throughout the historic district at the Forest Glen Annex of Walter Reed Army Medical Center, MD. This plan would also include funding options for the implementation of such plan.

The Walter Reed Army Medical Center Annex at Forest Glen, MD is a 190-acre complex located just north of the Silver Spring business district. It was a former women's seminary known as the National Park Seminary. Acquired by the Army in 1943 by authority of the War Powers Act of 1942, it has served as a rehabilitation center and psychiatric facility for soldiers from World War II through the Vietnam war.

The former college campus also contains approximately two dozen historic buildings on approximately 24 acres which comprise what is now referred to as the National Park Seminary Historic District. The site was placed on the National Register of Historic Places in 1972. The site contains a number of historic or unique buildings, including houses shaped like a Dutch windmill, an English castle, a Japanese pagoda, a French chateau, and an Italian villa. Unfortunately, over the many years, many of these buildings have suffered substantial deterioration and neglect.

The Army has sought unsuccessfully to excess the property for several years and has continued to plan for its eventual disposal. The National Trust has continued to work with the Army to assist in its assessment of options for the reuse of the property. During this time, even the most basic repairs to the buildings were not undertaken. Reports prepared by the National Trust for Historic Preservation and Save Our Seminary and other organizations have found that, in general, the property is poorly maintained and insufficiently secure. Routine preventative maintenance, such as cleaning out gutters, is not being performed. Repairs to obvious deficiencies, such as holes in the roof and broken windows, are not being made in a timely way. On site security is lax. Fire alarm and fire suppression systems are not being adequately maintained.

The military construction appropriations bill for fiscal year 1990 contained a provision directing the Department of the Army to provide up to $3 million for necessary repairs at the annex and to work with the Montgomery County government and local citizens groups in the planning process for this site. Although we understand that $2 million was allocated by the Army for the repair and maintenance of historic buildings, all of this money was apparently used for architectural planning and design of roof work. However, to date, no funding has been provided for these major repairs and the buildings are deteriorating at a faster rate than ever.

The Army developed a master plan for the site which called for the existing historic buildings to be maintained and occupied by the Army as long as it retains ownership to ensure their maintenance and security. The master plan also identified specific maintenance priorities with work on repair and replacement of deteriorated roofs at the top of the list. In addition, a previous commanding officer at the Walter Reed Army Medical Center submitted a letter stating, ''WRAMC will continue to request funding for maintenance of the historic district and make every effort to halt the deterioration of these structures.'' Despite the findings of the master plan and the statements of support by Army officials, no work has been done to repair or maintain these buildings.

In 1994 following the burning of the historic Odeon Theatre resulting in its destruction by arson, the National Trust for Historic Preservation and Save our Seminary jointly filed a lawsuit against the Army claiming that the Army's neglect of the buildings violated the National Historic Preservation Act. The lawsuit is still pending.

My amendment directs the Department of the Army to develop and submit a plan with appropriate funding options to implement such a plan for basic repairs and stabilization measures throughout the historic district at the Forest Glen Annex of Walter Reed Army Medical Center within 30 days of the enactment of this act. I strongly urge my colleagues to support this amendment.

Mr. MCCAIN. Mr. President, the amendment has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4391) was agreed to.

Mr. NUNN. I move to reconsider the vote.

Mr. MCCAIN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4392

(Purpose: To modify the boundaries of the White Sands National Monument and the White Sands Missile Range, New Mexico, and to modify the boundary of the Bandelier National Monument, New Mexico)

Mr. NUNN. On behalf of Senator BINGAMAN, I offer an amendment authorizing the Secretaries of the Interior and the Army to exchange administrative jurisdiction of the White Sands National Monument and the White Sands Missile Range in New Mexico for purposes of creating easily identifiable and manageable boundaries.

I believe the amendment has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], Mr. BINGAMAN, for himself, and Mr. DOMENICI, proposes an amendment numbered 4392.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . MODIFICATION OF BOUNDARIES OF WHITE SANDS NATIONAL MONUMENT AND WHITE SANDS MISSILE RANGE.

(a) PURPOSE.—The purpose of this section is to effect an exchange between the Secretary of the Interior and the Secretary of the Army of administrative jurisdiction over the lands described in subsection (c) in order to facilitate administration of the White Sands National Monument and the White Sands Missile Range.

(b) DEFINITIONS.—In this section:

(1) MISSILE RANGE.—The term ''missile range'' means the White Sands Missile Range, New Mexico, administered by the Secretary of the Army.

(2) MONUMENT.—The term ''monument'' means the White Sands National Monument, New Mexico, established by Proclamation No. 2025 (16 U.S.C. 431 note) and administered by the Secretary of the Interior.

(c) EXCHANGE OF JURISDICTION.—The lands exchanged under this Act are the lands generally depicted on the map entitled ''White Sands National Monument, Boundary Proposal'', numbered 142/80,061 and dated January 1994, comprising—

(1) approximately 2,524 acres of land within the monument that is under the jurisdiction of the Secretary of the Army, which are transferred to the Secretary of the Interior;

(2) approximately 5,758 acres of land within the missile range abutting the monument, which are transferred to the Secretary of the Interior; and

(3) approximately 4,277 acres of land within the monument abutting the missile range, which are transferred to the Secretary of the Army.

(d) BOUNDARY MODIFICATION.—The boundary of the monument is modified to include the land transferred to the Secretary of the Interior and exclude the land transferred to the Secretary of the Army by subsection (c). The boundary of the missile range is modified accordingly.

(e) ADMINISTRATION.—

(1) MONUMENT.—The Secretary of the Interior shall administer the lands transferred to the Secretary of the Interior by subsection (c) in accordance with laws (including regulations) applicable to the monument.

(2) MISSILE RANGE.—The Secretary of the Army shall administer the lands transferred to the Secretary of the Army by subsection (c) as part of the missile range.

(3) AIRSPACE.—The Secretary of the Army shall maintain control of the airspace above the lands transferred to the Secretary of the Army by subsection (c) as part of the missile range.

(f) PUBLIC AVAILABILITY OF MAP.—The Secretary of the Interior and the Secretary of the Army shall prepare, and the Secretary of the Interior shall keep on file for public inspection in the headquarters of the monument, a map showing the boundary of the monument as modified by this Act.

(g) WAIVER OF LIMITATION UNDER PRIOR LAW.—Notwithstanding section 303(b)(1) of the National Parks and Recreation Act of 1978 (92 Stat. 3476), land or an interest in land that was deleted from the monument by section 301(19) of the Act (92 Stat. 3475) may be exchanged for land owned by the State of New Mexico within the boundaries of any unit of the National Park System in the State of New Mexico, may be transferred to the jurisdiction of any other Federal agency without monetary consideration, or may be administered as public land, as the Secretary considers appropriate.

SEC. . BANDELIER NATIONAL MONUMENT.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) under the provisions of a special use permit, sewage lagoons for Bandelier National Monument, established by Proclamation No. 1322 (16 U.S.C. 431 note) (referred to in this section as the ''monument'') are located on land administered by the Secretary of Energy that is adjacent to the monument; and

(B) modification of the boundary of the monument to include the land on which the sewage lagoons are situated—

(i) would facilitate administration of both the monument and the adjacent land that would remain under the administrative jurisdiction of the Secretary of Energy; and

(ii) can be accomplished at no cost.

(2) PURPOSE.—The purpose of this section is to modify the boundary between the monument and adjacent Department of Energy land to facilitate management of the monument and Department of Energy land.

(b) BOUNDARY MODIFICATION.—

(1) TRANSFER OF ADMINISTRATIVE JURISDICTION.—There is transferred from the Secretary of Energy to the Secretary of the Interior administrative jurisdiction over the land comprised approximately 4.47 acres depicted on the map entitled ''Boundary Map, Bandelier National Monument'', No. 315/80,051, dated March 1995.

(2) BOUNDARY MODIFICATION.—The boundary of the monument is modified to include the land transferred by paragraph (1).

(3) PUBLIC AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the Lands Office at the Southwest System Support Office of the National Park Service, Santa Fe, New Mexico, and in the Superintendent's Office of Bandelier National Monument.

Mr. BINGAMAN. Mr. President, today, along with Senator DOMENICI, I propose an amendment that will allow for better administration, law enforcement, and operational procedures for both the White Sands National Monument and the White Sands Missile Range. The bill will exchange about 10,000 acres along the border of the White Sands Missile Range and the White Sands Monument which abut each other. It also transfers to the monument the administrative jurisdiction over about 2,500 acres which lie within the White Sands National Monument but are currently controlled by the White Sands Missile Range.

I ask unanimous consent that a letter and an information paper be printed in the RECORD. The letter, dated June 27, 1996, is from the National Park Service and is signed by Roger G. Kennedy. It states that the Department does not have a problem with the amendment. The letter further states that the Office of Management and Budget has no objection to the presentation of this report for consideration before the Senate. The second document is an information paper from the Deputy Assistant Secretary of the Army, Paul W. Johnson. The paper states that the Department of the Army supports this legislation. It also states that the Office of Management and Budget has no objection to the presentation of this amendment.

Mr. President, the area that I am speaking about is a unique geological formation. This gypsum deposit known as ''White Sands'' is very important to my home State of New Mexico. The sands cover approximately 275 square miles with about 40 percent lying within the monument and the remaining portion of the dunes, to the south and the east, belonging to the White Sands Missile Range.

As a brief history, on January 18, 1933, President Hoover designated 142,987 acres, in the Tularosa Basin, as the National Park. From the very beginning, the park has been a success. Within its first 2 years of operation, the White Sands monument shattered the attendance records of the 23-unit Southwestern National Monuments in the Four Corner States of Arizona, Utah, Colorado, and New Mexico.

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

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, DC, June 27, 1996.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: Thank you for providing the National Park Service the opportunity to comment on the draft amendment to modify the boundaries of the White Sands National Monument New Mexico, and to modify the boundary of the Bandelier National Monument, New Mexico.

The National Park Service believes the proposed boundary modifications will facilitate the management and administration of White Sands National Monument and Bandelier National Monument. The proposed boundary modifications will not result in any land acquisition cost nor any additional management cost.

We do not have any problem with this amendment. Thank you for your continued interest in the National Park Service.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Senate.

Sincerely,

ROGER G. KENNEDY,
Director.

[Information Paper]

JUNE 17, 1996.

Subject: S. 1745H, 104th Congress.

1. Subject bill authorizes an exchange of property between the Department of the Interior and the Department of the Army.

2. The purpose of the bill is to adjust the White Sands National Monument's boundary with the White Sands Missile Range. The action is essentially a housekeeping measure designed to provide both agencies with a more easily identifiable and manageable mutual boundary.

3. The Department of the Army supports subject legislation.

4. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this information paper for the consideration of the Senate.

PAUL W. JOHNSON,
Deputy Assistant Secretary of the Army.

Mr. BINGAMAN. Mr. President, in June 1941, the U.S. Army petitioned for 1.25 million acres of public and private land in the Tularosa Basin for a bombing range. After the attack on Pearl Harbor, President Roosevelt approved the Army's request. The Trinity site, where the first atomic bomb was successfully tested on July 16, 1945 is part of the range.

With the region's open space and supportive civic leadership, both the monument and the missile range have been successfully neighbors for many years.

Mr. President, this amendment will help both the monument and the missile range manage their property more efficiently.

Mr. MCCAIN. The amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4392) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. NUNN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4393

(Purpose: To prohibit the use of prior fiscal year funds for development and procurement of the Pulse Doppler Upgrade modification to the AN/SPS–48E radar system)

Mr. McCAIN. Mr. President, on behalf of Senator SMITH, I offer an amendment placing limitations on the expenditure of priority-year funds for radar modernization. I believe this has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. SMITH, proposes an amendment numbered 4393.

The amendment is as follows:

At the end of subtitle C of title I add the following:

SEC. 125. RADAR MODERNIZATION.

Funds appropriated for the Navy for fiscal years before fiscal year 1997 may not be used for development and procurement of the Pulse Doppler Upgrade modification to the AN/SPS–48E radar system.

Mr. SMITH. Mr. President, it is reality of declining defense budgets that not every program conceived by the Armed Forces or the defense industry can be funded. The Services are forced to examine their military requirements and prioritize among many competing programs. When they do, disappointed defense contractors may seek legislative intervention to achieve objectives they could not satisfy in the budgeting process. An example of such activity exists in the House version of the defense authorization bill. The bill contains a provision that would require the Secretary of the Navy to spend $29 million, authorized and appropriated for other purposes in fiscal years before fiscal year 1997, for development and procurement of a pulse Doppler upgrade modification for the Navy's AN/SPS–48E radar system. In other words this provision would force the Navy to take money away from programs of higher priority that were considered and approved by Congress in prior years and allocate it to a program that failed to make the cut.

Aside from this provision's abuse of the congressional authorization and appropriation process, complying with it would create an outyear demand for substantial additional resources that are not in the future years defense program. Thus, its fiscal abuses would proliferate into the future to undermine stronger and more urgently needed programs.

In summary, we will be confronted in conference by a provision in the House bill that seeks to earmark prior year finds for a program for which there is no funding in the budget or in the future years defense program, for which there is no development or procurement plan, and for which there would be substantial outyear financial burden. I think it important to provide our future conferees clear guidance that such a provision is unacceptable. My amendment would accomplish this. I encourage my Senate colleagues to join me in supporting it.

Mr. NUNN. This amendment has been cleared. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4393) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. NUNN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4394

(Purpose: To allow the Secretary of Energy to waive limitations on the use of foreign technology in environmental restoration and waste management contracts)

Mr. NUNN. On behalf of Senators JOHNSTON and MURKOWSKI, I offer an amendment allowing the Department of Energy to grant Britain and France access to certain prescribed information in order to conduct environmental cleanup and waste management activities of DOD sites.

I believe this has been cleared.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. JOHNSTON, for himself and Mr. MURKOWSKI, proposes an amendment numbered 4394.

The amendment is as follows:

"SEC. . FOREIGN ENVIRONMENTAL TECHNOLOGY.

"Section 2536(b) of title 10, United States Code is amended to read as follows:

"(b) WAIVER AUTHORITY.—(1) The Secretary concerned may waive the application of subsection (a) to a contract award if—

"(A) the Secretary concerned determines that the waiver is essential to the national security interests of the United States; or

"(B) in the case of a Department of Energy contract awarded for environmental restoration, remediation, or waste management at a Department of Energy facility—

"(i) the Secretary determines that the waiver will advance the environmental restoration, remediation, or waste management objectives of the Department of Energy and will not harm the national security interests of the United States; and

"(ii) the entity to which the contract is awarded is controlled by a foreign government with which the Secretary is authorized to exchange Restricted Data under section 144(c) of the Atomic Energy Act of 1954 (42 U.S.C. 2164(c)).

"(2) The Secretary of Energy shall notify the appropriate committees of Congress of any decision to grant a waiver under paragraph (1)(B). The contract may be executed only after the end of the 45-day period beginning on the date the notification is received by the committees.

Mr. McCAIN. This amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4394) was agreed to.

Mr. NUNN. I move to reconsider the vote.

Mr. McCAIN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4395

(Purpose: To increase by $9,000,000 the amount authorized to be appropriated for the Air Force for procurement of one UH–1N helicopter simulator)

Mr. McCAIN. On behalf of Senator DOMENICI, I offer an amendment to provide $9 million in procurement of one UH–1N helicopter simulator.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. DOMENICI, proposes an amendment numbered 4395.

The amendment is as follows:

In section 103(3), strike out "$5,880,519,000" and insert in lieu thereof "5,889,519,000".

Mr. DOMENICI. Mr. President, This amendment will authorize $9 million to equip the Air Force Theater Air Command Control and Simulation Facility with a UH–1N simulator. The USAF has no simulator for the UH–1N aircraft, yet most aircraft in the DOD routinely acquires simulators to provide initial qualification and continuation—recurring—training of crews. There are several reasons why this simulator is necessary:

Pilots and flight engineers qualifying in the UH–1N are the youngest and most experienced in the USAF.

The UH–1N is one of the oldest helicopters in the USAF inventory and may be prone to increased failure of components.

The simulator creates safety risks allowing trainees to practice emergency procedures in the aircraft for the first time.

In many instances missions are flown single pilot, which requires increased knowledge and proficiency that the simulator can provide.

The UH–1N mission requirements have increased to include the use of night vision goggles which is a more demanding initial training requirement that can be handled in the simulator.

On some missions, crews support strategic missile convoy escorts; This support demands high qualification and judgment, which the simulator can provide.

Convoy tactics are classified and cannot be practiced in the aircraft at Kirtland AFB. The simulator would allow hands-on practice in a secure environment.

CONTINUATION—RECURRING—TRAINING

UH–1N accidents in the early 1990's drove the USAF to procure contract Flight Safety International Bell 212 training for UH–1N crew refresher training—not used for initial qualification training.

Off-site training is expensive and does not meet all the necessary requirements because the Bell 212 has some significant systems differences.

All other USAF helicopters have recurring simulator refresher training conducted at Kirtland AFB, NM.

The simulator maintains standardization of crew force qualification and training.

It updates crew on aircraft changes and other pertinent information.

It allows pilots to practice classified mission procedures.

OTHER IMPORTANT FACTORS

Simulators are widely accepted in both military and civil aviation as critical elements in training programs.

Simulators cost less to operate than the aircraft.

Crews can perform high risk emergency procedures and maneuvers in simulators.

Simulators are a force multiplier.

Typical simulator annual flying hours are 4,000–5,000 hours; Helicopters average 400–500 hours per year.

The UH–1N simulator could be built as a reconfigurable HH–60G for little added cost and provide needed training if the UH–1N is retired and additional H–60's are acquired as a replacement helicopter.

Mr. President, this simulator will prove to be a vital asset within the U.S. Air Force. I understand my colleagues on both sides of the aisle have agreed to accept this amendment, so I thank them for their support and I yield the floor.

Mr. NUNN. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4395) was agreed to.

AMENDMENT NO. 4396

(Purpose: To increase by $3,000,000 the amount authorized to be appropriated for the Air Force for research, development, test, and evaluation in order to provide $3,000,000 for the Advanced Distributed Simulation connection of the Theater Air Command Control and Simulation Facility with the Mission Training Support System facility of the 58th Special Operations Wing)

Mr. MCCAIN. On behalf of Senator DOMENICI, I offer an amendment to authorize $3 million for the Advanced Distribution Simulation of the Theater Air Command Control and Simulation Facility at the 58th Special Operations Wing.

I believe this amendment has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. DOMENICI, proposes an amendment numbered 4396.

The amendment is as follows:

In section 201(3), strike out ''$14,788,356,000'' and insert in lieu thereof ''$14,791,356,000''.

Mr. DOMENICI. Mr. President, this amendment will authorize $3 million to connect the Theater Air Command Control and Simulation Facility with the 58th Special Operation Wing. In January, 1995, General Ronald Fogleman, Chief of Staff of the USAF announced a ''New Vector for Air Force Simulation'' and the ''need to expand our involvement and investment in advanced simulation technologies to improve our readiness and lower our costs today, and prepare us to dominate the battles of tomorrow.''

Kirtland Air Force Base is uniquely suited to lead the Air Force in achieving this new vector by capitalizing on state-of-the-art modeling and simulation [M&S] capability available.

The Chief's vision for Modeling and Simulation [M&S] will provide the tools that the USAF needs to more effectively organize, train, equip, and jointly employ its forces. In order to meet this vision, organizations from the operational, systems development, and testing communities must be brought more closely together.

While there are major initiatives in the DOD to promote the use of advanced distributed simulation [ADS] to bring these communities together in a cost efficient manner. ADS does not allow for technical synergy or the considerable cost savings that would be realized by building a joint-use infrastructure that is readily accessible to multiple organization.

Kirtland Air Force Base has the organizations, infrastructure, and potential to merge capabilities of the Air Combat Command's Theater Air Command and Control Simulation Facility [TACCSF], 58th Special Operations Wing [SOW] Simulation Facility, Phillips Laboratory, Air Force Operational Test and Evaluation Center [AFOTEC], and Sandia National Laboratories into the DOD's most powerful M&S capability.

TACCSF and the 58th SOW already have the USAF's most capable tactical command and control and special operations simulations, respectively. These simulations could be easily linked to support each organization's diverse Office of the Secretary of Defense [OSD] and Joint service customer base.

This amendment will help to accomplish this objective. I understand that my colleagues on both sides of the aisle have agreed to accept this amendment. I appreciate their support. I believe this is a great step in the direction of achieving Chief Fogleman's vision, and I yield the floor.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4396) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. NUNN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4397

(Purpose: To provide $6,000,000 for the procurement of Bradley TOW 2 Programs sets)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator HEFLIN and Senator SHELBY. This amendment would authorize the Army to use $6 million of fiscal year funds to buy test program sets for the Bradley program. These funds were authorized last year for the armored gun system. I urge adoption of the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. HEFLIN, for himself, and Mr. SHELBY, proposes an amendment numbered 4397.

The amendment is as follows:

At the end of subtitle B of title I, add the following:

SEC. 113. BRADLEY TOW 2 TEST PROGRAM SETS.

Of the funds authorized to be appropriated under section 101(3) of the National Defense Authorization Act for Fiscal Year 1996 (110 Stat. 204), $6,000,000 is available for the procurement of Bradley TOW 2 Test Program sets.

Mr. HEFLIN. Mr. President, in the fiscal year 1996 Defense Authorization Bill, $6 million was authorized for the Armored Gun System Test Program Sets. This authorization was approved due to the large shortfall in testing software for ASM programs and due the AGS system's high priority. Unfortunately, the armored gun system has since been terminated. This amendment, therefore, directs the Secetary of the Army to make this money available to fund the Bradley TOW 2 Test Program Set, a program requirement of the Army.

The Army has performed a study of the cost and benefits of purchasing this test equipment for the Bradley TOW 2 system. It found that purchasing this equipment would result in dramatic savings over the existing maintenance method. I therefore urge my colleagues to support this needed reprogramming.

Mr. MCCAIN. Mr. President, the amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4397) was agreed to.

Mr. NUNN. I move to reconsider the vote.

Mr. MCCAIN. I move to table the motion.

The motion to lay on the table was agreed to.

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

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

AMENDMENT NO. 4398

(Purpose: To increase by $10,000,000 the amount available for the Air Force for research, development, test, and evaluation for the Nation Polar-Orbiting Operational Environmental Satellite System (Space) program (PE 0603434F)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of

Senator EXON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. EXON, proposes an amendment numbered 4398.

The amendment is as follows:

At the end of subtitle B of title II add the following:

SEC. 223. NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM.

(a) Of the amount authorized to be appropriated under section 201(3), $29,024,000 is available for the National Polar-Orbiting Operational Environmental Satellite System (Space) program (PE 0603434F).

(b) Of the amount authorized to be appropriated under section 201(3), $212,895,000 is available for the Intercontinental Ballistic Missile—EMD program (PE 0604851F).

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4398) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4399

(Purpose: Study on worker protection at the Department of Energy facility at Miamisburg, Ohio)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Senator GLENN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. GLENN, proposes an amendment numbered 4399.

The amendment is as follows:

At the end of subtitle D of title XXXI add the following:

SEC. . STUDY ON WORKER PROTECTION AT THE MOUND FACILITY.

(a) Not later than March 15, 1997, the Secretary of Energy shall report to the defense committees of the Congress regarding the status of projects and programs to improve worker safety and health at the Mound Facility in Miamisburg, Ohio.

(b) The report shall include the following:

(1) the status of actions completed in fiscal year 1996;

(2) the status of actions completed or proposed to be completed in fiscal years 1997 and 1998;

(3) a description of the fiscal year 1998 budget request for Mound worker safety and health protection; and

(4) an accounting of expenditures for worker safety and health at Mound by year from fiscal year 1994 through and including fiscal year 1996.

WORKER SAFETY AND HEALTH PROTECTION AT DOE'S MOUND FACILITY

Mr. GLENN. Mr. President, I should like to engage the Senator from Idaho, Senator KEMPTHORNE, in a colloquy concerning worker health and safety protection at the Department of Energy's Mound facility in Miamisburg, OH. As the Senator may know, the worker safety and radiation program at Mound has had numerous problems. For example, in 1994, it was discovered that some fluid samples of potentially contaminated workers had sat on a storage shelf for 3 years without being sent to the lab; furthermore, a huge backlog of samples existed. While the backlog has since been reduced and other steps taken to improve the situation, it is still clear to me that problems exist with the worker radiation protection program. Earlier this year, I met with some Mound workers who expressed serious concerns about this situation; I have also received numerous letters from workers at the site expressing similar concerns. Further, I have been informed that DOE's own technical experts believe that substantial upgrades need to be made at Mound in this area. For these reasons, I have filed an amendment which addresses the specific areas which I believe need to be improved. The technical program upgrades addressed by my amendment were developed with extensive input from the DOE. However, I understand that there are some concerns about the potential impact of my amendment.

Mr. KEMPTHORNE. I share fully the concerns expressed by the Senator from Ohio about the need to ensure worker safety and health programs are pursued vigorously at the Mound facility. When we ask workers to undertake potentially dangerous decontamination and decommissioning work, we need to assure them that all reasonable precautions have been taken to protect their safety and health. However, the committee has been informed that the Department has statutory authority to pursue appropriate worker protection programs at the Mound facility. I believe the Senator from Ohio has received assurances from the Department of Energy that important upgrades at the Mound facility will be pursued, and I commend him for his leadership in obtaining those assurances.

Mr. GLENN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter to me from DOE Under Secretary Tom Grumbly. This letter clearly establishes the Department's intent and commitment to seriously and forthrightly address worker safety issues at Mound. The letter lists a series of discrete program improvements that will be taken at the Mound site beginning immediately and continuing through 1997.

This list closely tracks the amendment which I have filed.

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

THE UNDER SECRETARY OF ENERGY,
Washington, DC, June 21, 1996.

Hon. JOHN GLENN,
U.S. Senate,
Washington, DC.

DEAR SENATOR GLENN: In response to your concerns regarding worker safety at the Department of Energy's Mound Site, I want to assure you that the Department is moving aggressively to address and resolve those concerns. The Department is committed to take the following actions (see attached summary chart):

In FY 1996:	
1. Initiate a contract to complete, by October 1997, the pre-1989 radiological dose assessment for workers with a probable dose of greater than	20 rem
2. Procure and initiate implementation of automated personnel contamination monitors with access control system at a cost of	$250K
3. procure and being to install an automated radiological record keeping and data handling software at a cost of	$260K
4. Identify and train 6 dedicated radiological control technicians for the purpose of radiologically characterizing the Mount sites at a cost of	$250K
5. Evaluate the continuous air monitoring program to determine the need for personal air samplers for workers at a cost of	$85K
6. Evaluate the existing contract bioassay analysis laboratory program against the DOE bioassay accreditation criteria to identify areas for improvement at a cost of	$30K
7. Evaluate the existing internal dosimetry does calculation methodologies to validate proper treatment of particle size and chemical form of radioisotopes at a cost of	$50K
Total FY 1996 cost	$925K

In FY 1997:	
1. complete the pre-1989 radiological dose assessment for workers with a probable dose of greater than 20 rem at a cost of	$3,400K
2. Complete the procurement and installation of automated personnel contamination monitors with access control system at a cost of	$490K
3. Complete installation of the automated radiological record keeping and data handling software at a cost of	$240K
4. Complete the radiological characterization of the Mound site at a cost of	$700K
5. Complete implementation of enhancements to the continuous air monitoring program, including procurement and implementation of a personal monitoring program, at a cost of	$120K
6. complete implementation of a quality control program which meets the DOE bioassay accreditation program criteria for site and contract laboratories as well as establish a DOE validation program at a cost of	$120K
7. Complete implementation of an internal dosimetry dose calculation methodology that properly treats the particle size and chemical form of radioisotopes at a cost of	$150K
Total FY 1997 cost	$5,220K

The cost figures were developed in coordination with the Mound site, but are estimates and therefore not necessarily precise. The expenditures proposed for Fiscal Year 1997 are of course subject to the availability

of appropriated funds. We would propose that Fiscal Year 1997 funds for these enhancements be made available from the amounts initially requested for the Environmental Management program in a way that gives the Department the most flexibility. We were not able to include funds for these safety upgrades in our Fiscal Year 1997 budget request because the costs had not yet been determined.

These radiological program improvements will address and resolve both current and legacy issues at Mound and will greatly improve the safety of workers. The Department is committed to making these safety enhancements at the Mound Site.

We appreciate your continued leadership and hard work to assure the protection of worker health and safety at Mound and all Department of Energy facilities.

Sincerely,

THOMAS P. GRUMBLY.

SUMMARY OF RADIOLOGICAL PROGRAM IMPROVEMENTS AT THE DEPARTMENT OF ENERGY MOUND SITE

Project	FY 1996 Costs ($K)	FY 1997 costs ($K)
1. Pre-1989 Dose Assessments	N/A	$3,400
2. Automated Personnel Contamination Monitors and Access Control	$250	490
3. Automated Record Keeping and Data Handling	260	240
4. Site Radiological Characterization	250	700
5. Air Monitoring Program	85	120
6. Bioassay Quality Control	30	120
7. Internal Dosimetry Dose Calculation Methodology	50	150
Total for each FY	925	5,220

Mr. GLENN. These important upgrades should begin at the earliest possible opportunity. As a result of Mr. Grumbly's letter and the committee's concerns, I will not offer my amendment which would specifically authorize funds to ensure that these upgrades take place. I remain concerned though that we may be forcing a trade off between worker safety and health improvements and the pace of clean up at the Mound site.

Mr. President, I wish to ensure that Congress is kept fully informed on the status of the Mound worker safety and health programs.

Mr. KEMPTHORNE. I fully endorse this substitute amendment and move its adoption at this time. I thank my colleague from Ohio for his leadership in this important area. I look forward to working with the honorable Senator to support him on this issue in conference.

Mr. MCCAIN. Mr. President, this amendment has been cleared on this side, and I urge adoption of the amendment.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

Mr. MCCAIN. Mr. President, the amendment is cleared. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4399) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4400

(Purpose: To provide special personnel management authorities for civilian intelligence personnel of the Department of Defense)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Senator THURMOND and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. THURMOND, proposes an amendment numbered 4400.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'').

Mr. THURMOND. Mr. President, I propose an amendment that would provide new personnel management authorities to the Secretary of Defense for managing the civilian personnel within the Department of Defense intelligence community.

Mr. President this legislation is intended to provide the Secretary of Defense additional flexibility and the capability to manage and to adjust the skill balance within the intelligence community workforce. The flexibility and management tools in this proposal will enable the Secretary of Defense to adjust the intelligence community workforce to changing requirements and technological advances. It is part of a larger effort to enhance the effectiveness of the intelligence community.

Mr. President, I want to acknowledge the cooperation and assistance of the chairman and ranking member of the Government Affairs Committee. I would not have offered this amendment without their concurrence and support. I am pleased to note, for the record, that this is truly a bipartisan cooperative effort of our two Committees. The Secretary of Defense and the Director of Central Intelligence both recommended and support the legislation. I think the amendment will enhance the effectiveness and efficiency of the intelligence community. I urge adoption of the amendment.

Mr. President, I thank the Chair and yield the floor.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4400) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4401

(Purpose: To amend chapter 57 of title 5, United States Code, to provide Federal employees who transfer in the interest of the Government more effective and efficient delivery of relocation allowances by reducing administrative costs and improving services, and for other purposes)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Mr. COHEN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. COHEN, for himself and Mr. LEVIN, proposes an amendment numbered 4401.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. COHEN. Mr. President, Senator LEVIN and I are offering today the Travel Reform and Savings Act as an amendment to the DOD authorization bill.

This amendment has bipartisan support and is intended to enable Federal agencies to adopt the best of private sector travel management practices. It will save over $800 million each year from regulatory and statutory changes in Federal travel management.

This effort originated with two hearings I held this Congress on reforming the Federal Government's travel process. At the Subcommittee on Oversight of Government Management hearings on the costs associated with processing Federal travel vouchers, GAO, DOD, GSA and other executive branch agencies agree that the Government's policies focus too much on compliance with rigid rules, and that Federal travel practices are outmoded and too bureaucratic. There was also agreement that the travel process needs to be radically redesigned or reengineered and simplified by adopting the best practices of private industry. Successfully adopting these practices will save the Government an estimated $6 billion during the next 5 years.

I am encouraged by the efforts of the Department of Defense and other agencies in reforming administrative costs connected with temporary duty travel. We are beginning to see progress and we should redouble our efforts to save the taxpayer money from unnecessary travel overhead expenditures.

The Travel Reform and Savings Act primarily deals with another segment of Federal travel, Permanent Change of Station travel, or the cost of moving Federal employees to a new duty station. The amendment is based on many of the recommendations made by the Joint Financial Management Improvement Program, a cooperative effort between the Office of Management and Budget, the General Accounting Office, the Department of Treasury, and the Office of Personnel Management to improve travel and relocation management.

This amendment proposes to offer alternative methods of reimbursement for househunting, and housing transaction expenses. These alternative methods would reduce administrative time and paperwork associated with auditing vouchers. If found cost effective to do so, this legislation would provide authority to pay for property management services, transportation of an employee's privately owned motor vehicle within the continental

United States, and home marketing incentives. Furthermore, the amendment would authorize payment for limited relocation allowances to an employee who is performing an extended assignment, repeal the long-distance telephone call certification requirement and transfer authority to the Administrator of General Services to issue implementing regulations.

The Travel Reform and Savings Act is intended to reduce the Government's relocation and travel costs and to ease administrative burdens while providing equitable reimbursement to employees. Enactment of the legislation will eliminate unnecessary paperwork requirements, cut redtape, and result in substantial savings to taxpayers.

Mr. LEVIN. Mr. President, I am pleased to join Senator COHEN in offering this amendment to the fiscal year 1997 Defense authorization bill.

The amendment is needed to reduce the Government's relocation and travel costs, and to ease administrative burdens while providing equitable reimbursement to employees. Enactment of this legislation will eliminate unnecessary paperwork requirements and cut red tape, improve the treatment of employees who perform official travel by creating parity with their private sector counterparts and result in substantial savings to taxpayers.

The amendment represents the product of a multi-agency project team established in 1994 by the Joint Financial Management Improvement Program [JFMIP], a cooperative undertaking of the Office of Management and Budget, the General Accounting Office, the Department of Treasury, and the Office of Personnel Management, to develop recommendations to improve travel and relocation management. A team representing over two dozen organizations from the executive and legislative branches focused on identifying and incorporating the best travel practices of both the public and private sectors. In a recent hearing before the Subcommittee on Oversight of Government Management and the District of Columbia, the General Services Administration testified that one of their short-term goals to assist Federal agencies in their travel reenigineering efforts was to get the necessary legislative changes implemented. The legislative changes proposed by the JFMIP are embodied in this amendment. GSA estimates that the legislative changes included in this amendment will save the Government in excess of $200 million.

I urge my colleges to support this amendment.

Mr. NUNN. Mr. President, this amendment has been cleared, and I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4401) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4402

(Purpose: To require reporting on compliance of Army test program with certain statutory requirements)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Mr. LEVIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. LEVIN, proposes an amendment numbered 4402.

The amendment is as follows:

At the appropriate place in title VIII of the bill, add the following new section:

SEC. . TEST PROGRAMS FOR MODERNIZATION-THROUGH-SPARES.

Not later than 60 days after the date of enactment of this Act, the Secretary of the Army shall report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives on the steps he has taken to ensure that each program included in the Army's modernization-through-spares program is conducted in accordance with—

(1) the competition requirements in section 2304 of Title 10;

(2) the core logistics requirements in section 2464 of title 10; and

(3) the public-private competition requirements in section 2469 of Title 10; and

(4) requirements relating to contract bundling and spare parts breakout in sections 15(a) and (15(l) of the Small Business Act (15 U.S.C. 644) and implementing regulations in the Defense FAR Supplement.

Mr. LEVIN. Mr. President, the Army recently initiated a test program for modernization-through-spares, pursuant to which it plans to group spare parts and system support contracts together and award a single support contract for an entire weapons system. I have been informed that it is the Army's intent to award such a contract, for the M109 howitzer program, on a sole-source basis to the original equipment manufacturer. Spare parts contracts for the M109 howitzer program have previously been awarded on a competitive basis.

This information, if true, is disturbing. Current congressional and regulatory policy encourages the break out spare parts contracts to promote competition. This policy was initiated in the mid-1980's in response to a series of spare parts scandals, in which we learned that the Pentagon had purchased commonly available commercial items for extraordinary prices—such as $435 for a hammer, $243 for a pair of pliers, $640 for a toilet seat, and $9,609 for a hexagonal wrench. These abuses resulted, in large part, from the decision to purchase the items on a sole-source basis from original equipment manufacturers.

Mr. President, the Army's reported decision to award spare parts and support contracts on a sole-source basis to the original equipment manufacturer also raises questions of compliance with a number of other statutory provisions, including the Competition in Contracting Act, requirements for public-private competition prior to contracting out decisions, and prohibitions on contracting out core government functions. These provisions were all written to protect the taxpayers from inappropriate contracting decisions.

My amendment would require the Secretary of the Army to report to the Congress within 60 days on the steps that he is taking to ensure that the proposed test program is conducted in accordance with these requirements. As one of the authors of the Competition in Contracting Act and the spare parts reforms, I intend to closely scrutinize the rationale offered by the Army for any decision to award a sole-source contract to the original equipment manufacturer under this test program.

Mr. NUNN. I believe this amendment has been cleared on the other side, and I urge its adoption.

Mr. MCCAIN. I urge adoption. It has been cleared.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4402) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4403

(Purpose: To authorize the construction of a fuel farm, phase I, at Elmendorf Air Force Base, Alaska)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Mr. STEVENS and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. STEVENS, proposes an amendment numbered 4403.

The amendment is as follows:

In the table in section 2401(a), strike out ''$18,000,000'' in the amount column in the item relating to Elmendorf Air Force Base, Alaska, and insert in lieu thereof ''$21,000,000''.

Strike out the amount set forth as the total amount at the end of the table in section 2401(a) and insert in lieu thereof ''$530,590,000''.

In section 2406(a), in the matter preceding paragraph (1), strike out ''$3,421,366,000'' and insert in lieu thereof ''$3,424,366,000''.

In section 2406(a)(1), strike out ''$364,487,000'' and insert in lieu thereof ''$367,487,000''.

Mr. MCCAIN. Mr. President, I believe the amendment has been cleared on both sides.

Mr. NUNN. Mr. President, it has been. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4403) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4404

(Purpose: To authorize $10,000,000 for the construction, Phase I, of a national range control center, White Sands Missile Range, New Mexico)

Mr. McCAIN. Mr. President, I send an amendment to the desk for Mr. DOMENICI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. DOMENICI, proposes an amendment numbered 4404.

The amendment is as follows:

In the table in section 2101(a), insert after the item relating to Fort Polk, Louisiana, the following new item:

New Mexico	White Sands Missile Range.	$10,000,000

Strike out the amount set forth as the total amount at the end of the table in section 2101(a) and insert in lieu thereof ''$356,450,000''.

In section 2104(a), in the matter preceding paragraph (1), strike out ''$1,894,297,000'' and insert in lieu thereof ''$1,904,297,000''.

In section 2104(a)(1), strike out ''$356,450,000'' and insert in lieu thereof ''$366,450,000''.

Mr. NUNN. Mr. President, this has been cleared, and I urge its adoption.

The PRESIDING OFFICER. Without objection, The amendment is agreed to.

The amendment (No. 4404) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4405

(Purpose: To authorize $8,900,000 for construction at the Undersea Weapons Systems Laboratory at the Naval Undersea Warfare Center, Newport Division, Newport, Rhode Island)

Mr. McCAIN. Mr. President, I send an amendment to the desk on behalf of Mr. CHAFFEE and Mr. WARNER and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. McCAIN], for Mr. CHAFEE, for himself and Mr. WARNER, proposes an amendment numbered 4405.

The amendment is as follows:

In the table in section 2201(a), insert after the item relating to Camp Lejeune Marine Corps Base, North Carolina, the following new item:

Rhode Island	Naval Undersea Warfare Center.	$8,900,000

Strike out the amount set forth as the total amount at the end of the table in section 2201(a) and insert in lieu thereof ''$515,952,000''.

In section 2205(a), in the matter preceding paragraph (1), strike out ''$2,040,093,000'' and insert in lieu thereof ''$2,048,993,000''.

In section 2205(a)(1), strike out ''$507,052,000'' and insert in lieu thereof ''$515,952,000''.

Mr. CHAFEE. Mr. President, my amendment, which has been cleared by both sides, authorizes $8.9 million for an Undersea Weapons Systems Laboratory at the Naval Undersea Warfare Center [NUWC], headquartered in Newport, RI.

For many years, NUWC has maintained a well-deserved reputation as a center of excellence in submarine technology. It was certainly no accident that during the 1991, 1993, and 1995 base closure rounds, the Navy consolidated significant personnel and functions into Newport, while establishing the site as headquarters for one of its four R&D superlabs.

Unfortunately, though, NUWC's existing laboratory facilities dedicated to developing emerging technologies are badly outdated and cost-ineffective. They are housed in WWII vintage, thick walled concrete buildings not designed for controlled environments, specialized power and other modern necessities.

In order to remedy this shortfall and maintain U.S. strategic advantage in emerging undersea technologies, NUWC has established a requirement for an Undersea Weapons Systems Laboratory. This facility will enable NUWC to develop and implement affordable state-of-the-art technologies, and to design and prototype futuristic small tactical undersea vehicles. It also boasts an extraordinary pay back period of 2.4 years, which will be realized through the use of multidimensional modeling and simulation laboratories to replace costly in-water testing of underwater weapons systems.

Mr. President, I am convinced that the continued and increasing threat from submarine forces abroad should be a top U.S. national security concern. It has recently been reported that by 2005, 17 percent of the world's projected 410 submarines will have state-of-the-art technology, compared to just 8 percent today. Exploration and development of the many emerging technologies in this field, a goal my amendment seeks to achieve, will keep our undersea fleet of the future equipped with the most capable weapons systems, thereby deterring any potential near-term aggressor.

I want to express my deep appreciation to Senator WARNER for his support for this amendment. Its enactment into law will help take our submarine force into the 21st century as capable as ever.

Mr. NUNN. Mr. President, this amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4405) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. McCAIN. Mr. President, the amendments just accepted by the Senate add $21.9 million to the bill for three unrequested, low priority military construction projects, in addition to the $600 million already provided by the committee. These amendments did not pass the scrutiny of the Senate Armed Services Committee during its markup process, and the Senate should not now act to add millions of dollars for more military construction addons.

I ask that the record clearly reflect that I am strongly opposed to each of these amendments.

The three projects for which funding was added by these amendments are: $8.9 million for an undersea warfare laboratory in Rhode Island, $10 million for a command and control center at White Sands Missile Range in New Mexico, and $3 million for a fuel depot at Elmendorf Air Force Base in Alaska.

I appreciate the fact that every effort is being made to adhere to some credible criteria in selecting the projects for addons in this bill. But my objection, in principle, to adding funds for unrequested military construction projects remains the same.

Since 1990, the Congress has added more than $6 billion to the military construction accounts. This bill now adds more than $600 million for unrequested projects at specific locations in various States. At the same time, the overall defense budget has declined by more than 40 percent, despite our recent efforts to increase funding.

During the SASC markup, the Readiness Subcommittee recommended a plus-up of $100 million for high-priority housing projects. But the subcommittee allowed the Department of Defense to determine the allocation of these projects by military priority, not by location in a powerful Senators' State. Senator GLENN and I both voted against the addition of another $600 million in unrequested mil con projects when the amendment was offered in our full committee markup. Not surprisingly, we lost that vote.

Again, I am somewhat gratified to learn that the close scrutiny focused on military construction pork has at least forced a degree of control on the process. Most of the projects added by the Armed Services Committee meet four of the five criteria stated in the sense of the Senate language: Mission essential; not inconsistent with BRAC; in the FYDP; and, executable in fiscal year 1997.

Mr. President, this bill already includes 25 added projects do not meet at least one of these criteria. However, 11 of these are quality of life improvements, and the balance received only planning and design funding. But none of these projects in the bill meet the fifth criterion—offset by a reduction in some other defense account.

Let's look at the priority of the projects already added by the committee for military construction.

Of the total of 115 added projects, 72 were planned for the year 2000 or later. In fact, 14 of these projects were not even included in the FYDP.

Of the $600 million added for unrequested projects, almost $350 million was added for these 72 projects planned for the next century.

Surely, projects planned for fiscal years 2000, 2001, 2002, or later are not as vital to the services as those that are planned to be included in next year's defense budget. Why didn't we focus on the fiscal year 1998 projects? Or the fiscal year 1999 projects? Instead, we are reaching 4 years out in the FYDP, into the next century, to find 29 projects that are planned in the States of Members of the Armed Services Committee.

Let's be realistic. This bill is $1.7 billion above the defense budget target set in the fiscal year 1997 budget resolution. That means we will have to cut out some of the programs added in this bill when we get to conference with the House. Will military construction be cut? I don't think so. Instead, we will probably end up cutting some of the high-priority adds for much-needed modernization equipment that will enable our troops to fight and win in future conflicts.

Mr. President, I am tired of seeing us acquiesce to a practice which only feeds on itself. Until we instill some discipline in our own markup process—by resisting the temptation to add money simply because it serves our constituents—we cannot expect the Department of Defense to exercise discipline in resisting efforts to spend defense dollars on unnecessary, nondefense projects.

We have made progress in reducing the total amount of pork barrelling in the defense budget. Last year, about $4 billion of the total $7 billion added to the defense budget was wasted on pork barrel projects, like new attack submarines, research project earmarks, medical education programs, and, of course, military construction add-ons. This year, we are wasting only $2 billion.

But $2 billion is a lot of taxpayer dollars to waste. How do we explain to the American people why we need to spend $11 billion more for defense this year, when we are spending $2 billion for projects that do little or nothing to contribute to our Nation's security?

Mr. President, I intend to continue to expose these unnecessary addons for military construction projects to public scrutiny—the only way I know to fight this egregious pork-barrel spending. And I plead with my colleagues, for the sake of ensuring public support for adequate defense spending now and in the future, let's stop the pork-barrelling now.

Mr. GLENN. Mr. President, a moment ago the Senate adopted three amendments to add additional funds to the military construction budget to fund an undersea weapons system lab in Newport, RI; phase I of a national range command and control center at White Sands Missile Range, NM; and phase I of a fuel farm at Elmendorf AFB, AK. I did not ask for a rollcall vote on these amendments, nor did I want to tie the Senate up with debate on these amendments. However, I would like to voice my opposition to these amendments. I am opposing these amendments because we in the Congress continue to add millions and millions of dollars to the defense budget in order to fund projects which are not requested by our military leaders.

As I understand it, these projects do meet the criteria which the chairman of the Readiness Subcommittee, Senator MCCAIN, and I established several years ago. I am gratified that the Senate is exercising a degree of discipline by requiring that these military construction projects meet certain minimal criteria, such as whether a project is in a service's future years defense plan or whether a project is mission essential. I don't think that is too much to ask, Mr. President. Furthermore, I do not agree that just because a project meets these criteria we should fund each and every one of them. We have to exercise discipline in limiting the number of unrequested projects added each year, just as the Pentagon must learn to request appropriate levels of funding for the services' construction accounts. If our military leaders truly need these projects, then they should ask for them in the annual budget request.

On June 19, during the Senate's consideration of Senator MCCAIN's amendment to reduce the fiscal year 1997 military construction authorization by $600 million, I spoke at length about my position concerning construction adds. So, I will not belabor the point here. I will point out that it is my intention to continue to work with the chairman of the Readiness Subcommittee to reverse the practice of adding millions of dollars to the budget for unrequested projects.

AMENDMENT NO. 4406

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Mr. SMITH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. SMITH proposes an amendment numbered 4406.

The amendment is as follows:

SEC. . SENSE OF THE SENATE CONCERNING USS LCS 102 (LSSL 102).

It is the sense of the Senate that the Secretary of Defense should use existing authorities in law to seek the expeditious return upon completion of service, of the former USS LCS 102 (LSSL 102) from the Government of Thailand in order for the ship to be transferred to the United States Shipbuilding Museum in Quincy, Massachusetts.

Mr. SMITH. Mr. President, during the past 5 years our Nation commemorated the 50th anniversary of a series historic World War II events. These ceremonies highlighted the enormous valor, sacrifice, and honorable service of our Nation's veterans. They also showcased some of the unique aircraft, ground vehicles, and naval vessels that helped turn the tide of war in Europe and the pacific.

Many of these extraordinary combatants have long since been retired. Others have been converted to museums. Still others are in use with foreign military services through agreement with our Government.

Recently, it was brought to my attention that one specific class of Navy ship, the LCS class, has only one surviving ship left in existence: The LSC–102. The LCS' were shallow draft gunboats designed and built to provide a high rate of firepower for marines going ashore. The Navy built 130 of them, outfitted with 20mm and 40mm guns as well as rocket launchers for beach bombardment. They saw extensive action in New Guinea, Borneo, Iwo Jima, the Phillippines and Okinawa. Twenty-six were sunk or damaged in combat operations.

As I said, the LCS–102 is the last ship in its class in existence. It is in service with the Royal Navy of Thailand through agreement with our Government. The Thai Navy has indicated that they plan to keep the ship in service through at least the year 2000.

Mr. President, the LCS class has a distinguished history. Our former colleague Senator John Tower served in combat as a boatswain's mate on an LCS in World War II. Former Navy Secretary Bill Middendorf also served aboard an LCS. And John F. Lehman, Sr., the father of Chris Lehman and former Secretary of Navy John Lehman, Jr. commanded the LCS–18 and was awarded the Bronze Star for service during the Okinawa campaign.

The National Association of USS LCS (L) 1–130 has for several years sought to return the LCS–102 to the United States so that it can become an exhibit at the U.S. Navy shipbuilding museum at Quincy, MA. Time is running out for thousands of sailors who served aboard LCS's during World War II and want to see this last-of-its-class ship brought home to port.

The amendment that I am offering today would express the sense of the Senate that the Secretary of Defense should use existing authorities in law to seek the expeditious return of the LCS–102 from the Government of Thailand in order for the ship to be transferred to the United States shipbuilding museum. The amendment does not require any specific action or force the return of the ship. Rather, it convey's congressional interest in working with our friends in Thailand to return this last of its kind ship for exhibition in the United States.

Mr. President, I understand there are concerns over who actually holds title to the vessel, how much longer the royal Thai navy may want to hold onto it, and who would pay the bill to return it to the United States.

According to the Navy, the LCS–102 is now known as the LSSL 102, having been transferred to Thailand under the old military assistance program. There is revisionary right retained by the United States providing that when Thailand no longer needs the vessel for

intended purposes it is to notify the United States.

It is entirely possible that Thailand may insist upon some alternative compensation if they agree to give back the ship. While this amendment does not address that issue, it is intended that the Secretary of Defense would exercise his existing authority, in consultation with the State Department, to explore various options and consummate such an arrangement, if appropriate.

Let me make clear that I do not propose using Defense Department funds to return this vessel to the United Sates and transport it to Quincy, MA. In my view, this is something that should be paid for through private contributions. I ask unanimous consent that a letter from William M. MacMullen, the executive director of the shipbuilding museum, committing to raise the necessary funds for such an effort, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1)

Mr. SMITH. I urge my colleagues to join with me in supporting this amendment. It is fitting that we pay tribute to the collection of American warriors, including our former colleague John Tower, who served aboard this unique class of combatants. Let us bring LCS–102 back stateside, to permanent home port in Quincy, MA, so that future generations can better understand and appreciate its legacy of service.

Mr. President, I understand that this amendment has been cleared on both sides and, if that is the case, I urge adoption of the amendment.

EXHIBIT 1

U.S. NAVAL SHIPBUILDING MUSEUM,
MASSACHUSETTS MILITARY RESEARCH CENTER,
June 19, 1996, Quincy, MA.

Hon. Robert C. Smith,
U.S. Senate, Seapower Subcommittee, Senate Armed Services Committee, Washington, D.C.

DEAR SENATOR SMITH: I am writing to provide you my assurance that the United States Naval Shipbuilding Museum here in Quincy, Massachusetts is prepared to take the former LCS–102 and give her a home at the Museum.

We are committed to raise the necessary funds working with the LCS Association to maintain the vessel and prepare her for use as an exhibit. We have the room here and we think that the addition of one of the ''fightingest'' ships in the World War Two Navy would be a fine addition to our Museum. Many LCSs were actually built here in Quincy during World War Two and it would be fitting to have one of those, (in fact, the only ship of its class left in the world), ships back here in Quincy at our Museum.

It is my understanding that there is a possibility that the Congress may soon endorse the idea of bringing the last LCS home to serve as a museum piece. Many Navy veterans from New Hampshire would be pleased to have the ship so close to home. I urge you to support this initiative to bring this ship to Quincy, Massachusetts, and so honor the tens of thousands of sailors who served on amphibious ships during World War Two.

Respectfully,
WILLIAM M. MACMULLEN, Jr.
Exec. Director, USNSM.

Mr. McCAIN. This has been cleared.

Mr. NUNN. Mr. President, this amendment has been cleared, and I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4406) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4407

(Purpose: To specify certain matters to be considered by the Chairman of the Joint Chiefs of Staff in the next assessment of the current missions, responsibilities, and force structure of the unified combatant commands)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. ROBB, proposes an amendment numbered 4407.

The amendment is as follows:

At the end of subtitle A of title IX, add the following:

SEC. 908. MATTERS TO BE CONSIDERED IN NEXT ASSESSMENT OF CURRENT MISSIONS, RESPONSIBILITIES, AND FORCE STRUCTURE OF THE UNIFIED COMBATANT COMMANDS.

The Chairman of the Joint Chiefs of Staff shall consider, as part of the next periodic review of the missions, responsibilities, and force structure of the unified combatant commands under section 161(b) of title 10, United States Code, the following matters:

(1) For each Area of Responsibility of the regional unified combatant commands—

(A) the foremost threats to United States or allied security in the near- and long-term;

(B) the total area of ocean and total area of land encompassed; and

(C) the number of countries and total population encompassed.

(2) Whether any one Area of Responsibility encompassed a disproportionately high or low share of threats, mission requirements, land or ocean area, number of countries, or population.

(3) The other factors used to establish the current Areas of Responsibility.

(4) Whether any of the factors addressed under paragraph (3) account for any apparent imbalances indicated in the response to paragraph (2).

(5) Whether, in light of recent reductions in the overall force structure of the Armed Forces, the United States could better execute its warfighting plans with fewer unified combatant commands, including—

(A) a total of five or fewer commands, all of which are regional;

(B) an eastward-oriented command, a westward-oriented command, and a central command; or

(C) a purely functional command structure, involving (for example) a first theater command, a second theater command, a logistics command, a special contingencies command, and a strategic command.

(6) Whether any missions, staff, facilities, equipment, training programs, or other assets or activities of the unified combatant commands are redundant.

(7) Whether warfighting requirements are adequate to justify the current functional commands.

(8) Whether the exclusion of Russia from a specific Area of Responsibility present any difficulties for the unified combatant commands with respect to contingency planning for the area and its periphery.

(9) Whether the current geographic boundary between the Central Command and the European Command through the Middle East could create command conflicts in the context of fighting a major regional conflict in the Middle East.

Mr. McCAIN. The amendment has been cleared. I urge that the Senate adopt this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4407) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4408

(Purpose: To make available $7,000,000 for research and development relating to seamless high off-chip connectivity (SHOCC))

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Mr. LEVIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. LEVIN, proposes an amendment numbered 4408.

The amendment is as follows:

At the end of subtitle B of title II, add the following:

SEC. 223. SEAMLESS HIGH OFF-CHIP CONNECTIVITY.

Of the amount authorized to be appropriated by this Act, $7,000,000 shall be available for the Defense Advanced Research Projects Agency for research and development on Seamless High Off-Chip Connectivity (SHOCC) under the materials and electronic technology program (PE 0602712E).

Mr. LEVIN. Mr. President, the Defense Advanced Research Projects Agency [DARPA] has a continuing program of research and development for advanced electronics and materials. One of the most promising elements of this program is called seamless high off-chip connectivity, or SHOCC for short. The SHOCC program offers the potential to dramatically reduce the cost of producing integrated circuits while increasing their performance considerably. This would be important to our information-age military forces, as well as to our commercial electronics industry.

One of the problems faced by the electronics industry, for both military and civilian applications, is the increased cost of producing high performance integrated circuits. While we have made many dramatic improvements in

the chips we produce, there is a point at which increasing their performance to the next logical level is cost-prohibitive. We are approaching that point quickly.

Additionally, the wiring that connects the circuits together on the circuit boards is incapable of transferring all the massive amounts of data that the chips can handle. Consequently, there is an electron traffic jam and bottleneck when the data leaves a chip and goes on to its next destination. It is like an eight-lane information highway suddenly becoming a one-lane dirt road; you can be sure there will be real show-downs. So we need to increase the density of the off-chip wiring.

The SHOCC program run by DARPA seeks to provide a new way of fabricating high performance integrated circuits so they are lower cost, have better wiring to permit all the data to flow between and among all the circuits—the information capacity known as connectivity, and much greater performance. Such circuits would have tremendous importance for our military, which is increasing its reliance on information technology and digitization. Our military needs improved electronic technology at lower cost, and that is what the SHOCC program is all about.

This amendment authorizes $7 million for DARPA to continue this ground-breaking research. There is an offset for the funding of this program.

Mr. McCAIN. The amendment has been cleared, and I urge adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4408) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4409

(Purpose: To amend section 346 (relating to authority to transfer contaminated Federal property before completion of required Federal actions)

Mr. McCAIN. Mr. President, I send an amendment to the desk on behalf of Senator SMITH and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. SMITH, proposes an amendment numbered 4409.

The amendment is as follows:

Beginning on page 90, strike line 1 and all that follows through page 91, line 17, and insert the following:

SEC. 346. AUTHORITY TO TRANSFER CONTAMINATED FEDERAL PROPERTY BEFORE COMPLETION OF REQUIRED REMEDIAL ACTIONS.

(a) IN GENERAL.—Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) is amended—

(1) by redesigning subparagraph (A) as clause (i) and clauses (i), (ii), and (iii) of that subparagraph as subclauses (I), (II), (III), respectively;

(2) by striking ''After the last day'' and inserting the following:

''(A) IN GENERAL.—After the last day'';

(3) by redesignating subparagraph (B) as clause (ii) and clauses (i) and (ii) of that subparagraph as subclauses (I) and (II), respectively;

(4) by redesignating subparagraph (C) as clause (iii);

(5) by striking ''For purposes of subparagraph (B)(i)'' and inserting the following:

''(B) COVENANT REQUIREMENTS.—For purposes of subparagraphs (A)(ii)(I) and (C)(iii)'';

(6) in subparagraph (B), as designated by paragraph (5), by striking ''subparagraph (B)'' each place it appears and inserting ''subparagraph (A)(ii)''; and

(7) by adding at the end the following:

''(C) DEFERRAL.—

''(i) IN GENERAL.—The Administrator (in the case of real property at a Federal facility that is listed on the National Priorities List) or the Governor of the State in which the facility is located (in the case of real property at a Federal facility not listed on the National Priorities List) may defer the requirement of subparagraph (A)(ii)(I) with respect to the property if the Administrator or the Governor, as the case may be, determines that—

''(I) the property is suitable for transfer for the use intended by the transferee;

''(II) the deed or other agreement proposed to govern the transfer between the United States and the transferee of the property contains the assurances set forth in clause (ii); and

''(III) the Federal agency requesting deferral has provided notice, by publication in a newspaper of general circulation in the vicinity of the property, of the proposed transfer and of the opportunity for the public to submit, within a period of not less than 30 days after the date of the notice, written comments on the finding by the agency that the property is suitable for transfer.

''(ii) REMEDIAL ACTION ASSURANCES.—With regard to a release or threatened release of a hazardous substance for which a Federal agency is potentially responsible under this section, the deed or other agreement proposed to govern the transfer shall contain assurances that—

''(I) provide for any necessary restrictions to ensure the protection of human health and the environment;

''(II) provide that there will be restrictions on use necessary to ensure required remedial investigations, remedial actions, and oversight activities will not be disrupted;

''(III) provide that all appropriate remedial action will be taken and identify the schedules for investigation and completion of all necessary remedial action; and

''(IV) provide that the Federal agency responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules, subject to congressional authorizations and appropriations.

''(iii) WARRANTY.—When all remedial action necessary to protect human health and the environment with respect to any substance remaining on the property on the date of transfer has been taken, the United States shall execute and deliver to the transferee an appropriate document containing a warranty that all such remedial action has been completed, and the making of the warranty shall be considered to satisfy the requirement of subparagraph (A)(ii)(I).

''(iv) FEDERAL RESPONSIBILITY.—A deferral under this subparagraph shall not increase, diminish, or affect in any manner any rights or obligations of a Federal agency with respect to a property transferred under this subparagraph.''.

(b) CONTINUED APPLICATION OF STATE LAW.—The first sentence of section 120(a)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(a)(4)) is amended by inserting ''or facilities that are the subject of a deferral under subsection (h)(3)(C)'' after ''United States''.

Mr. SMITH. Mr. President, during the Armed Services Committee consideration of S. 1745, Senator MCCAIN and I introduced language to amend section 120(h)(3) of the Comprehensive Environmental Response Compensation and Liability Act of 1980 [CERCLA] otherwise known as Superfund—to allow for the sale of contaminated properties at former Federal facilities prior to the completion of hazardous waste remedial action. Although the Federal Government would remain responsible for the cost of cleaning up the existing contamination, the early transfer of these properties would allow for the expedited redevelopment of excess Federal properties, such as those closed under the Base Closure and Realignment Act, without having to wait for the completion of the cleanup activities. This language, which was developed with the assistance of the Department of Defense, was cleared as official administration policy by the Office of Management and Budget.

In addition to section 346 being supported by the administration, we have been contacted by a number of States that believe that it is important that the transfer process be expedited so that necessary redevelopment takes place as soon as possible. As a result of my close involvement with efforts to redevelop Pease Air Force Base, as well as my chairmanship of the Senate Superfund Subcommittee, I am aware of instances where potential land redevelopment efforts were hindered because of the Federal agency's inability to provide potential purchasers with a fee simple transaction prior to the time the property was cleaned up. By making this necessary revision to CERCLA 120(h), I believe that we will avoid needless complications in getting these properties into beneficial economic reuse, yet at the same time, ensure that they will be appropriately cleaned up in a timely manner.

Recently, I have received letters from a few State attorneys general expressing concerns about section 346, and seeking assurances that these properties will be expeditiously cleaned up. The attorneys general were primarily concerned that we ensure that all appropriate remedial action is taken at thee sites in a timely manner, that schedules for completion of the cleanup be identified, and that existing agreements, including tri-party agreements remain enforceable. In response to these concerns, my staff on the Senate Environment and Public Works Committee have been working with the staffs of Senators BAUCUS, LAUTENBERG, and CHAFEE, as well as the staff on the Armed Services Committee and

representatives of the military services, to address the concerns raised by the attorneys general.

The amendment that I am offering today would accomplish a number of goals. First, it would ensure that those facilities that are transferred prior to their cleanup would receive the same environmental protections as those facilities currently cleaned up under section 120(h). Similar to current law, the deed transferring the property would be required to contain assurances that all appropriate remedial action will be taken at the property, as well as identify schedules for the investigation and completion of all necessary remedial actions. In addition, the current language in section 120(h) would continue to hold the Government responsible for any additional cleanup found to be necessary after the date of the transfer.

Second, this amendment specifically states that the Federal obligations for these facilities would not be diminished or affected as a result of these transfers. The functional effect is that contractual obligations, such as triparty agreements, that have been entered into by the Federal Government prior to the transfer, would remain unaffected by this change.

Third, this amendment would ensure that State laws, including State environmental laws, will continue to apply to facilities that are transferred as a result of this section. Thus, in no way does this amendment affect the ability of States to fully enforce their State environmental cleanup requirements.

Mr. President, my staff has been contacted by the representatives of a number of Governor's who have told me that they strongly support the existing language in section 346. However, I am willing to modify my language to address the concerns raised by attorneys general. As a result of these changes, I believe that this amendment will not only clarify our intention to allow these pre-cleanup transfers, but it will also ensure that these cleanups will take place in a prompt fashion.

I urge the support of my colleagues for this amendment.

Mr. LEVIN. Mr. President, I would like to engage the distinguished Chairman of the Armed Services Committee in a brief colloquy regarding the Smith amendment to section 346 of the bill. Let me also say that I am pleased that the managers have agreed to adopt the Smith amendment, which I believe improves the section in question.

The original intent of section 346 is worthy. We should make every effort to expedite the transfer of Federal property when it is needed for local economic development or similar time sensitive opportunities. However, upon reading the provision carefully, I became concerned that providing the authority to transfer contaminated Federal property before completion of required remedial actions could potentially muddle the Federal Government's responsibility for cleaning up this contamination.

I would like to ask the Senator from South Carolina whether anything in the Smith amendment to section 346 in any way diminishes the Federal Government's obligation to remediate contamination for which it or its agencies are responsible?

Mr. THURMOND. I thank the Senator from Michigan for his interest. Nothing in the amended section 346 reduces or otherwise changes the responsibility of the United States for cleaning up contamination at its facilities.

Mr. LEVIN. I appreciate that clarification from the chairman. As he and my colleagues may know, I have long been concerned that the Department of Defense [DOD] and Congress should allocate sufficient funds for the purposes of cleaning up closed and closing bases so that they may be reused to the benefit of the local and State economies. In fact, I believe that these former military facilities deserve priority attention because of the severe economic impact that closing bases can have on communities.

I am thankful that the amendment reflects these concerns and requires cleanup schedules to be prepared and adequate budget requests to be made as part of the necessary assurances prior to any transfer. However, the amendment still covers the entire universe of potentially transferrable Federal facilities and allows transfer prior to cleanup. Conceivably, this could result in less attention by DOD and other agencies to the remediation of these facilities. Could the chairman reassure me that the transfer of former military properties and other Federal facilities pursuant to the revised section 346 will not affect the priority DOD gives to their cleanup?

Mr. THURMOND. Let me reassure the Senator from Michigan that section 346 as amended by the Smith amendment does not affect or alter in any way the obligation of or the need for DOD to clean up the properties it has contaminated, particularly at closed or closing facilities. In fact, as the Senator indicated, all agencies proposing to transfer property must identify specific cleanup schedules and submit budget requests that adequately address those schedules for remedial action.

Mr. LEVIN. The chairman of the committee and his staff have been most helpful in arriving at these improvements to section 346. I appreciate his assistance.

Mr. LEVIN. Mr. President, though the Smith amendment to section 346 goes a long way toward resolving the majority of my concerns, and the reassurances provided by the chairman of the Senate Armed Services have been extremely helpful, there are still some issues that need to be considered before Congress proceeds with this kind of change in permanent law.

Though I understand from DOD staff that the Department does not intend to use this new authority widely or without significant caution, an argument can be made that a change of this magnitude, affecting all Federal facilities, should be considered in the context of comprehensive reform of the Superfund law, and the Governmental Affairs Committee should probably have the opportunity to consider the change in the process for disposition of Federal property.

Further, my office has been contacted by the Attorney General of Michigan regarding his concerns about the impact of section 346 in the Committee-reported version of S. 1745. These concerns appear to be shared by many other State Attorneys General around the country. Some of these concerns are addressed by the changes that the Smith amendment makes in section 346. But, I want my colleagues to know that this provision is not a simple matter and could have far-reaching consequences. I hope the conferees will carefully consider the need for this new authority and the possible outcomes of its exercise.

I ask unanimous consent that a letter from the attorney general of Michigan to me be printed in the RECORD.

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

STATE OF MICHIGAN,
DEPARTMENT OF ATTORNEY GENERAL,
Lansing, MI, June 13, 1996.

Re: S. 1745—Proposed amendment of section 120(h)(3) of CERCLA.

Hon. CARL LEVIN,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR LEVIN: I am writing to express my opposition to the change proposed by S. 1745, the National Defense Authorization Act for Fiscal Year 1997, to a most important provision of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Section 120(h)(3) of CERCLA has clearly and unequivocally placed the burden of cleaning up contaminated federal property on federal agencies. This is sound public policy for a number of reasons, not the least of which is that since the property was contaminated by the federal government, is should set an example for the rest of the nation by accepting its responsibility for damages its agencies have done to the environment. It is a policy that has worked because of the mandates of section 120(h)(3) that all remedial action necessary be conducted before the site is transferred, and that any transfer contain a covenant that any additional remedial action found to be necessary after the transfer will be conducted by the United States.

The proposed change to section 120(h)(3) will permit the transfer of contaminated federal land before all remedial action is completed, and it will allow federal agencies to transfer their liability for the facility to other parties such as states, local governments and private persons. I urge you to strongly oppose this change in its present form.

In many instances, the initial transferee of federal facilities may be a state or local government which accepts title in order to convey to a private party for economic development. Forcing the state or local agency to make a choice between accepting the land and the liability of the United State, or losing the chance for economic redevelopment of the site by declining to accept such liability, is unfair and contrary to the intent of

section 120(h)(3). Yet this is precisely the choice that will be presented in many instances, and I fear that the acute need for redevelopment and the ability to pass the liability on to the private developer will force state and local agencies to absolve the United States of liability for the harm it has caused, even though the private redeveloper's promise to accept the liability is often of little or no value. In such cases, the environmental liability of the United States will be unfairly passed to state and local governments.

Allowing federal agencies to transfer their environmental liability to others in the name of economic development will increase the number of orphan sites of contamination when the transferee is either unwilling, or more likely unable, to fulfill the ''assurance'' it gave to remediate the federal facility. Facilitating civilian redevelopment of federal facilities is a worthwhile endeavor, but not at the expense of the environment.

First and foremost, the federal government must keep the promise of remediating all contaminated federal facilities. The United States can fulfill this obligation, and promote redevelopment of federal facilities at the same time under the current section 120(h)(3) of CERCLA. In those rare instances where redevelopment is thwarted by the inability to convey title to the land to the redeveloper, CERCLA must continue to make clear that the United States will take any corrective action necessary after transferring the land.

It is my position that an amendment to section 120(h)(3) of CERCLA such as that proposed by S. 1745 should not be passed without clear mandates contained therein that the United States may not transfer its liability to any other party or person, and that the United States must convenant to take all remedial action necessary in the event the transferee fails to do so.

Very truly yours,

FRANK J. KELLEY,
Attorney General.

Mr. BAUCUS. I would like to ask the sponsor of the amendment, Senator SMITH, to clarify a couple of points I have on the amendment allowing the transfer of Federal facilities. First, let me say that transferring Federal facilities to private parties as quickly as we can so they can be put to productive use is desirable. But we must not transfer property if doing so would compromise protection of human health and the environment. And we must ensure that when we do transfer Federal sites before they are cleaned up, we don't forget about them. We must make sure that the Federal Government cleans up these sites as quickly as it would if the Government still owned the property. At the same time, communities do not want to wait for years while interested parties study the extent of contamination and argue over remedies. So to speed up the transfer of contaminated land at these Federal sites, this amendment will allow the Federal Government to transfer property to private parties before the remedy is completed. While I support the amendment, I do so with some reservations and ask that my concerns be addressed in conference. I want to make sure that if we allow the Federal Government to transfer contaminated property before the site is cleaned up we do so with the appropriate safeguards necessary to ensure that the States and public is not saddled with the cleanup of former Federal sites. I want to make sure that allowing Federal sites to be transferred before the site is cleaned up will not affect the Federal Government's obligations to cleanup its sites. At many sites, the Federal Government has entered into triparty agreements with the States and Federal regulators. These triparty agreements should not be compromised by transfers. Is it the understanding of the Senator that triparty agreements will not be affected by the amendment?

Mr. SMITH. It is my understanding that the triparty agreements will remain unaffected by this amendment. We do not intend that this provision effect the pace of cleanups or shift costs from the Federal Government to the States. More specifically, in the paragraph setting forth the condition that must be met before a transfer can occur, clause (iv) states that a deferral shall not increase, diminish, or affect in any manner any rights or obligations of a Federal agency with respect to a property transferred.

Mr. BAUCUS. So it is the intent of the Senator that by using the phrase ''rights or obligations'' in clause (iv) is to cover any existing contractual obligation entered into by the Federal agency?

Mr. SMITH. Yes.

Mr. BAUCUS. Would the Senator agree that triparty agreements are one category of contractual obligation?

Mr. SMITH. Yes.

Mr. BAUCUS. Second, I understand that the amendment would allow transfers of Federal facilities to occur before remedial action is in place, provided that the transfer contains several assurances. These assurances would, among other things, assure that all appropriate remedial action will be taken and that the schedules for investigation and completion of all necessary remedial actions will be identified. Is the intent of this language to ensure that the cleanup at transferred sites will proceed according to the schedule identified in a deed or other agreement proposed to govern the transfer?

Mr. SMITH. Yes.

Mr. BAUCUS. I am pleased that the intent of this language is for the cleanup to proceed according to the schedule in the deed or other agreement proposed to govern the transfer. But I am unclear who would enforce the schedule and I would hope this is clarified in conference.

Mr. LAUTENBERG. I share these concerns. We want to put Federal facilities back into productive use as quickly as we can. But we must make sure that we do so in a way that protects our citizens health and their environment. While the amendment includes a number of assurances that must be made before a transfer can occur, we must make sure that all of the assurances are met so that health and safety are not compromised and cleanup occurs as quickly as possible. One of the most effective tools now being used to expedite cleanups are interagency agreements, including triparty agreements. Does the Senator agree that triparty agreements are an effective mechanism for ensuring input from States and coordinating cleanup efforts, and should be used where appropriate?

Mr. SMITH. Triparty agreements have proven to be an effective tool to coordinate the cleanup efforts at Federal facilities. These agreements should be used where appropriate, and nothing in this amendment would impede the ability of Federal regulatory agencies and States to enter into such agreements.

Mr. LAUTENBERG. Let me restate my interest in expediting the reuse of these properties. But it must be done carefully and cleanups must proceed in a timely manner. In addition, we must make sure that States have all of the tools that they need to be partners in these transfers of Federal lands and in their cleanup. I hope the Senator will work to address my concerns in conference.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4409) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4410

(Purpose: To strengthen certain sanctions against nuclear proliferation activities)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator GLENN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. GLENN, for himself and Mr. PELL, proposes an amendment numbered 4410.

The amendment is as follows:

At the end of subtitle F of title X, add the following:

SEC. 1072. STRENGTHENING CERTAIN SANCTIONS AGAINST NUCLEAR PROLIFERATION ACTIVITIES.

(a) IN GENERAL.—Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended—

(1) by inserting after ''any country has willfully aided or abetted'' the following: '', or any person has knowingly aided or abetted,'';

(2) by striking ''or countries'' and inserting '', countries, person, or persons'';

(3) by inserting after ''United States exports to such country'' the following: ''or, in the case of any such person, give approval to guarantee, insure, or extend credit, or participate in the extension of credit in support of, exports to or by any such person for a 12-month period,'';

(4) by inserting ''(A)'' immediately after ''(4)'';

(5) by inserting after ''United States exports to such country'' the second place it

appears the following: '', except as provided in subparagraph (B),''; and

(6) by adding at the end the following:

''(B) In the case of any country or person aiding or abetting a non-nuclear-weapon state as described in subparagraph (A), the prohibition on financing by the Bank contained in the second sentence of that subparagraph shall not apply to the country or person, as the case may be, if the President determines and certifies in writing to the Congress that—

''(i) reliable information indicates that the country or person with respect to which the determination is made has ceased to aid or abet any non-nuclear-weapon state to acquire any nuclear explosive device or to acquire unsafeguarded special nuclear material; and

''(ii) the President has received reliable assurances from the country or person that such country or person will not, in the future, aid or abet any non-nuclear-weapon state in its efforts to acquire any nuclear explosive device or any unsafeguarded special nuclear material.

''(C) For purposes of subparagraphs (A) and (B)—

''(i) the term 'country' has the meaning given to 'foreign state' in section 1603(a) of title 28, United States Code;

''(ii) the term 'knowingly' is used within the meaning of the term 'knowing' in section 104 of the Foreign Corrupt Practices Act; and

''(iii) the term 'person' means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity.''.

(b) EFFECTIVE DATE.—(1) The amendments made by paragraphs (1) through (5) of subsection (a) shall apply to persons, and the amendment made by subsection (a)(6), shall apply to countries and persons, aiding or abetting non-nuclear weapon states on or after June 29, 1994.

(2) Nothing in this section or the amendments made by this section shall apply to obligations undertaken pursuant to guarantees, insurance, and the extension of credits (and participation in the extension of credits) made before the date of enactment of this Act.

NUCLEAR PROLIFERATION SANCTIONS

Mr. GLENN. Mr. President, this amendment will authorize the President to impose Export-Import Bank sanctions against specific entities that knowingly aid or abet countries to acquire nuclear weapons or nuclear materials for such weapons.

Each of the Commanders in Chief and Secretaries of Defense of this country—regardless of their party affiliation—has over the last half century recognized that the global spread of nuclear weapons constitutes one of the gravest threats to our national security, to the security of our friends and allies, and to world order. Though there are other weapons of mass destruction that may be easier to acquire and to use, a nuclear weapon has the unique ability to obliterate a whole city in an instant. For this reason, it is understandable that our national leadership and defense community have exerted considerable effort over the last several decades to reducing this threat to all Americans.

The persisting and ever-changing nature of this threat, coupled with the many pathways that are available to countries to acquire such bombs, requires our Government—both the Congress and the Executive—to ensure that the tools we use to combat this threat are up to the job. When these tools are sharp and working as intended, the security of each and every American citizen is enhanced accordingly. Our law must continually respond to—but never surrender to—new challenges that arise with the passage of time.

Current law—The Export Import Bank Act—requires the denial of Exim Bank credits to finance goods destined to: Any country that has violated safeguards or a U.S. nuclear agreement; any non-nuclear-weapon state that detonates a bomb; or any country that has willfully aided or abetted a non-nuclear-weapon state to get the bomb.

The first two of these sanctions were enacted on October 26, 1977, whereas I authored the language in the Nuclear Proliferation Prevention Act of 1994 which created the third sanction authority listed above.

Revelations in 1996 that a government-owned Chinese entity had sent sensitive uranium enrichment technology to Pakistan raised the possibility of the denial of several billion dollars of Exim-financed credits for United States exports to China. Unfortunately, the China Nuclear Energy Industry Corporation [CNEIC]—the specific entity involved in the transaction—escaped all sanctions since the law prescribed sanctions only against a country that willfully aids and abets proliferation. Also, the United States took no action against China because of insufficient evidence of willful intent on the part of China's leaders. The current law does not authorize the President to target Exim sanctions against specific entities—including state-owned entities like CNEIC operating as a business enterprise—that knowingly engage in illicit nuclear transfers.

The amendment builds upon existing Exim Bank sanctions authorities for the most serious proliferation-related activities—that is, violations of safeguards and U.S. nuclear agreements, nuclear detonations, and willful state actions in promoting proliferation. It authorizes the President to target such sanctions against persons, including government-owned entities operating as a commercial enterprise, that knowingly aid or abet a country to acquire a nuclear-explosive device or nuclear material for such a device.

The amendment also authorizes the President to terminate sanctions that are imposed against countries and persons that aid and abet such forms of proliferation, upon receipt of reliable assurances that the activity has stopped and will not recur. The intention here is to give the violator an incentive to cease the prohibited activity and a disincentive for continuing it.

This new sanctions authority will by no means serve as a panacea for all of the proliferation threats that will face our country in the years ahead. But it is not intended to perform this function. It seeks to achieve a more specific purpose. By enabling the President to target sanctions against specific proliferators, the new language would strengthen the credibility of this sanctions authority and thereby work to discourage future business with enterprises like the CNEIC which knowingly promote the global spread of nuclear weapons. The amendment will work to ensure that the taxpayer dollars controlled by the Exim Bank are being used to advance the commercial interests of the United States, not the commercial interests of enterprises that are promoting the global spread of nuclear weapons.

My intent is no more and no less than to move our legislation another step toward taking the profits out of proliferation. I urge all of my colleagues to support this amendment.

Mr. PELL. Mr. President, I am pleased to offer with the Senator from Ohio [Mr. GLENN] an amendment that would withhold for a period of 1 year Export-Import Bank credits for any entity that knowingly assists a nonnuclear weapons state to acquire a nuclear explosive device or the special nuclear materials for such a device. I am pleased that the Senator from North Carolina [Mr. HELMS] is joining us as a cosponsor.

This amendment represents a significant advance in our efforts to target companies that are profiting from nuclear proliferation. It will strengthen the President's hand in showing United States determination to do all that it can to prevent illicit trafficking in nuclear weapons and the materials needed to make them.

Under current law, and subject to a national interest waiver, Exim Bank credits are denied to: First, any country that has violated an international nuclear safeguards agreement; second, any country that has violated an agreement for nuclear cooperation with the United States; third, any nonnuclear weapons state that has detonated a nuclear weapon, or fourth, any country that has willfully aided or abetted a nonnuclear weapons state to get nuclear weapons.

This amendment requires the President to apply sanctions against persons, including government-owned entities operating as commercial enterprises, that knowingly aid or abet efforts by a country to acquire a nuclear explosive device or the nuclear material for such a device. The amendment also authorizes the President to terminate sanctions upon receipt of reliable assurances that the effort to aid or abet has ceased and that such country or person will not in the future aid or abet any nonnuclear weapons state in efforts to acquire nuclear explosives or unsafeguarded materials.

Mr. President, in May the State Department announced that a firm owned by the Chinese Government, China Nuclear Energy Industry Crop. [CNEIC],

had sent ring magnets to an unsafeguarded Pakistani nuclear enrichment facility and it had engaged in other undisclosed nuclear cooperation. The law provides for sanctions in such a case against China if the transfer was the result of a willful action by the Government of China. Under this amendment, CNEIC could be sanctioned specifically for its activities for a period of 1 year. With this amendment the United States would move away from a situation in which Exim financing denial must be applied against a whole country, or not at all, which has presented very difficult choices. With this amendment, the denial of Exim financing can be focused on the wrongdoer. This will help us avoid charades in which we desperately avoid facing up to proliferation problems. As a result, companies and countries tempted to misbehave in the proliferation area will know that there is a much more real prospect of penalties that are both painful and appropriate.

Mr. President, this amendment represents a further refinement of an expanding array of sanctions legislation that is steadily evolving in order to make it a more effective instrument of U.S. foreign policy in a bipartisan effort to end the spread of nuclear weapons.

This has included the Glenn and Symington amendments of the mid-1970's, the Nuclear Non-Proliferation Act of 1978, the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991, and the Nuclear Proliferation Prevention Act of 1994, as well as a number of other legislative initiatives.

The Senate has been in the lead of efforts to develop a coherent and effective nonproliferation policy for the United States. At times, those of us most involved have worked closely with the executive branch. At other times we have been at odds, but we have been able to reach reasonable compromises. As a result, the United States has set an example for the rest of the world and has brought other nations along with us. In addition, some of the nations most concerned about proliferation have taken their own initiatives and the result is a world steadily more attuned to the problems posed by nonproliferation and better willing and able to deal with those problems.

Mr. HELMS. Mr. President, I am pleased to join Senator GLENN and the distinguished ranking member of the Foreign Relations Committee, Senator PELL, as an original cosponsor of this amendment. I have a clear and simple reason for supporting this amendment. I am appalled at the legal gymnastics in which the administration has engaged for the purpose of avoiding sanctions against Communist China.

This, mind you, Mr. President, was after Beijing had supplied critical dual use technology to another nation's nuclear weapons program. At a minimum, the administration's refusal—on May 10, 1996—to determine that sanctionable activity occurred under section 2(b)(4) of the Export-Import Bank Act of 1945 undermined the credibility of the United States' effort to discourage trafficking in nuclear weapons technology.

This administration traded away our vital national security concerns in exchange for a denial by the Beijing government that it knew that Government-owned entities were in fact selling highly specialized ring-magnets to other countries, and China's promise not to do it again—and we all know what that promise is worth. In any event, that is all it took for China's nuclear traffickers to make a complete mockery of United States sanctions legislation.

Now, let's examine, for the record, what the Chinese had to say in order to placate the Clinton administration:

> As a state party to the Treaty on the Non-Proliferation of Nuclear Weapons [NPT], China strictly observes its obligations under the treaty, and is against the proliferation of nuclear weapons, or assisting other countries in developing such weapons. The nuclear cooperation between China and the countries concerned is exclusively for peaceful purposes. China will not provide assistance to unsafeguarded nuclear facilities. China stands for the strengthening of the international nuclear non-proliferation regime, including the strengthening of safeguards and export control measures.

Mr. President, if China truly observed its obligations under the NPT, it would not persistently violate Article I of the treaty stipulating that a nuclear weapons state party to the treaty shall not in any way encourage, assist, or induce any nonnuclear weapons state to manufacture or otherwise acquire nuclear weapons. Article III of the treaty prohibits countries from providing equipment to process, use, or produce fissionable material to unsafeguarded programs in nonnuclear weapons states.

If China were abiding by all of its NPT obligations, why would it need to pledge to refrain from assisting unsafeguarded facilities? Maybe China intends to abide by only selective parts of the NPT, just as it appears to adhere selectively only to portions of the Missile Technology Control Regime guidelines.

This latest pledge is worthless. It is second-verse-same-as-the-first, a song we have all heard before. In 1984, Chinese Premier, Zhao Ziyang, tried to downplay concerns over China's covert assistance to aspiring nuclear powers by declaring, at the White House, that ''we do not engage in nuclear proliferation ourselves, nor do we help other countries develop nuclear weapons.'' A decade later, in 1994, China piously proclaimed its ''shared commitment to preventing the proliferation of nuclear weapons * * *'' to escape punishment for its transfer of M–11 missiles to Pakistan.

Mr. President, if I had given my granddaughters a nickel every time China made a false promise, there would be a loaded piggy bank on Julia's bedroom dresser. The history of United States-Chinese relations is littered with broken Chinese promises and worthless pledges. We now have the spectacle of the Chinese promising to enforce their promises regarding intellectual property rights—even as reports arrive that pirate CD factories continue to operate in China. Taking Red China at its word is perilous and foolish, particularly when the firm that just finished escaping sanctions for its export of ring magnets to Pakistan now plans to export a uranium conversion facility to Iran.

In fact, I am astounded at the ferocity with which this administration attacked China when the interests of Hollywood and the entertainment industry were at stake. But compare that to the administration's meek and mild reaction to Chinese trafficking in nuclear materials. I cannot imagine a case in which our national interests have seemed more skewed.

So, Mr. President, this amendment will strengthen existing sanctions law by requiring the President to withhold export-import bank financing from anybody who encourages the proliferation of nuclear weapons. If we have to close off every escape route in legislation, one by one, to force this administration to deal with China's proliferation activities, then that is what we must do.

In any event, I am not prepared to sit idly by as China offers platitudes in order to escape any and all punishment for its actions. And I certainly am not willing to underwrite loans to the very firm that is transferring nuclear weapons technology to Iran.

Mr. MCCAIN. This amendment has been cleared on this side, and I urge the Senate to adopt this amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4410) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4411

(Purpose: To establish a 1-year pilot program for online transfer of defense technology information from institutions of higher education to private businesses through an interactive data network involving institutions of higher education)

Mr. MCCAIN. Mr. President, on behalf of Senator CHAFEE, I offer an amendment which would establish a 1-year pilot program for online transfer of defense technology information from institutions of higher education to private businesses through an interactive data network involving institutions of higher education.

I believe this amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. CHAFEE, proposes an amendment numbered 4411.

The amendment is as follows:

At the end of title VIII add the following:

SEC. 810. PILOT PROGRAM FOR TRANSFER OF DEFENSE TECHNOLOGY INFORMATION TO PRIVATE INDUSTRY.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to demonstrate online transfers of information on defense technologies to businesses in the private sector through an interactive data network involving Small Business Development Centers of institutions of higher education.

(b) COMPUTERIZED DATA BASE OF DEFENSE TECHNOLOGIES.—(1) Under the pilot program, the Secretary shall enter into an agreement with the head of an eligible institution of higher education that provides for such institution—

(A) to develop and maintain a computerized data base of information on defense technologies;

(B) to make such information available online to—

(i) businesses; and

(ii) other institutions of higher education entering into partnerships with the Secretary under subsection (c).

(2) The online accessibility may be established by means of any of, or any combination of, the following:

(A) Digital teleconferencing.

(B) International Signal Digital Network lines.

(C) Direct modem hookup.

(c) PARTNERSHIP NETWORK.—Under the pilot program, the Secretary shall seek to enter into agreements with the heads of several eligible institutions of higher education having strong business education programs to provide for the institutions of higher education entering into such agreements—

(1) to establish interactive computer links with the data base developed and maintained under subsection (b); and

(2) to assist the Secretary in making information on defense technologies available online to the broadest practicable number, types, and sizes of businesses.

(d) ELIGIBLE INSTITUTIONS.—For the purposes of this section, an institution of higher education is eligible to enter into an agreement under subsection (b) or (c) if the institution has a Small Business Development Center.

(e) DEFENSE TECHNOLOGIES COVERED.—(1) The Secretary shall designate the technologies to be covered by the pilot program from among the existing and experimental technologies that the Secretary determines—

(A) are useful in meeting Department of Defense needs; and

(B) should be made available under the pilot program to facilitate the satisfaction of such needs by private sector sources.

(2) Technologies covered by the program should include technologies useful for defense purposes that can also be used for nondefense purposes (without or without modification).

(f) DEFINITIONS.—In this section:

(1) The term ''Small Business Development Center'' means a small business development center established pursuant to section 21 of the Small Business Act (15 U.S.C. 648).

(2) The term ''defense technology'' means a technology designated by the Secretary of Defense under subsection (d).

(3) The term ''partnership'' means an agreement entered into under subsection (c).

(g) TERMINATION OF PILOT PROGRAM.—The pilot program shall terminate one year after the Secretary enters into an agreement under subsection (b).

(h) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 201(4) for university research initiatives, $3,000,000 is available for the pilot program.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4411) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4412

(Purpose: To make technical corrections)

Mr. MCCAIN. Mr. President, on behalf of Senators THURMOND and NUNN, I offer an amendment to make technical corrections to S. 1745.

I believe the amendment has been cleared by the other side.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. THURMOND, for himself and Mr. NUNN, proposes an amendment numbered 4412.

The amendment is as follows:

In section 216, strike out the section heading and insert in lieu thereof the following:

SEC. 216. TIER III MINUS UNMANNED AERIAL VEHICLE.

In section 3131(e), in the matter preceding paragraph (1), strike out ''section 3101'' and insert in lieu thereof ''section 3101(b)(1)''.

In section 3131(e)(1), strike out ''and'' after the semicolon.

In section 3131(e)(2), strike out the period at the end and insert in lieu thereof ''; and''.

At the end of section 3131(e), add the following:

(3) not more than $100,000,000 shall be available for other tritium production research activities.

In section 3132(a), strike out ''requirements for tritium for'' and insert in lieu thereof ''tritium requirements for''.

In section 3136(a), in the matter preceding paragraph (1), strike out ''section 3102'' and insert in lieu thereof ''section 3102(b)''.

In section 3136(a)(1), strike out ''$43,000,000'' and insert in lieu thereof ''$65,700,000''.

In section 3136(a)(2), strike out ''$15,000,000'' and insert in lieu thereof ''$80,000,000''.

In section 3136(a)(2), strike out ''stainless steel'' and insert in lieu thereof ''non-aluminum clad''.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4412) was agreed to.

Mr. MCCAIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, I believe that completes the cleared amendments.

I would like to inform Senators that a unanimous-consent agreement has been tentatively worked out and is being drawn up for the approval of the Democratic leader.

We are working at this time to get time agreements on the remaining amendments which would be part of the unanimous-consent agreement.

I urge my colleagues to contact Senator THURMOND and Senator NUNN, the managers of the bill, in order that we might in anticipation of the unanimous consent agreement rapidly dispense with these pending amendments and then move to final passage. I believe we are at that point now.

Mr. WARNER. Mr. President, I commend the Senator. I do not think we can reach the UC without having beforehand ascertaining time for amendments. I think one is interdependent with the other.

Mr. NUNN. We have a list of the amendments. We have swapped that list on both sides. I have just gone over each amendment that looks like it might have a rollcall vote with the people on our side. I have gotten every single person on this list to agree to a relatively short-time agreement. There appears to be several of these amendments that we can work out. So I think we are making very substantial progress, if we get the UC's.

Mr. MCCAIN. I again say to my colleague that we have a list of the amendments. We need the time agreements.

Mr. WARNER. I commend the Senator. That is precisely the direction in which we must move.

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

Mr. ASHCROFT. Mr. President, I would like to make some comments on the Feingold amendment which is not the pending business, and I ask unanimous consent to be able to make up to 5 minutes of comments on that amendment.

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

AMENDMENT NO. 4388

Mr. ASHCROFT. Mr. President, the Feingold amendment would impair the capacity of our defense to continue to bring on line the F/A–18E/F program which needs to be delivered on schedule—and which will deliver on schedule—a tactical carrier-based fighter capable of deterring the most technologically advanced threats currently available to any of our potential adversaries.

The Feingold amendment would introduce delays in the system which would certainly be very costly, be counterproductive, and be expensive not only in terms of our economics but it could be costly in terms of our ability to defend our Nation.

The expendability of the E/F will keep this fighter at the forefront of combat technology until the advanced Joint Strike Fighter becomes available and operational.

Let me discuss some of the differences between the F/A–18C/D and the E/F aircraft. The F/A–18C/D only has 0.2 cubic feet of space available for new

equipment while the E/F has 17 cubic feet of space available making it able to incorporate new weapons system advances within the next 20 years. Common sense tells us that if we are building a new fighter aircraft, we should build one that is capable of accommodating future advances in technology.

The increased flight range of the E/F cannot be recreated on the C/D merely by attaching larger fuel tanks. Doing so does not give the C/D sufficient deck clearance for operations on carriers and further restricts the maximum payload. Adding larger tanks to the C/D requires stronger wings and landing gear. These modifications to the C/D are not cheap, either in dollars or in time for design, manufacture, and modification.

I do not think we can accurately predict what advances there will be in weapons, in avionics, in electronics—and as yet unknown breakthroughs—that will be developed in the next two decades over which the life of one of these fighters is expected to be utilized in our Navy. We need maximum flexibility to ensure compatibility with future technology.

The E/F has greater maximum payload and greater mission range by 40 to 50 percent than the C/D regardless of configuration. The technology that increases combat survivability of the E/F, such as the radar cross-section, the ''stealthiness'', also greatly exceeds that of the C/D, thus keeping the Super Hornet ahead of the advanced weapons that are easily available to all of our potential adversaries.

So the difference between these aircraft is substantial, significant, and meaningful. The procurement of more F/18C/Ds is not a viable option at this time. Growth within the C/D program has taken advantage of the potential originally designed into the aircraft, saving the Defense Department money as they made changes to the aircraft as technology advanced. Now the time is right to move to the next generation of this successful program.

The Joint Strike Fighter, the JSF, is too far off in the future to consider it as a replacement for the C/D. By the time the Joint Strike Fighter is available the C/D will be far outdated and that would open a technological window of vulnerability in our national defense.

The F/A–18E/F is already built. The program is on cost, on schedule, and 900 pounds underweight, making this a vital and necessary component of our defense capacity. The program is not a research and development project, but it is an already successful flight test program—it is ready to enter full-scale production.

The Navy just finished a comprehensive review of the F–18E/F program. In May of this year, the Navy reported to Congress that the program had met or exceeded all their requirements concerning cost, schedule, and performance. This program as been a model for other aircraft acquisitions by any measure. To interrupt this program on the basis of one GAO study, is in my judgment, unwise at this time.

The amendment would cause delays in a program that has been running successfully, which has been running on time, that will create a technology that is up to date. The Super Hornet program will deliver a carrier-based tactical aircraft at one-third to one-half the cost of designing yet another aircraft with the same capabilities from scratch. I believe we should continue with the program.

I oppose the amendment as proposed by Senator FEINGOLD because it would cause costly delays, and impair our ability to take advantage of this program. Clearly, this aircraft is a fighter with the capacity to accommodate the developments of the future—the technology, the avionics, the survivability, and the armaments. And if we were to impair our ability to go forward in that respect we would find ourselves substantially disadvantaged in the capacity to provide for the defense of our Nation.

I thank the Chair.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 4413

(Purpose: To require a report by the President detailing the anticipated casualties and destruction resulting from a nuclear, biological, or chemical weapons attack)

Mr. BROWN. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 4413.

Mr. BROWN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle C of title II add the following:

SEC. 237. ANNUAL REPORT ON THREAT OF ATTACK BY BALLISTIC MISSILES CARRYING NUCLEAR, CHEMICAL, OR BIOLOGICAL WARHEADS.

(a) FINDINGS.—Congress makes the following findings:

(1) The worldwide proliferation of ballistic missiles is a potential threat to the United States national interests overseas and challenges United States defense planning.

(2) In the absence of a national missile defense, the United States remains vulnerable to long-range missile threats.

(3) Russia has a ground-based missile defense system deployed around Moscow.

(4) Several countries, including Iraq, Iran, and North Korea may soon be technologically capable of threatening the United States and Russia with ballistic missile attack.

(b) REPORT REQUIRED.—(1) Each year, the President shall submit to Congress a report on the threats to the United States of attack by ballistic missiles carrying nuclear, biological, or chemical warheads.

(2) The President shall submit the first report not later than 180 days after the date of the enactment of this Act.

(c) CONTENT OF REPORT.—The report shall contain the following:

(1) A list of all countries thought to have nuclear, chemical, or biological weapons, the estimated numbers of such weapons that each country has, and the destructive potential of the weapons.

(2) A list of all countries thought to have ballistic missiles, the estimated number of such missiles that each country has, and an assessment of the ability of those countries to integrate their ballistic missile capabilities with their nuclear, chemical, or biological weapons technologies.

(3) A comparison of the United States civil defense capabilities with the civil defense capabilities of each country that has nuclear, chemical, or biological weapons and ballistic missiles capable of delivering such weapons.

(4) An estimate of the number of American fatalities and injuries that could result, and an estimate of the value of property that could be lost, from an attack on the United States by ballistic missiles carrying nuclear, chemical, or biological weapons if the United States were left undefended by a national missile defense system covering all 50 States.

(5) Assuming the use of any existing theater ballistic missile defense system for defense of the United States, a list of the States that would be left exposed to nuclear ballistic missile attacks and the criteria used to determine which States would be left exposed.

(6) The means by which the United States is preparing to defend itself against the potential threat of ballistic missile attacks by North Korea, Iran, Iraq, and other countries obtaining ballistic missiles capable of delivering nuclear, chemical, and biological weapons in the near future.

(7) For each country that is capable of attacking the United States with ballistic missiles carrying a nuclear, biological, or chemical weapon, a comparison of—

(A) the vulnerability of the United States to such an attack if theater missile defenses were used to defend against the attack; and

(B) the vulnerability of the United States to such an attack if a national missile defense were in place to defend against the attack.

Mr. BROWN. Mr. President, a number of the Members of the Senate have reviewed this proposed amendment in the past week. This version of it that is being offered this morning is different than what has been circulated before. Specifically subparagraph No. 5 is dropped. That is one that referred to the strong statement of policy with regard to the need to protect American citizens from this threat that is thought to be of concern by some. So it is dropped. And then language is modified throughout that is not significantly impacted but does solve the problem.

Mr. President, the heart of the resolution is simply to ask for the annual statement on the threat that faces the United States from incoming ballistic missiles utilizing warheads that could involve nuclear technology or chemical or biological weapons.

Why is it important? There is no question that the parties disagree at times about the need for an anti-ballistic missile system. My sense is that the disagreement comes from the significant cost. But I do not believe that there is any disagreement over the concern over the potential of a missile attack. The President himself has expressed in strong words this concerns of a potential missile attack.

Let me quote from Executive Order 12938. This was issued by the President in November 1994.

I, William J. Clinton, President of the United States of America, find that the proliferation of nuclear, biological and chemical weapons, weapons of mass destruction, and the means of delivering such weapons constitutes an unusual and extraordinary threat to the national security, foreign policy and economy of the United States, and hereby declare a national emergency to deal with that threat.

Mr. President, that was almost 2 years ago. If anything, the threat to our country has increased since then. I understand there would be a deliberate and extended debate over the amount of money we might spend in terms of developing antiballistic missiles, but I do not understand why we would want to make those decisions in the dark. We do need to be at least aware of the threat. We do need to have a reasonable assessment of what damage could be done from these weapons. We do need to properly evaluate whether we should move ahead with that research and development or not. We need to have some rational evaluation of what damage that could be avoided and what problems we would be averting if we did develop a antiballistic missile system.

My hope is that this will be accepted by both sides. It has been accepted by the majority side thus far. My hope is that the concessions we have made in the modification are acceptable to the minority side. If they are not, we ought to vote on this. If America intends to close its eyes to what the threat is and not make a reasonable evaluation of the dangers we face, then I think we stand in danger of not making a rational decision. We should not make a decision that affects our future national security out of ignorance. That is what this report is all about, to give us a reasonable, thoughtful, objective assessment of what danger is. Political leaders can then make their judgments, but we should not make it in the dark.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, the distinguished Senator from Georgia and myself and the Senator from Arizona, Mr. MCCAIN, on behalf of the chairman of the committee, Mr. THURMOND, have examined this. The Senator from Colorado has made significant changes which puts this amendment, in our judgment, in a posture that it can be accepted.

Bear in mind that yesterday the Senate adopted an amendment to address the U.S. vulnerability to terrorist attacks involving use of weapons of mass destruction. It was sponsored by Senators NUNN and LUGAR and DOMENICI, and I covered the floor debate on that. So I think this amendment is supplemental in many respects of earlier action taken by the Senate on this bill, and therefore we will accept the amendment.

The amendment is now at the desk. Therefore, Madam President, I urge adoption of the amendment.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, the amendment is agreed to.

The amendment (No. 4413) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, again, the managers of the bill are urging Senators to come to the floor. We are proceeding with the hope and expectation this bill can be concluded today.

Seeing no Senator at this moment seeking recognition, 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. NUNN. 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. NUNN. Madam President, the Brown amendment has been accepted. I had given my side's approval on that.

There is some language in here that I still want to look at. It is accomplished. But I am glad to work with the Senator from Colorado. I share his concern about the need for a defense system, a ballistic missile defense system.

I think surely we will be able to work together to find some language that needs to be changed somewhat in conference.

Mr. BROWN. Madam President, I wanted to indicate my appreciation to the Senator from Georgia and also indicate it is not my intention to add new language that unnecessarily inflames the issue. To the extent there is a way we can work together on language that needs to be modified, I appreciate his suggestion. I will be happy to work with this Senator.

Mr. NUNN. I thank the Senator from Colorado.

Madam President, I believe the Senator from Michigan [Mr. LEVIN] has a couple of amendments, and it is my hope he will be here momentarily to present those amendments. Both of these are going to likely require a rollcall vote. In the meantime, 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. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

AMENDMENT NO. 4414

(Purpose: To require that the equipment to be procured with funds authorized to be appropriated under section 105 be selected in accordance with the modernization priorities of the reserve components)

Mr. LEVIN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Michigan [Mr. LEVIN] proposes an amendment numbered 4414.

Mr. LEVIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of title I add the following:

Subtitle E—Reserve Components

SEC. 141. RESERVE COMPONENT EQUIPMENT.

(a) APPLICABILITY OF MODERNIZATION PRIORITIES.—The selection of equipment to be procured for a reserve component with funds authorized to be appropriated under section 105 shall be made in accordance with the highest priorities established for the modernization of that reserve component.

(b) REPORTS.—(1) Not later than December 1, 1996, each officer referred to in paragraph (2) shall submit to the congressional defense committees an assessment of the modernization priorities established for the reserve component or reserve components for which that officer is responsible.

(2) The officers required to submit a report under paragraph (1) are as follows:

(A) The Chief of the National Guard Bureau.

(B) The Chief of Army Reserve.

(C) The Chief of Air Force Reserve.

(D) The Director of Naval Reserve.

(E) The Commanding General, Marine Forces Reserve.

Title	FY 1997		Authorization				Appropriation				Hollow SASC	Hollow HNSC
	Qty.	Cost	SASC change		HNSC change		SAC change		HAC change			
			Qty.	Cost	Qty.	Cost	Qty.	Cost	Qty.	Cost		
NATIONAL GUARD AND RESERVE EQUIPMENT												
RESERVE EQUIPMENT												
ARMY RESERVE												
Miscellaneous equipment				35,000		10,000		110,000		10,000		
25 ton trucks				15,000							15,000	
New procurement 2 5/5 ton trucks						15,000				15,000		
Tactical truck SLEP 2 5 ton						15,000				15,000		
Tactical truck SLEP 5 ton						10,000						10,000
Heavy truck modernization				30,000							30,000	
HEMTT bridge trans						4,000				9,000		
Dump trucks 20 tons						2,000				10,000		

Title	FY 1997		Authorization				Appropriation				Hollow SASC	Hollow HNSC
	Qty.	Cost	SASC change		HNSC change		SAC change		HAC change			
			Qty.	Cost	Qty.	Cost	Qty.	Cost	Qty.	Cost		
Water purfication units						2,000				4,000		
Portable lighting systems w/trailers						4,000				4,000		
Automatic building machines						5,000				3,000		2,000
HMMWV maintenance trucks				10,000		2,000				6,000	4,000	
All-terrain forklift 10 ton						4,000				4,000		
All-terrain crane 20 ton						4,000				4,000		
Hydraulic excavator						3,000				3,000		
HEMTT wrecker						3,000				7,000		
Mk-19 grenade launcher						3,000				3,000		
Steam cleaner						2,000				2,000		
Coolant purification system						2,000						2,000
Small arms simulator						1,000				1,000		
High mobility trailer						1,000						1,000
Unit level logistics system						2,000				2,000		
SINCGARS						2,000						2,000
Palletized load system						4,000						4,000
Palletized trailers						2,000				2,000		
HEMTT cargo chassis						4,000				4,000		
ANGRS–231										2,000		
Laser leveling system										3,000		
Subtotal—Army Reserve				90,000		106,000		110,000		113,000	49,000	21,000
NAVY RESERVE												
Miscellaneous Equipment				16,000		10,000		30,000		5,000		
F/A 18 Upgrades				24,000							24,000	
C–9 Replacement Aircraft					4	160,000			4	160,000		
MIUW Van System Upgrades						10,000						10,000
Night Vision Goggles						2,000						2,000
C–9 Mods						3,000						3,000
P–3C Simulator Upgrade						2,000						2,000
Magic Lantern Spares						5,000				5,000		
P–3 Modernization										72,000		
Subtotal—Navy Reserve				40,000		192,000		30,000		242,000	24,000	17,000
MARINE CORPS RESERVE												
Miscellaneous Equipment				10,000		10,000		40,000		10,000		
LAV Improvements						2,000				2,000		
CH–53E				50,000	2	64,000			2	64,000		
AAV7A1 Modifications						2,000				2,000		
Night Vision Equipment						1,000				1,000		
Common End User Computers						4,000				4,000		
Fork Lifts						4,000				1,000		
M1A1 Tank Mod Kits										5,000		
AN/TPS–59										11,000		
Subtotal—Marine Corps Reserve				60,000		83,000		40,000		100,000		
AIR FORCE RESERVE												
Miscellaneous Equipment				10,000		10,000		50,000		10,000		
C–20G				30,000							30,000	
F–16 Avionics Upgrades						5,000				5,000		
Night Vision Devices						3,000				3,000		
A–10 Avionics Upgrades						7,000				7,000		
C–130 Avionics Upgrades						7,000				7,000		
HC–130P Tanker Conversion						3,000				3,000		
C–130 Modular Airborne Firefighting System						1,000				1,000		
F–16 Weapons Pylon Upgrades						1,000				1,000		
KC–135R Engine Kits						104,000				96,000		8,000
KC–135 Radar Replacement						5,000				5,000		
B–52 Avionics Upgrades						1,000				1,000		
Non-aircrew Training Systems						1,000				1,000		
EPLRS/SADL										8,000		
Subtotal—Air Force Reserve				40,000		148,000		50,000		148,000	30,000	8,000
Subtotal—Reserves				230,000		529,000		230,000		603,000	103,000	46,000
NATIONAL GUARD EQUIPMENT												
ARMY NATIONAL GUARD												
Miscellaneous Equipment				52,000		10,000		125,400		10,000		
MLRS				30,000							30,000	
Combat and Support Systems				23,000							23,000	
Tactical Trucks and Trailers				42,000							42,000	
Communications Electronics				13,000							13,000	
Logistics Service Support				10,000							10,000	
Night Vision Equipment				14,000		3,000				10,000	4,000	
Chem/Bio Defense Equipment				2,000							2,000	
Aircraft Equipment				21,000							21,000	
Infrastructure Equipment				17,000							17,000	
New Procurement Tactical Truck 5 Ton						4,000				4,000		
SLEP 2.5 Ton						15,000				15,000		
SLEP 5 Ton						4,000				4,000		
Crashworthy Internal Fuel Cells						5,000				5,000		
Small Arms Simulators						5,000						5,000
AH–1 Boresight devise						3,000				3,000		
Coolant Purification System						3,000				3,000		
Avenger I–COFT Simulator						4,000				4,000		
D7 Bulldozer w/Ripper						2,000						2,000
Water Purification Unit						1,000				1,000		
FADEC						10,000				10,000		
Digital System Test and Training Seminar						3,000				3,000		
Automatic Building Machines						3,000				1,000		2,000
AH–1 C–Nite						2,000				2,000		
Dump Trucks 20 Ton						3,000				3,000		
C–23 Sherpa Enhancement Program						28,000						28,000
Helicopter Simulators (ARMS)						5,000				15,000		
Dragon Modifications						2,000				2,000		
Vibration System Management Systems						3,000				3,000		
Distance Learning Equipment										29,000		
Laser Leveling Equipment										5,000		
Automatic Identification Technology										7,000		
Subtotal—Army National Guard				224,000		118,000		125,400		139,000	162,000	37,000
AIR NATIONAL GUARD												
Miscellaneous Equipment				10,000				40,000		5,000		

Title	FY 1997		Authorization				Appropriation				Hollow SASC	Hollow HNSC
	Qty.	Cost	SASC change		HNSC change		SAC change		HAC change			
			Qty.	Cost	Qty.	Cost	Qty.	Cost	Qty.	Cost		
Sead Mission Upgrade				11,400							11,400	
F–16 HTS						10,000				10,000		
C–130J				284,400	2	105,000			2	105,000	179,400	
Theater Deployable Communications						17,000						17,000
C–26B						5,000						5,000
Automatic Building Machines						3,000				2,000		1,000
F–16 Improved Avionics Intermediate Shop						15,000				15,000		
AN/TLQ–32 Tadar Decoys						3,000				3,000		
C–130 Upgrades										5,000		
EPLRS / SADL										17,000		
Modular Medical Trauma Unit										4,000		
Subtotal—Air National Guard				305,800		158,000		40,000		166,000	190,800	23,000
Subtotal—National Guard				529,800		276,000		165,400		305,000	352,800	60,000
DOD												
MISC EQUIPMENT (Guard & Reserve Aircraft)												
C–130J								284,400				
C–9 Replacement Aircraft								80,000				
Miscellaneous												
Subtotal—Misc Equipment (Aircraft)								364,400				
Total, National Guard and Reserve Equipment				759,800		805,000		759,800		908,000	455,800	108,000

Mr. LEVIN. Madam President, I further ask unanimous consent at this point I be allowed to yield to Senator BINGAMAN to proceed for 15 minutes in morning business.

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

The Senator from New Mexico is recognized.

Mr. BINGAMAN. I thank the Chair.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1923 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BINGAMAN. Madam President, I appreciate the time that has been granted me, and I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I wish to advise the Members that we made a special exception for Senator BINGAMAN, and it is the expectation of the managers that we will not have similar periods of discussion at this critical time on the bill that are not germane to the bill. We are making good progress, I wish to advise Senators.

Madam President, parliamentary clarification. It is the Levin amendment relating to——

The PRESIDING OFFICER. That is correct.

Mr. WARNER. I am authorized by Senator LEVIN to indicate that there will be a time agreement on that amendment not to exceed 30 minutes, divided 20 minutes to the Senator from Michigan and 10 minutes to the chairman of the Armed Services Committee, Senator THURMOND.

Madam President, I anticipate, as soon as the Senator from Michigan appears on the floor, that we will commence debate on that amendment.

Seeing no Senator seeking recognition, 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. CONRAD. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

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

AMENDMENT NO. 4415

(Purpose: To provide for the retention on active status of the B–52H bomber aircraft fleet)

Mr. CONRAD. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments will be laid aside.

The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes amendment numbered 4415.

Mr. CONRAD. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of section 1062, add the following:

(d) RETENTION OF B–52H AIRCRAFT ON ACTIVE STATUS.—(1) The Secretary of the Air Force shall maintain in active status (including the performance of standard maintenance and upgrades) the current fleet of B–52H bomber aircraft.

(2) For purposes of carrying out upgrades of B–52H bomber aircraft during fiscal year 1997, the Secretary shall treat the entire current fleet of such aircraft as aircraft expected to be maintained in active status during the five-year period beginning on October 1, 1996.

Mr. CONRAD. Madam President, this amendment is a very simple amendment. It says that our B–52 fleet ought to be retained. What it also says is that our B–52's ought to be upgraded during fiscal 1997 as though they are part of the FYDP.

Madam President, the reason for this amendment is that we face a catch-22 situation. We have agreement from both the authorization committee and the Appropriations Committee that our full B–52 fleet ought to be retained. We are going to have a bomber review that will be available to us next year. We do not want to see any of these planes go to the boneyard until that review is complete.

The B–52's, we have some 94 of them in the inventory. These planes are, according to Gen. Michael Loh, the former head of the Air Combat Command, good until the year 2035. That is, these airframes have been updated repeatedly in a way that makes them useful to us until the year 2035.

They are our only dual-capability bomber. These planes are critically important to us, given the Bottom-Up Review that revealed we are somewhat short of bombers at this point. It makes absolutely no sense to be sending some of these planes off to the boneyard under these circumstances.

Madam President, the authorizing committee has said it is critical that we keep these planes. The Appropriations Committee has said it is critically important that we keep these planes. This amendment will allow us to do just that.

I want to thank the Members on both sides who have helped us with this amendment, have drafted it in a way that wins the approval of both the majority and the minority. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4415) was agreed to.

Mr. CONRAD. Madam President, I thank the Chair, and I thank, again, both the majority Members and the minority Members for their assistance with that amendment. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 4414

Mr. LEVIN. Madam President, in a few moments I will modify my amendment to eliminate one of the two provisions in the current amendment that is at the desk. We have had a number of discussions over the years as to whether or not what we call the National Guard package should be funded in a way which is generic, so that the National Guard can meet their most pressing needs, or whether or not the Congress ought to specify item by item by item what they must buy with the money that we add each year.

The Senate has traditionally been for the generic approach. We have resisted the temptation, and all of us face that temptation, of adding items which we think our own National Guard would want. What we have done in the Senate, instead, is to put in more generic groupings so that the Guard can select what is the most central items on their priority list.

The House of Representatives each year, traditionally, has broken that list down into very specific items which, obviously, reflects the desires of each of the State Guards or some of the State Guards. It creates a significant advantage for those members who are on the Armed Services Committee in the House because they are right there, obviously, dividing up that pot.

As I say, until last year, the Senate, on a bipartisan basis, did this generically. Then we went to conference and we argued it out in conference, and usually there was some kind of compromise reached preserving the generic approach in some years, and some years having to give up the generic approach altogether.

Last year, we did what the House did in the authorization bill. I want to give some real credit here to the appropriators in the Senate because they have resisted temptation, and they have made this into a generic issue. Again, this year, the Senate appropriations bill is generic. Ours is a hybrid—''ours'' being the pending authorization bill. This bill has some of these items done generically and some with very specific items. This was an approach that was used under Senator WARNER's leadership. I want to give him some credit because he did go part way in committee to do this more generically. I want to commend Senator WARNER on the distance that he was able to travel in our committee. However, we have a long way to go.

The question is, how do we get there? How do we get back to what is the better Government approach, which is to do this generically, because we obviously do not have the time to look into each of these specific items, hundreds of them, for each of the Guards in the 50 States.

Now, the amendment which I have at the desk goes back to the approach that the Senate used a couple years ago, which is the more generic approach. And the amendment at the desk does one other thing: It requires that the Guard Bureau tell us by September what their priorities are so when we come to budgeting next year, we will have the lists in front of us to consider, at least, as to what the priorities of the Guard Bureaus are.

That is the second part of the amendment. The first part will take us back to generic; the second part would put us in a position next year so that if we do decide to go the very specific way in next year's bill, we would at least have the priority list of the Guard Bureaus in front of us.

Now, we have asked the various Guard Bureaus as to what their preferences are in this regard. Do they agree we should do this generically, leaving them the flexibility to meet their most essential needs, or would they prefer that the Congress go item by item?

The responses from, first, the Department of Defense, and then from each of the Reserve departments and offices are as follows. From the Department of Defense, from the Assistant Secretary for Reserve Affairs, Deborah Lee, we have a letter dated May 2, which states:

> The Department's preferred position is that add-ons, if made, be generic with regard to Reserve component equipment. This permits the Department to focus these funds toward the most pressing Reserve component readiness needs based on current requirements.

The letter from the Army is similar. The Chief of the Army Reserve, General Baratz, says, in part:

> Modernization of the Army's Reserve equipment is a key component of readiness. As stated in Assistant Secretary of Defense Deborah Lee's letter dated May 2d, 1996 to Senator Thurmond (attached), the Department of Defense prefers, and I agree, that the generic method of funding equipment for the Reserve is working well.

From the Marine Corps, from General Wilkerson, a letter saying:

> Congressional authorization of a clear dollar amount to expend toward Marine Corps Reserve priorities grants me the greatest flexibility.

He further says,

> Having Congress select items not on the priority list would be less desirable.

Finally, a further note that reflects General Wilkerson's position, which is that he agrees with the statement that ''it is important to me as Command General Marine Forces Reserve to have the flexibility to procure equipment * * * according to my component's mission priorities and needs,'' and ''given the choice of Congress providing generic authorizations/appropriations under the National Guard Reserve Equipment Account (NGREA) versus specific, line-item authorizations/appropriations, I prefer the flexibility of the former.''

I ask unanimous consent these four documents that I have referred to be printed in the RECORD.

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

ASSISTANT SECRETARY OF DEFENSE,
Washington, DC, May 2, 1996.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am aware that congressional correspondence has been received by some of the Reserve components Chiefs/Directors seeking their views regarding whether congressional equipment funding add-ons should be by line-item or generic. The Department's preferred position is that add-ons, if made, be generic with regard to Reserve component equipment. This permits the Department to focus these funds toward the most pressing Reserve component readiness needs based on current requirements.

Your continued support of our Reserve Forces is greatly appreciated.

Sincerely,

DEBORAH R. LEE.

DEPARTMENT OF THE ARMY,
OFFICE OF THE CHIEF, ARMY RESERVE,
Washington, DC, May 10, 1996.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: Thank you for the opportunity to comment on the methods the Congress uses to meet the needs of the U.S. Army Reserve. Your efforts and those of Congress have been critical to reducing Army Reserve shortfalls and are greatly appreciated. Your support has greatly increased our readiness, and as a result the Army has come to rely more on the Army Reserve in the defense of the nation.

Modernization of the Army Reserve's equipment is a key component of readiness. As stated in Assistant Secretary of Defense Deborah Lee's letter dated May 2nd, 1996 to Senator Thurmond (attached), the Department of Defense prefers, and I agree, that the generic method of funding equipment for the Reserve is working well. The direct allocation of funds to the reserve components insures these funds are used to improve reserve component readiness. Within the current budgeting and funds allocation processes used by the Department of Defense, designation by Congress of funds intended for use by the reserve components ensures a direct benefit to the Army Reserve.

Once again, thank you for all your support of the Army Reserve over the years. The men and women of the Army Reserve stand ready to serve our great nation.

Sincerely,

MAX BARATZ,
Major General.

U.S. MARINE CORPS,
COMMANDER, MARINE FORCES RESERVE,
New Orleans, LA, April 29, 1996.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: Thank you for your recent letter asking for my views on the National Guard Reserve Equipment Account. I have marked the attached sheet as you requested. We have also provided the prioritized list of unfunded equipment in support of the Marine Corps Reserve as requested by the staff of the Senate Armed Services Committee.

Congressional authorization of a clear dollar amount to expend toward Marine Corps Reserve priorities grants me the greatest flexibility, assuming that once authorized, appropriated and signed into law that the Department of Defense provides that money and allows us the flexibility to procure our equipment within our established priorities.

Having Congress review the prioritized equipment list and deciding to provide monies against that list would come close to that

standard. Having Congress select items not on the priority list would be less desirable. In any case, we appreciate the interest and support you have provided to the Total Force Marine Corps Reserve in the past.

Sincerely,

T.L. WILKERSON,
Major General.

___

[Excerpt]

It is important to me as Command General Marine Forces Reserve to have the flexibility to procure equipment, other than equipment provided by the Navy, according to my component's mission priorities and needs.

Given the choice of Congress providing generic authorizations/appropriations under the National Guard Reserve Equipment Account (NGREA) versus specific, line-item authorizations/appropriations, I prefer the flexibility of the former.

Signed,

MGen. THOMAS L. WILKERSON.

Mr. LEVIN. Madam President, as a practical matter, I feel it is important that we make some progress on this issue this year. I might say it is a compliment to my friend from Virginia when I say ''progress,'' because we did make some progress in committee. Under the leadership of the Senator from Virginia, we did go partway toward the generic approach.

As I indicated before, I compliment him for moving us in that direction. It is, in my view, at least a better Government provision to give the flexibility to the Guard and the Reserve to pick their most important priorities, rather than us trying to work through hundreds and hundreds of specific line items and, frankly, in a way which does not give adequate attention to the needs of the Guard.

In order to make continued progress this year, and to take one step instead of losing one step, perhaps, on a rollcall vote, I am going to modify my amendment and strike the requirement that this bill be made entirely generic instead of its partial generic approach, leaving in the bill the requirement that we receive from the Reserves their priority lists by next December so that we will have them in front of us when we do our authorizing next year. And I will send that modification to the desk in a moment. I see my good friend from Virginia on his feet.

I yield the floor at this time.

Mr. WARNER. Madam President, I thank my distinguished colleague and fellow committee member. Indeed, together we have worked with other members on the committee in this direction. It is very simple. We are putting accountability and responsibility where it belongs—that is, with the knowledgeable persons in the overall infrastructure of the Department of Defense—to make those decisions.

I support this effort, subject to the amendment being sent to the desk. I will also mention that Senator ROBB and I obtained earlier, in the consideration of this bill, requirements to have the Reserve Component Modernization Program. These two actions are complementary. I am prepared to accept the amendment when the Senator sends it to the desk.

AMENDMENT NO. 4414, AS MODIFIED

Mr. LEVIN. Madam President, I send an amendment, as modified, to the desk reflecting the changes which I previously described.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment (No. 4414), as modified, is as follows:

At the end of title I add the following:

Subtitle E—Reserve Components

SEC. 141. ASSESSMENTS OF MODERNIZATION PRIORITIES OF THE RESERVE COMPONENTS.

(a) ASSESSMENTS REQUIRED.—Not later than December 1, 1996, each officer referred to in subsection (b) shall submit to the congressional defense committees an assessment of the modernization priorities established for the reserve component or reserve components for which that officer is responsible.

(b) RESPONSIBLE OFFICERS.—The officers required to submit a report under subsection (a) are as follows:

(1) The Chief of the National Guard Bureau.

(2) The Chief of Army Reserve.

(3) The Chief of Air Force Reserve.

(4) The Director of Naval Reserve.

(5) The Commanding General, Marine Forces Reserve.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4414), as modified, was agreed to.

Mr. WARNER. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Madam President, we are making progress here on these amendments. Senator MCCAIN is working very diligently with the distinguished ranking member of the committee.

I yield to the Senator.

Mr. McCAIN. Madam President, I ask unanimous consent that we proceed back to the consideration of the Brown amendment, the second-degree amendment to the Nunn amendment.

Mr. NUNN. Madam President, I would think that it would be the regular order, is that correct? I do not know that there has been an amendment submitted yet as a second degree. So perhaps the regular order is to bring back the Nunn amendment.

The PRESIDING OFFICER. The Chair's understanding is that the amendment was withdrawn.

Mr. NUNN. The Nunn amendment?

The PRESIDING OFFICER. The Brown amendment.

AMENDMENT NO. 4367

Mr. McCAIN. Madam President, perhaps it is more appropriate to go to the regular order, which is the Nunn amendment.

The PRESIDING OFFICER. The regular order has been called for.

Mr. NUNN. This will be the amendment sponsored by myself, Senator HUTCHISON, Senator BRADLEY, Senator COHEN, Senator KASSEBAUM, on NATO enlargement.

The PRESIDING OFFICER. That is correct.

AMENDMENT NO. 4416 TO AMENDMENT NO. 4367

Mr. McCAIN. Madam President, I send an amendment to the desk on behalf of Senator BROWN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. BROWN, proposes an amendment numbered 4416 to amendment No. 4367.

Mr. McCAIN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after page 1, line 3, and insert in lieu thereof the following:

(a) Not later than December 1, 1996, the President shall transmit a report on NATO enlargement to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives. The report shall contain a comprehensive discussion of the following:

(1) Geopolitical and financial costs and benefits, including financial savings, associated with:

(A) enlargement of NATO;

(B) further delays in the process of NATO enlargement; and

(C) a failure to enlarge NATO.

(2) Additional NATO and U.S. military expenditures requested by prospective NATO members to facilitate their admission into NATO;

(3) Modifications necessary in NATO's military strategy and force structure required by the inclusion of new members and steps necessary to integrate new members, including the role of nuclear and conventional capabilities, reinforcement, force deployments, prepositioning of equipment, mobility, and headquarter locations;

(4) The relationship between NATO enlargement and transatlantic stability and security;

(5) The state of military preparedness and interoperability of Central and Eastern European nations as it relates to the responsibilities of NATO membership and additional security costs or benefits that may accrue to the United States from NATO enlargement;

(6) The state of democracy and free market development as it affects the preparedness of Central and Eastern European nations for the responsibilities of NATO membership, including civilian control of the military, the rule of law, human rights, and parliamentary oversight;

(7) The state of relations between prospective NATO members and their neighbors, steps taken by prospective members to reduce tensions, and mechanisms for the peaceful resolution of border disputes;

(8) The commitment of prospective NATO members to the principles of the North Atlantic Treaty and the security of the North Atlantic area;

(9) The effect of NATO enlargement on the political, economic and security conditions of European Partnership for Peace nations not among the first new NATO members;

(10) The relationship between NATO enlargement and EU enlargement and the costs and benefits of both;

(11) The relationship between NATO enlargement and treaties relevant to U.S. and European security, such as the Conventional Armed Forces in Europe Treaty; and

(12) The anticipated impact both of NATO enlargement and further delays of NATO enlargement on Russian foreign and defense policies and the costs and benefits of a security relationship between NATO and Russia.

(b) INDEPENDENT ASSESSMENT.—Not later than 15 days after enactment of this Act, the Majority Leader of the Senate and the Speaker of the House of Representatives shall appoint a chairman and two other members and the Minority Leaders of the Senate and House of Representatives shall appoint two members to serve on a bipartisan review group of nongovernmental experts to conduct an independent assessment of NATO enlargement, including a comprehensive review of the issues in (a) 1 through 12 above. The report of the review group shall be completed no later than December 1, 1996. The Secretary of Defense shall furnish the review group administrative and support services requested by the review group. The expenses of the review group shall be paid out of funds available for the payment of similar expenses incurred by the Department of Defense.

(c) Nothing in this section should be interpreted or construed to affect the implementation of the NATO Participation Act of 1994, as amended (P.L. 103–447), or any other program or activity which facilitates or assists prospective NATO members.

Mr. MCCAIN. Madam President, Senator NUNN, Senator BROWN, Senator HUTCHISON, and I, and a number of others, have been able to work out an agreement on a NATO enlargement study amendment, which I believe will give Congress a truly objective report.

The amendment requires the President to look not only at the costs associated with enlargement, but the cost and benefits associated with further delaying a decision on the matter. It also requires an assessment of enlargement by an independent bipartisan group. Our interest in an additional assessment, frankly, stems from apprehension on the President's findings. We know where the President stands on the issue of NATO enlargement.

With all due respect, I think we need two opinions on an issue that is this important. I would prefer that we move forward on enlargement, because I believe that it is something that is very important, but I understand the concerns of the Senator from Georgia that these questions must be answered before we move forward. There is a great deal at risk. I believe that the Senator from Georgia is correct in seeking these answers. I support that, and I am very grateful that the Senator from Georgia would accept the input of Senator BROWN, and others, in order that, in our view, we make the report balanced. I especially appreciate the agreement of the Senator from Georgia that there be an alternative study to this very vital issue, which will be the subject, I believe, of very intense and spirited debate here on the floor of the Senate.

I thank my colleague from Georgia not only for this, but his many other contributions as we go through this day.

I yield the floor.

Mr. NUNN. Madam President, first, I thank my friend from Arizona for working diligently on this amendment. It is a good second-degree amendment. I will urge its approval.

I ask unanimous consent that the authors of the first-degree amendment, as listed, be incorporated as cosponsors of the second-degree amendment and, in addition, that Senator LEVIN, the Senator from Michigan, be added as a cosponsor of the second-degree amendment.

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

Mr. NUNN. This is probably one of the most important subject matters that we have had on this defense bill this year or, frankly, any other year. When you enlarge an alliance that has been as successful as the NATO alliance, there are serious questions that need to be asked, both by the existing NATO members and by the new prospective members.

This amendment is an amendment that asks the important questions. The original amendment, the underlying Nunn amendment, cosponsored by my friend from Texas, Senator HUTCHISON, Senator BRADLEY, Senator KASSEBAUM, and Senator COHEN, asked a number of questions.

This amendment is a simplified version of the original amendment. This amendment, the second degree, carries out the original intent of asking the tough questions so that the President will focus on those and so that the Congress will focus on those and so the American people will focus on those. This second-degree amendment asks additional questions that makes sure that this is a balanced report, which has been the overall intent from the beginning. But I think the second-degree amendment fairly reflects that balance in asking for both the costs and the benefits of the expansion.

That has been the original intent. I think this is a good amendment.

Madam President, I urge that the second-degree amendment be adopted. I do not think we will need a rollcall vote on that. But, once adopted, I would like a rollcall vote on the underlying amendment because it is a very important amendment.

I will defer to the chairman of the committee as to when we have that rollcall vote, so it will be most conducive to the conducting of our business. But I suggest that we accept a voice vote on the second degree and then have a rollcall vote on the Nunn amendment, as amended.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4416) was agreed to.

Mr NUNN. I ask for the yeas and nays on the underlying amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. MCCAIN. Madam President, pending the agreement of the majority leader, I will temporarily ask unanimous consent that the yeas and nays be delayed until such time as the majority leader, in consultation with the Democratic leader, decide when that vote should take place.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I will yield to the chairman.

Mr. THURMOND. I yield to the Senator from Texas first.

Mrs. HUTCHISON. Does the Senator from Virginia need to make a statement?

Mr. WARNER. Yes.

Mrs. HUTCHISON. I wanted to add how much I appreciate Senator NUNN, Senator MCCAIN, and Senator BRADLEY for helping work out what I think is a very important amendment, which will say exactly what the parameters of the expansion of our NATO alliance should be—the questions that should be asked, the positives as well as the negatives. I think that is exactly what we ought to be doing.

The bottom line is, when we are talking about probably the best alliance that has ever been put together in the history of the world, we want to expand it judiciously and wisely. When we are talking about putting the lives of our military personnel, potentially, on the line, we need to do so judiciously and wisely. When we talk about spending the hard-earned taxpayer dollars that are there for the national defense of our country, when we talk of expanding that responsibility, we need to do so judiciously and wisely.

So I appreciate the fact that we are going to ask these questions. What are the benefits? What are the costs? What are the potential negatives of an expansion of this great NATO alliance? This is the responsible approach.

I thank all of my colleagues who are cosponsors of the Nunn-Hutchison-McCain-Brown amendment.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, NATO has been the foundation of European security for 45 years, possibly the most successful defensive alliance in history. However, the world has changed dramatically in the past few years, and will continue to change. The end of the cold war has forced us to take a look at NATO's continued relevance.

Members of Congress believe in a strong NATO, and support the enlargement of NATO's membership. Our NATO allies also favor enlargement.

I support a renewed and enlarged NATO because it guarantees a U.S. presence on the European continent, and a seat at the table in the world's most vital, productive region. Quite simply, the United States has clear, abiding, and vital interests in Europe. A free and stable Europe is essential to the United States.

I do not believe Europe can remain stable and prosperous, to the mutual benefit of the United States and our European allies, if its post-cold war boundary is drawn along the borders of Germany and Austria. I do not believe a new European security framework will hold up unless it reflects the realities of the political upheaval that marked the end of the Soviet Union and the Warsaw Pact. That new reality includes a reorienting of former East Bloc states toward the West.

Mr. President, I support the amendment, as modified.

I yield the floor.

Mr. ROTH. Mr. President, I rise to address the NATO study proposed by my colleagues Senator HUTCHISON and Senator NUNN. I very much value and encourage their efforts to address core issues of European security, particularly those concerning the future role and membership of NATO.

Indeed, their initiative today addresses questions and issues that do need to be debated and examined here in Congress. These concern the ramifications that NATO enlargement poses for the Alliance's military strategy and force structure and the geopolitical and financial benefits and costs to the transatlantic community that enlargement will and already does entail.

As a longstanding supporter of NATO and the extension of NATO membership to the new democracies of Central and Eastern Europe, I was initially concerned that the tone and language of their amendment initiating this study risked sending absolutely the wrong signal. I was concerned that it would signal that this body, the U.S. Senate, opposes NATO enlargement.

That is clearly not the sentiment that has been expressed by this Chamber in the recent past. This Chamber has voted repeatedly in support of NATO enlargement. It voted in support of the NATO Participation Acts and its amendments in 1994 and 1995. And, these acts received the support of bipartisan majorities.

I am very gratified to hear that Senator NUNN and Senator HUTCHISON are open to suggestions and recommendations concerning the wording of their amendment. The proposed modification now before us, I believe, addresses my concern. The new wording cannot be misinterpreted as a vote against enlargement.

Moreover, the modification does inject one very important benefit to our efforts here in Congress.

It is no secret that the polarizing and partisan tendencies of election-year politics can even undermine how we address strategically central foreign policy issues such as NATO enlargement. The proposed modification to the NATO study includes the establishment of a bipartisan commission of experts to address the same issues upon which we wish the President to report concerning NATO enlargement. This will be a healthy injection of bipartisanship into our foreign policy process.

I am a longstanding supporter of NATO enlargement, and I want to reinforce what I see as an already strong bipartisan consensus on this issue. I strongly believe that we need to extend membership in the transatlantic community to the nascent democracies of Central and Eastern Europe. That's why I call upon my colleagues to accept this proposed modification.

I want to ensure that we address this issue of NATO enlargement here in Congress in a manner that reinforces the optimism and drive that brought democracy and peace to Central and Eastern Europe. These new democracies observe closely how we approach those factors affecting their integration into the transatlantic community.

The proposed modification to the Hutchison-Nunn amendment transforms their well-intentioned initiative into an objective effort that not only addresses significant and difficult strategic issues but does so in a manner that communicates our commitment to the independence and security of Central and Eastern Europe's new democracies. The proposed modification is consistent with our desire to see these new democracies fully integrated into the institutional fabric of the transatlantic community.

Mr. NUNN. Mr. President, I would ask the Senator from Arizona if he would confirm my understanding that the term ''European Partnership for Peace Nations'' includes the nations of Ukraine, Latvia, Lithuania, and Estonia.

Mr. MCCAIN. Mr. President, I would be happy to confirm for the Senator from Georgia that the term ''European Partnership for Peace Nations'' includes the nations of Ukraine, Latvia, Lithuania, and Estonia.

Mr. SANTORUM. Mr. President, I rise in support of this amendment offered by my colleague from Colorado and I commend him for his continued leadership in this important area. This amendment attempts to move the administration along in the United States' effort to help our allies in Europe with their admission into NATO.

The administration has continued to say that they support efforts to expand NATO. They say it is not a question of whether we expand NATO, it is a question of how and when. I believe that the real issue is whether or not the free men and women that comprise our NATO membership will stand idly by if the security and independence of Central Europe is threatened.

NATO today remains the core of American engagement in Europe and at the heart of European security. It is our most effective instrument for coordinating defense and arms control and maintaining stability throughout Europe. The collapse of the Soviet Union, the dissolution of the Warsaw Pact, and the progress of European integration have not ended the need for NATO's essential commitment to safeguard the freedom and security of all of its members.

We must continue to move forward on NATO expansion and not allow other non-NATO countries to continue to exercise veto power over alliance expansion. The time has come to welcome Europe's new democracies into NATO. Only through a continued strong alliance can we guarantee another 50 years of peace in Europe.

I am proud to say that I have joined my colleague from Colorado along with our former majority leader Bob Dole, in taking a bold new step forward in our efforts to move the administration further in their policy. S. 1830, the NATO Enlargement Facilitation Act of 1996, is the third NATO Participation Act offered by Congress. It specifically names three countries—Poland, Hungary, and the Czech Republic—as qualifying for the program and requires the President to designate other emerging democracies in Central and Eastern Europe if they meet the necessary criteria.

The demise of the Soviet Union and the Warsaw Pact has presented NATO with new challenges and new opportunities. The international environment is fraught with prospects for conflict and instability. The countries that reemerged from the ruins of the Soviet Empire as free societies now look to membership in NATO. These newly free countries have already fought and suffered to earn the right to their territorial integrity, independence, democracy, and free enterprise—precisely the values that NATO has maintained in the West for almost 50 years. At long last, the pro-Western nations of Central Europe now have the opportunity and the will to help us promote those values and to defend them.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Virginia.

Mr. WARNER. Mr. President, subject to the decision of the majority and Democratic leader, we will proceed to a vote. Mr. President, we are making good progress on this bill. There is an amendment. It is anticipated that the Senate will commence a rollcall vote on the pending amendment by the Senator from Georgia in 5 minutes, to advise Senators so they can make their plans accordingly. In the interim period, seeing no Senator seeking recognition, 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. DORGAN. 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. DORGAN. Mr. President, I ask unanimous consent that my name be added as a cosponsor to the B–2 amendment just offered by Senator CONRAD.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FORD. 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. FORD. Mr. President, I would like to lay down an amendment that would be pending following this vote. What is the procedure?

The PRESIDING OFFICER. To ask unanimous consent that we set aside the current proceedings and that the Senator from Kentucky be permitted to offer an amendment.

Mr. FORD. I so request.

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

AMENDMENT NO. 4112

(Purpose: To amend the special rule for payments for eligible federally connected children)

Mr. FORD. Mr. President, I call up amendment No. 4112.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. FORD], for himself, Mrs. BOXER, Mr. CONRAD, Mr. CRAIG, Mr. DASCHLE, Mr. DORGAN, Mr. EXON, Mr. GORTON, Mr. HATCH, Mr. INHOFE, Mr. LEVIN, Mr. LOTT, Mrs. MURRAY, Mr. PRESSLER, Mr. ROBB, and Mr. WARNER, proposes an amendment numbered 4112.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle F of title X, insert the following:

SEC. . TECHNICAL AMENDMENT.

Paragraph (3) of section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended by striking ''2000 and such number equals or exceeds 15'' and inserting ''1000 or such number equals or exceeds 10''.

Mr. WARNER. Mr. President, will the Senator from Kentucky allow the Senator from Virginia to put in another UC with regard to an amendment which would follow on?

Mr. FORD. I have no problem. At the request of the managers, I was asked to lay this down.

Mr. WARNER. Correct.

Mr. FORD. So when we have the vote we could automatically go to this. I am perfectly willing to do that.

Mr. WARNER. Mr. President, I ask unanimous consent, following disposition of the Ford amendment, the Senate turn to an amendment to be offered by the Senator from Virginia on behalf of the Senator from Alaska, Mr. STEVENS, and that would be the pending business.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. FORD. 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. WARNER. 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. WARNER. Mr. President, such that we keep this bill moving, I inform Senators the pending amendment will be voted on at 12:30. In the interim period, the Senator from North Dakota wishes to address the Senate.

I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, we have had many discussions over an extended period about national missile defense, and I will be offering as soon as it is prepared, as we work through the discussions of the wording of an amendment, an amendment on the subject of national missile defense.

I have reached the conclusion that national missile defense is necessary. I believe it is not a question of if, but rather a question of when missile defenses are deployed and what sort of system do we field.

I have always believed that any system we deploy ought to be treaty compliant, ought to be affordable, and ought to be effective. Those ought to be the tests.

Right now, we have no alternative before us that meets those tests, at least in the judgment of this Senator. I think it is clear there is a threat that exists. Today's threat is of an accidental or unauthorized launch of a Russian or Chinese missile. Clearly, that is unlikely, but we cannot afford to be wrong.

The threat that we may face tomorrow is a rogue nation launch. North Korea, Libya, other countries may develop an ICBM capability before we are anticipating that they would achieve such a capability. We must be prepared before we are surprised.

As I have looked at the options before us, I have been most interested in a plan that the Air Force has developed, an Air Force alternative that does meet the criteria of being effective, of being treaty compliant, and of being affordable.

I had intended to offer an amendment that would require the deployment of such a system in the same timeframe as the Defend America Act. I have been persuaded by the chairman and ranking members that the best way to proceed would be to require a study of this system by the Secretary of Defense and to have a statement by the Senate that this is a serious alternative.

Let me just outline, if I could, the elements of the amendment I intended to offer, what the elements of the system are, and then to have a chance to discuss the specific amendment I would be offering today.

The Conrad alternative authorizes deployment by 2003 of a Minuteman system—20 interceptors at Grand Forks, ND, capable of defending all 50 States, according to U.S. Air Force analysis.

The amendment also requires a report from the Department of Defense within 1 year on the future of the ICBM threat and a recommendation as to whether 20 or 100 interceptors were necessary. It also would express the sense of the Congress that the President can and should consult the Russian Government to clarify interpretation of the ABM Treaty as may be necessary.

I want to stress that the approach I am endorsing is an approach that is treaty compliant. It is a single site. The only question would be with certain radars that would be to assist the phased array radar that is already agreed to in the treaty. I want to stress this alternative does not endanger ABM and START arms control treaties. Second, it is not a budget buster. A 20 interceptor system is deployable, according to CBO, for $4 billion—not the $40 billion or the $60 billion that we have heard associated with defend America, but about $4 billion.

This system, I believe, is not only treaty compliant, is also not a budget buster, and it also uses today's proven missile, tracking and command and control technology. We are not talking here about breaking new ground. We are not talking about having to find something that has not yet been discovered.

We have the components of this system available to us now.

I wish to review very briefly what those components are. This is leveraged development, in the sense that we are building on what we currently have. Instead of going out and trying to recreate the wheel, instead of trying to invent something totally new, we have the components of this system today. Let me emphasize that we use an existing booster—the Minuteman booster. That is the base of this system. We use existing command, control, and computers, the NORAD and Minuteman systems. We use existing infrastructure, that is the Minuteman wing that currently exists at Grand Forks, ND, today. We only require an upgrade of existing kill vehicle technology. We use an upgrade of existing early warning radars. We do not have to go out and invent something new, we have these radars now. We would need X-band radars based on existing design. It would be four new radars, as I understand it, X-band radars, based on an existing design. So, again, we do not have to go out and create something that is new.

The cost, according to the Air Force, of a 20-Minuteman system is $2 to $2.5 billion. If we have a more robust force and go up to 100 Minuteman missiles, we would have a system for $3.5 to $4.5 billion according to Air Force estimates. CBO says 20 would cost us $4 billion.

This is in comparison to the defend America system that goes to a layered

defense after 2000 that would cost from $40 to $60 billion. Yet this is a fully capable system.

Let me give a couple of quick examples of how this would work against a rogue nation launch. If Libya, for example, determined that they were going to launch on the United States by way of a threat, by way of intimidation, this is what the system would allow us to do. If Libya launched, our first launch could occur at T plus 480 seconds. Our national command authority would have 8 minutes to make a first decision to respond. The first intercept would then occur at T plus 1,200 seconds, and 20 minutes later there would be an intercept of that Libyan launched rogue missile. That would be a Minuteman III, fired from Grand Forks Air Force Base from existing silos with existing launch vehicles using a kinetic kill vehicle that has previously been tested. That first intercept would give us a very high probability of success in defending against that missile attack.

Because of the architecture of this system, in this circumstance we would have a look-fire-look-fire capability. In other words, we would be able to respond to the first launch, fire, see if our missile was effective in killing the incoming missile. We would then have a second chance to fire again, to knock down that incoming missile. That launch would have to occur at T plus 1,420 seconds. That last intercept would occur at T plus 1,720 seconds. So this would be an effective system against a rogue nation launch, such as against a launch from Libya.

Let us look at a second alternative, because one of the great concerns of a single-site system is, ''Are you going to provide protection for all of the United States?'' The answer is, ''Yes.'' The Air Force-designed system, which I want to say I applaud General Fogleman for developing as an alternative that should be part of this mix, I think is a serious alternative. It has been very well thought through. People at the Air Force, I think, deserve great commendation for the work they have done.

This chart shows what happens in a case of North Korea launching with Hawaii as an intended target. In this situation the first launch picked up at T plus 400 seconds. We are launching in response to that at T plus 400 seconds. We have the first intercept under this scenario at T plus 1,200 seconds.

On a second launch, in this case we do not have the look-shoot-look-shoot capability because, obviously, North Korea is much closer to Hawaii than Libya is to Washington, DC, so in this case we would have to fire immediately again against that missile. We would have dual shot capability to attempt to intercept that missile. The first, as I indicated, first intercept occurring at T plus 1,200 seconds; the last intercept occurring at T plus 1,700 seconds.

In other words, we would again have two chances to intercept that incoming missile. We are able to defend all 50 States from one treaty compliant site in the United States.

We are talking about a cost here of $4 billion in comparison to the defend America plan of $60 billion. That is $56 billion of savings. We put together kind of a lighthearted list here of ''Top 10 Things We Could Do With $56 Billion Other Than To Deploy the 'Defend America' System.''

Given the fact we could have a similar capability with this plan, which I think clearly is fully capable, is treaty compliant, and highly effective, what are the things we could do with $56 billion?

No. 10 on our list, we could fund the Weatherization Assistance Program for 500 years;

No. 9, we could buy a computer for every school-age child in America.

Other things we could do with $56 billion that would be saved by adopting this system rather than the ''Defend America'' system? We could fund all payments to farmers for the next 7 years under the Freedom To Farm Act, recently passed by Congress;

No. 7, we could renovate America's crumbling infrastructure;

No. 6, we could meet the entire global need for basic child health, nutrition, and education for 2 years with the $56 billion we save under this plan;

No. 5, we could provide health care to all Americans under 18 for 9 months;

No. 4, we could fund WIC, nutrition for women, infants, and children, for 14 years with the savings generated by adopting this approach rather than the more expensive ''Defend America'' approach;

No. 3, we could fund Head Start for 16 years with this $56 billion of savings;

No. 2, we could fund the destruction of ex-Soviet nuclear weapons through the Nunn-Lugar Act for 18 years.

There are many things we could do, Mr. President. No. 1 on our list is we could not spend it, and avoid increasing the deficit by $56 billion. Frankly, that is my favorite option. Let us take the saving, let us apply it to the deficit. Let us have a National Missile Defense System, let us have one that is treaty compliant, let us have one that is cost effective, let us have one that is proven technology, and let us save $56 billion and apply it to the deficit.

Mr. President, I sum up and look at what I call our national missile defense checklist, and apply commonsense criteria. Is the system ABM Treaty compliant? Is it affordable? Does it utilize proven technology?

On ''Defend America,'' on all three of the commonsense criteria, it fails: It is not treaty compliant, it is not affordable, it does not use proven technology. The Conrad alternative does meet the commonsense criteria. It is treaty compliant, it is a single site, and uses the phased array radar that is called for in the treaty. It is affordable, $4 billion instead of $60 billion that CBO says the Defend America Act would cost. And it uses proven technology, it uses the existing Minuteman boosters, uses a kinetic kill vehicle, it uses the command, control, and computers that we already have.

I hope very much that my colleagues take a serious look at this alternative to national missile defense. Clearly, there is a risk. Clearly there is a threat. I believe it is a growing risk and a growing threat; that at some point, the American people are going to want to have deployed a national missile defense system. We can do it. We can do it in a way that is treaty compliant. We can do it in a way that is affordable. We can do it in a way that is effective.

Mr. President, the Air Force has come forward with a plan, unveiled several weeks ago now by General Fogleman, of a national missile defense system that builds on our existing technology, that costs, according to Air Force estimates, $2.5 billion, that gives us a capability to defend 50 States against accidental launch or rogue nation launch.

Mr. President, I suggest that is a reasonable cost for an insurance policy for the American people. I hope my colleagues will take very seriously this alternative.

Momentarily, I will offer an amendment that will call on the Senate to indicate that this is a serious alternative that deserves serious attention and requires the Secretary of Defense to analyze this alternative fully by the end of January.

I thank the Chair and yield the floor. I suggest the absence of a quorum.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. CONRAD. I will be happy to withhold.

Mr. WARNER. Mr. President, what is the question of the Senator? The Senate is anticipating voting now on the Nunn amendment.

Mr. CONRAD. I am just awaiting an amendment I will offer. I just wanted a chance to discuss the amendment so I would not take up the time of the Senate unduly.

VOTE ON AMENDMENT NO. 4367, AS AMENDED

Mr. NUNN. Mr. President, I think we are ready to vote on the underlying Nunn-Hutchison-Bradley amendment.

Mr. WARNER. Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have.

Mr. WARNER. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 4367, as amended. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Oklahoma [Mr. INHOFE] are necessary absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. BUMPERS] is necessarily absent.

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

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—97

Abraham	Ford	McCain
Akaka	Frahm	McConnell
Ashcroft	Frist	Mikulski
Baucus	Glenn	Moseley-Braun
Bennett	Gorton	Moynihan
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Boxer	Grassley	Nunn
Bradley	Gregg	Pell
Breaux	Harkin	Pressler
Brown	Hatch	Pryor
Bryan	Heflin	Reid
Burns	Helms	Robb
Byrd	Hollings	Rockefeller
Campbell	Hutchison	Roth
Chafee	Inouye	Santorum
Coats	Jeffords	Sarbanes
Cochran	Johnston	Shelby
Cohen	Kassebaum	Simon
Conrad	Kempthorne	Simpson
Coverdell	Kennedy	Smith
Craig	Kerrey	Snowe
D'Amato	Kerry	Specter
Daschle	Kohl	Stevens
DeWine	Kyl	Thomas
Dodd	Lautenberg	Thompson
Domenici	Leahy	Thurmond
Dorgan	Levin	Warner
Exon	Lieberman	Wellstone
Faircloth	Lott	Wyden
Feingold	Lugar	
Feinstein	Mack	

NOT VOTING—3

Bumpers	Hatfield	Inhofe

The amendment (No. 4367), as amended, was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, it is my understanding that the Senate will proceed to the amendment by the Senator from Kentucky, and that the Senator from Vermont will participate in that. Following disposition of that amendment, the Senator from Virginia, on behalf of the Senator from Alaska [Mr. STEVENS] will lay down an amendment. That is just to let the Senate know what the procedure will be. I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 4112

Mr. FORD. Mr. President, the amendment No. 4112 deals with impact aid. What I am offering today is basically a technical amendment to the Impact Aid Program. The House has added $33 million to this program. I am supporting this effort by the distinguished majority and minority leaders, Senators BOXER, CONRAD, CRAIG, DORGAN, EXON, GORTON, HATCH, INHOFE, LEVIN, MURRAY, PRESSLER, ROBB, and WARNER. This amendment has the complete endorsement of the membership of the National Association of Federally Impacted Schools.

Mr. President, since the Truman administration, the Federal Government has acknowledged its responsibility in assisting school districts educating federally connected children through the Impact Aid Program. This amendment addresses a change made to the Impact Aid Program during the 1994 authorization. Under the reauthorization, school districts would not be able to compute payments for children whose parents are civilian and work on Federal property unless a school district enrolled at least 2,000 of these children and only if such enrollment constitutes 15 percent of the school district's total enrollment.

This change is arbitrary and unfair. What about a school district that has a small total enrollment, but of which 25 percent are Government employees? Or a district that has over 3,000 of these children, but because of the school's large size, this represents perhaps only 10 to 13 percent of its total enrollment?

Mr. President, the amendment I offer today would restore some measure of equity and would recognize the impact that the Federal Government has in these communities by lowering this threshold to 1,000 civilian students or 10 percent of a school district's total enrollment. For those of you who are not familiar with this, because the Impact Aid Program is not fully funded, school districts must use a complicated formula for calculating the payments they will receive, also known as their learning opportunity threshold payment.

This amendment would allow 421 school districts nationwide to calculate payment for their civilian students. However, of this number, 13 school districts already are eligible to calculate their civilian students by meeting the 2,000 and 15-percent threshold set during the 1994 reauthorization.

While this amendment affects 14,000 weighted Federal student units in the remaining 409 school districts, my colleagues should be aware that of those 409 school districts, 282 already are eligible to qualify for some form of basic support from section 8003 without their civilian students. The remaining 127 school districts would be able to reenter the Section 8003 Program. These 127 school districts enroll 2,743 weighted Federal student units.

Although some may assume that if additional students are added to the program it will cost more, the actual impact of this amendment on existing school district payments is negligible. Short of fully funding this program, no matter how much money the Impact Aid Program receives in fiscal year 1997, the fact that the new need-based program will be fully implemented means that of the 1,570 school districts in the Section 8003 Program, 1,200 will receive some varying degree of decrease in payments in order to fully fund the 250 districts classified as high-need school districts.

If the intent of the 1994 reauthorization was to target the high-need school districts, then that is exactly what will happen with or without this amendment. The amendment I offer helps minimize the loss the remaining districts will see due to the phase-in of this new need-based formula by allowing them to calculate payments for their civilian students.

In fact, even at level funding, the National Association of Federally Impacted Schools estimates that every school district will see their full learning opportunity threshold payment, even with the change to 1,000 civilian students or 10-percent total enrollment.

I urge my colleagues to support this important change which has the full support of our impact aid schools.

This amendment restores some measure—I underscore—some of the equity and recognizes the impact that the Federal Government has on these communities by lowering the threshold to 1,000 civilian students or 10 percent of the school district's total enrollment.

Mr. WARNER. Mr. President, I am pleased go support this important impact aid amendment by my distinguished colleague from Kentucky, Senator WENDELL FORD.

Throughout my 17½ years in Congress, I have worked to preserve the Impact Aid Program. Local school districts have no choice but to bear the costs of educating federally connected children whose parents live and/or work on Federal installations. These families are either fully or partially exempt from contributing to the local tax base, and the Impact Aid Program attempts to compensate school districts accordingly.

This amendment seeks to restore an important component of impact aid funding which was significantly restricted as a part of the Elementary and Secondary Education Act reauthorization bill of 1994. Under that legislation, an arbitrary eligibility threshold was established for the children of civil service families when the parents work on tax-exempt Federal properties such as military bases. With that new threshold, school divisions cannot be compensated by impact aid unless these civil service children equal a population of both 2,000 and 15 percent of total enrollment.

For the last 2 years, school divisions which no longer meet this test have been grandfathered at 85 percent of their former payment. That protection expires this year, and without legislative action, a number of key school divisions in the Hampton Roads region of Virginia will begin to suffer funding shortfalls.

That is why I welcome this amendment by my colleague from Kentucky to set a new, more flexible standard of 1,000 students or 10 percent of enrollment. This presents a far more reasonable threshold for local schools when they are faced with the responsibility of educating large numbers of civil service children whose families work at tax-exempt Federal facilities.

I am pleased that this amendment is supported by the National Association of Federally Impacted Schools [NAFIS] whose president, Mr. John

Forkenbrock, has provided such leadership in strengthening education for federally connected children and the schools they attend.

Mr. President, I thank the Chair and encourage all of my colleagues to support this important amendment.

Mr. PRESSLER. Mr. President, I am proud to coauthor this amendment with Senator FORD. This small change in the impact aid formula corrects a large discrepancy in the program.

Current law discriminates against small districts, which are often located in rural areas. Districts can be eligible for impact aid based on the number of civilian b kids in the district. These children have parents who either work or live on Federal land. A district is eligible for impact aid if it has at least 2,000 students and 15 percent of the students are civilian b children.

The amendment before us today would allow districts to qualify for the program if the district has at least 1,000 children or 10 percent of the students are civilian b children. Changing ''and'' to ''or'' is an important distinction for small districts. Mr. President, few school districts in South Dakota have 2,000 students. Small districts are no less federally impacted than large ones. They are equally deserving of impact aid funds.

This amendment would allow additional districts into the program, but it would not decrease payments to current section 8003 schools. This section of the program received an increased appropriation last year, so we are working with a larger-sized pie than in previous years. Additionally, payments to all schools in section 8003 will be reconfigured when the hold harmless provision for this section expires in fiscal year 1997. Many school districts will receive lower payments when the formula agreed to in the 1994 reauthorization is fully phased in. The drop in payments to these schools frees up additional dollars for the small districts gaining eligibility with this amendment.

This is a fairness issue. I am pleased that small school districts will now receive equal support. This amendment enjoys widespread, bipartisan support. I hope all my colleagues will join me in supporting it today.

Mr. GORTON. Mr. President, like many of my colleagues on both sides of the aisle, I have long supported impact aid. This program appropriately reimburses local school districts for the cost of educating the children of Federal employees who do not contribute to the local tax base because they live or work on Federal property. Moreover 17 million children benefit from impact aid. Now, when I think of impact aid, I typically think of the child whose parent serves in the military, or the child who lives on an Indian reservation, yet there is another group of children who rightly are served by impact aid. These are students whose parents may not live on Federal property, but work on Federal property—property that is not generating tax support for the local schools. These children are provided for by the civilian b portion of the program.

Prior to an amendment being added to the Improving America's Schools Act 2 years ago, a district received a civilian b payment as long as it met basic eligibility requirements. This amendment required that a district enroll a minimum of 2,000 civilian b children and that this enrollment must equal 15 percent of the district's total student population. This effectively eliminated many small school districts with less than 2,000 students in their entire district, that nonetheless serve a large percentage of Federal employees' children. The inequity of this formula adversely impacted a number of small school districts in Washington State. For example, according to statistics provided by the Department of Education, the Grand Coulee Dam School District's total student population is 796 students, 328 of whom, are children of civilian Federal employees. In spite of the fact that 40 percent of this districts student population is made up of Federal employees children, under the current formula, this school district is not eligible for civilian b funding.

The Bremerton School District isn't as small as Grand Coulee Dam School District, but it has a similar problem. In Bremerton, WA, a number of civilians are employed to support the naval base operations. While these civilians do not work for an employer that contributes to the local tax base in the same manner other local businesses do, the Bremerton district's schools serve these children who make up 20 percent of the total student enrollment in the school district. Although Bremerton meets the 20-percent criteria, the district falls short of the 2,000 student requirement. Thus, under the current formula Bremerton School District is not eligible for civilian b funds. Is this school district less worthy of funding—merely because it does not fit into the criteria—I would argue not.

I am certainly not opposed to establishing criteria for eligibility for Federal programs; in fact, I think it is imperative we do so. But that determination should be made fairly. School districts who are significantly impacted by the Federal Government's presence should be reimbursed for the local tax contributions they would otherwise receive. For this reason, I support Senator FORD'S efforts to restore equity to the eligibility requirements for this program.

Mr. FORD. Mr. President, this part of the amendment is acceptable. I understand that my friend from Vermont has an amendment in the second degree that also will be accepted. So I yield the floor so my friend from Vermont can offer his amendment.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 4417 TO AMENDMENT NO. 4112

(Purpose: To require the Secretary of Defense to make certain Impact Aid payments)

Mr. JEFFORDS. I have an amendment to the amendment.

The PRESIDING OFFICER. The clerk will reported.

The bill clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] for himself and Mr. PELL, proposes amendment numbered 4417 to amendment No. 4112.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 1, strike line 6 through line 2 on page 2 and insert the following:
7703(a)) is amended—

(1) by striking ''2000 and such number equals or exceeds 15'' and inserting ''1000 or such number equals or exceeds 10''; and

(2) by inserting '', except that notwithstanding any other provision of this title the Secretary shall not make a payment computed under this paragraph for a child described in subparagraph (F) or (G) of paragraph (1) who is associated with Federal property used for Department of Defense activities unless funds for such payment are made available to the Secretary from funds available to the Secretary of Defense'' before the period.

Mr. JEFFORDS. Mr. President, my amendment just establishes some equity in covering the cost generated by the amendment of the Senator from Kentucky. My amendment, requires the Department of Defense to pay the increase in cost—a small amount; about $11 million—incurred by the additional military dependents who would become eligible for impact aid under the Ford amendment.

The underlying amendment offered by my colleague from Kentucky broadens the eligibility criteria for the impact aid program. In 1994, during the last reauthorization of the Elementary and Secondary Education Act, Congress recognized the need to prioritize scarce education dollars and hence targeted funds to the most needy. In the case of the impact aid, we set up a stricter standard to reimburse districts for those students whose parents are employed on Federal property but do not live on such property.

I have some misgivings about using this bill to alter education policy. But if we want to do so, then so be it. The amendment that I am offering would simply require the Department of Defense to pay the expense of the amendment for children associated with military activities.

The changes made in 1994 eliminated impact aid payments to certain districts. By going back and broadening this definition we will increase the number of eligible districts from approximately 13 to 421.

Without my amendment the increased costs will come, not from the Department of Defense, but from the Department of Education. One area

where the Department of Defense has traditionally enjoyed a reprieve from carrying its full weight is that of impact aid. Impact aid was designed to offset costs that local communities incur in the education of military dependents or civilians working on military bases because these families are exempt from certain State and local taxes. This is a cost of our national defense program.

Mr. President, DOD has accepted the responsibility of bearing the full costs of educating military dependents overseas—it is logical they should assume responsibility for offsetting the costs that occur at home.

There is clear precedence for this. Currently, the Department of Defense provides supplemental funding for impact aid schools, between $10 and $50 million—$30 million in fiscal year 1996. This last provision is in the DOD authorization bill and allows the Secretary of Defense to provide supplemental funding for local education agencies [LEA's] in which military activity places a unique burden on the LEA.

This amendment follows this policy. We must, for the true defense of this country, serve our children.

I understand this amendment is acceptable.

Mr. PELL. Mr. President, I am very pleased to be a cosponsor of the second-degree amendment offered by my friend and colleague, Senator JEFFORDS. It represents a small, yet very significant step in the direction of placing the funding of impact aid upon the agency responsible for the Federal property.

Impact aid is assistance provided because Federal property is taken from the tax rolls. It is compensation, and really should not be placed in the category of educational assistance. If the property is a military installation, the responsibility for compensation should rest with the Department of Defense, not the Department of Education. If the property is public land used for parks and recreational purposes, the responsibility for compensation should rest with an agency such as the Department of the Interior, not the Department of Education.

Impact aid is also general aid. It is not tied to the need to improve basic skills, upgrade professional development, strengthen educational research, or open opportunities for a college education. Its only relationship to education is because the property tax is too often and unfortunately a major source of support for education at the State and local level. Removal of that source of funding has an impact upon the total resources available to fund education in community after community throughout America. I would contend, therefore, that compensation for this lost resource should come from the agency or department responsible for removal of this land from the tax rolls.

With respect to this particular amendment, I understand that about 60 percent of the additional districts that would be eligible for impact aid are related to the armed services. Thus, under the provisions of the Jeffords amendment, the Secretary of Defense would be required to cover that amount, which I understand is 60 percent of $11 to $18 million.

My own opinion is that this amendment represents the direction in which we should be moving in regard to the entire Impact Aid Program. As I have said, it is only a small step, but it is also a very important one. I would strongly urge my colleagues to join Senator JEFFORDS and me in approving this amendment.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment?

Mr. THURMOND. Mr. President, we accept the amendment.

The PRESIDING OFFICER. Without objection, the second-degree amendment is agreed to.

The amendment (No. 4417) was agreed to.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. I encourage the approval of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment No. 4112, as amended.

The amendment (No. 4112), as amended, was agreed to.

Mr. FORD. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I thank the Chair and thank my friend from Vermont.

The PRESIDING OFFICER. Under the previous order, the Senator from Virginia is recognized to offer an amendment.

AMENDMENT NO. 4418

(Purpose: To provide $2,000,000 for the construction of a facility for military dependent children with disabilities at Lackland Air Force Base, Texas)

Mr. WARNER. Mr. President, on behalf of the Senator from Alaska [Mr. STEVENS], I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Virginia [Mr. WARNER] for Mr. STEVENS, proposes an amendment numbered 4418.

Mr. WARNER. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle F of title X, add the following:

SEC. 1072. FACILITY FOR MILITARY DEPENDENT CHILDREN WITH DISABILITIES, LACKLAND AIR FORCE BASE, TEXAS.

(a) FUNDING.—Of the amounts authorized to be appropriated by this Act for the Department of the Air Force, $2,000,000 may be available for the construction at Lackland Air Force Base, Texas, of a facility (and supporting infrastructure) to provide comprehensive care and rehabilitation services to children with disabilities who are dependents of members of the Armed Forces.

(b) TRANSFER OF FUNDS.—Subject to subsection (c), the Secretary of the Air Force may grant the funds available under subsection (a) to the Children's Association for Maximum Potential (CAMP) for use by the association to defray the costs of designing and constructing the facility referred to in subsection (a).

(c) LEASE OF FACILITY.—(1) The Secretary may not make a grant of funds under subsection (b) until the Secretary and the association enter into an agreement under which the Secretary leases to the association the facility to be constructed using the funds.

(2)(A) The term of the lease under paragraph (1) may not be less than 25 years.

(B) As consideration for the lease of the facility, the association shall assume responsibility for the operation and maintenance of the facility, including the costs of such operation and maintenance.

(3) The Secretary may require such additional terms and conditions in connection with the lease as the Secretary considers appropriate to protect the interests of the United States.

Mr. STEVENS. Mr. President, this effort has been raised by several of my colleagues. I believe it has great merit. The camp program addresses the needs of children challenged with disabilities that are not easily addressed. This includes children with Downs Syndrome, Cerebral Palsy, and Autism.

This program meets an urgent need at Lackland Air Force Base. We are addressing this need in a unique way. We will consider this effort when we bring the defense appropriation bill to the floor.

The commander of Wilford Hall Medical Center, which is located at Lackland Air Force Base, has indicated the medical center has a close association with the camp program. Most of his staff are volunteers in the program. He views the program as an outgrowth of the pediatric department at Wilford Hall.

The base commander of Lackland Air Force Base also supports the program. We asked him how he deals with the liability he personally might incur. He indicated that the benefits outweigh his risks.

The Senator from Ohio stated that there was no agreement between the Air Force and the camp program. The base commander has informed the Senate Appropriations Committee that there is, in fact, an agreement between the base commander and the director of the camp program.

The camp program is now housed in three 2-story barracks. This creates significant hazards with disabled children. Also, the manpower required for three buildings will be reduced with this new building. For instance, they will only need one nurse instead of three. These barracks are scheduled for demolition. As soon as this facility is built these barracks will come down.

This program is not yet endorsed by the Department. I believe we must address the special needs of military families. This program is an effort to do just that.

I appreciate the willingness of the managers of this bill and urge the adoption of the amendment.

Mr. McCAIN. Mr. President, it is with great regret that I rise in opposition to this amendment. The amendment would establish, in my view, a dangerous precedent for future grants of defense dollars to private organizations selected by the Congress.

There is no question that the purpose of the facility which would be constructed with these funds is a worthy one. Caring for the dependent children of our military personnel, particularly those with disabilities, should be a high-priority concern of the military Services.

However, I am concerned about the process by which this project has been identified. As I understand it, a private organization called the Children's Association for Maximum Potential [CAMP] developed an unsolicited proposal to build a facility at Lackland Air Force Base for the specialized care of military dependent children with disabilities. CAMP had been unsuccessful in raising sufficient private contributions, and requested assistance from the appropriations committees. This amendment, offered by the Chairman of the Senate Defense Appropriations Subcommittee, would authorize the grant funds requested by CAMP.

Let me stress again that I am not opposed to providing facilities for the care of disabled children. But I want to ensure that the facilities we do provide are the highest priority and best suited to take care of the largest possible group of these children. I am not confident, even with the endorsement of the Department of Defense, that the $2 million to be provided for this particular program is the best use of funds to serve this need.

Finally, I am concerned about the precedent we may establish by authorizing the expenditure of $2 million from the Air Force budget to construct a building for the use of a private entity. These projects should be considered within the military construction and family housing accounts, not in a new process outside the scrutiny of other priorities, such as child care centers, hospitals, and the like.

Mr. President, I regretfully announce that I oppose this amendment.

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

Mr. GLENN. Mr. President, I rise in opposition to the amendment offered by the Senator from Virginia on behalf of the Senator from Alaska. I hate very much to do that because this is a program that is undoubtedly worthwhile, but I do object to the process by which we are doing this. There has not been a definition given yet by the proponents of this as to what the bill actually provides. Let me make some comments on that.

What this amendment does, as I understand it, is direct the Secretary of the Air Force to provide a $2 million grant to a program called CAMP, Children's Association for Maximum Potential, and this $2 million would be for construction of a support services facility for military dependent children with disabilities and their families at Lackland Air Force Base.

Certainly, that is a most noble intent. I do not question the intent of it at all. What I do object to is bringing this up as part of the defense bill without it having been through any screening whatever, without having been submitted as part of the defense budget. I am sure that every single one of us has a similar situation that we would like to take benefit of, also, that would be similar to this particular program.

The CAMP Program was established in 1980 as a nonprofit agency. What it does is provide comprehensive services to families with special needs. Currently, CAMP has 40 employees, as I understand it, and a $1.3 billion budget. It operates on Lackland in three World War II vintage barracks. Lackland officials have a base revitalization program, and they are demolishing old buildings. These three buildings are among those which are slated to be demolished. They have outlived their construction life cycles. They are costly to repair and maintain. The facilities in which CAMP operates are slated for demolition. The Air Force has identified a vacant parcel of property near the base medical center as a potential new site for CAMP. This $2 million grant, along with a private donation of $500,000, would enable CAMP to construct a new facility and continue its program to support military families with disabled children.

The facility to be built with the grant money would be leased to CAMP by the Air Force under a 25-year lease agreement. As consideration for this lease, CAMP would assume responsibility for and costs associated with operating and maintaining this facility, as I understand it. Granting this facility would enable CAMP to continue their support of military families and special needs.

The grant is simply a substitute for the good will of the Air Force in providing an operating space for CAMP in these old World War II structures. We do need special legislation to authorize the Air Force to use funds in this manner. However, arguing against the amendment, there is no agreement between the Air Force and CAMP for use of the facilities at all. It would benefit a small group and a specific site.

The money we would be proposing to give to them does not cover the cost of the new facility. Most of all, we opened a floodgate to everybody who has a meritorious nonprofit group operating on their base in support of whatever good purpose, and we are not giving them a fair shot at the same thing.

On the Senate Armed Services Committee, we have denied requests for DOD funds to assist in construction activities related to all sorts of things—military monuments, memorials, buildings for children on bases—and we have not funded those. While I know this is for a very good purpose, and I realize if we put this to a vote, there would not probably be very many votes that would be opposed to this idea of continuing help for dependent disabled children, children with special difficulties, on the base at Lackland, I do not propose to call for a rollcall vote on this amendment because I have no doubt about what the vote would probably be. The intention of the amendment is very noble and for a worthy cause, but for us to start out like this without having been through the budgeting process, without it having been through hearings, without having it considered by the committee or the Armed Services Committee and in competition with other projects like this at all, I question whether we should be doing this.

The problem with it, then, is that it uses the defense budget to fund what may be considered to be a high-priority program but it is not a budgeted defense program item. I cannot support the principle here of taking millions out of the defense budget to fund it. Every single one of us has a program in his or her State that would benefit greatly if we simply handed out funds like this on the military bases. Many, many, nonprofit organizations do things on the bases that we would like to support, yet we do not do that because if we raided the defense budget every time that occurred, we would soon be out of money. The problem with that approach is there would be little left if each Member of this body came to the floor to collect the defense funds necessary to help out every nonprofit program like the very valuable CAMP Program that needed funding.

I prefer to see with proposals like this that are put in, the Pentagon give their opinion as to what they are doing on the particular base, send that word over, and we take care of it in committee structure, compare them with others, and allot them money for programs like this. I am very happy to support them and work with the people to do it. But to bring them on the floor and make it competitive that we are trying to get something for individual bases for nonprofit organizations is something I have a lot of difficulty supporting.

Let me conclude by stating I find it a bit ironic that the same majority that is cutting necessary domestic discretionary funding in order to add $12 billion to our defense budget is agreeing to an amendment like this, without any hearings or without any further information. It just says we need $2 million to give to a nonprofit organization, so we appropriated or we authorized here on the Senate floor.

I am very much in support—let me go back to where I started my statement. I am very much in favor of the intent,

certainly, on our bases. We want to support organizations like this. They are set up and they operate as nonprofit organizations. To have the money come out of our defense budget now to go into supporting these nonprofit organizations, no matter how good they are, just without any hearings, without conferring with other projects that we might prefer to see taxpayer-appropriated funds go into, is to me the wrong approach here. I would like to see these things gone into on a little more studied basis.

Senator MCCAIN and I have taken the lead over the past 4 years in trying to hold down things like this where we add things on the floor, add them in the committee that were never requested, never had hearings, never knew anything about them. Granted, this is not a budget buster that goes into billions. It is $2 million. But you add this up with every $2 million that I would like to have and the Senator from Virginia would like to have and everyone else would like to have, and it gets into quite a pile of money. We are taking it directly out of the defense budget to do this. Granted, it is in support of our military personnel at Lackland Air Force Base, but this is the only organization of its kind we are singling out for a $2 million grant.

I am not going to ask for a rollcall vote on this, but I do wish to be recorded as being opposed to this amendment. I yield the floor.

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 4418) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. NUNN. Mr. President, I would like to identify myself with the remarks of Senator GLENN on the previously adopted amendment.

I know it is a noble cause. But I think this is a bad precedent, and I think we need to carefully consider what we do in this kind of case.

There are thousands of other organizations out there that would like exactly the same treatment.

I voted on that on the voice vote, and I identify my remarks with those of the Senator from Ohio.

I thank the Chair.

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

I see the distinguished Senator from Kentucky seeking recognition.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. FORD. Mr. President, I thank the Chair. I thank my friend, the floor leader, from Virginia.

AMENDMENT NO. 4419

(Purpose: To require the Secretary of Defense to carry out a pilot program to identify and demonstrate a feasible alternative to demilitarization of assembled chemical munitions)

Mr. FORD. Mr. President, I call up my amendment on pilot projects for identified and demonstrated feasible alternatives to demilitarization of assembled chemical munitions.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside, and the clerk will report.

The bill clerk read as follows:

The Senator from Kentucky [Mr. FORD], for himself and Mr. BROWN proposes an amendment numbered 4419.

Mr. FORD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of subtitle B of title I, add the following:

SEC. 113. DEMILITARIZATION OF ASSEMBLED CHEMICAL MUNITIONS.

(a) PILOT PROGRAM.—The Secretary of Defense shall conduct a pilot program to identify and demonstrate feasible alternatives to incineration for the demilitarization of assembled chemical munitions.

(b) PROGRAM REQUIREMENTS.—(1) The Secretary of Defense shall designate an executive agent to carry out the pilot program required to be conducted under subsection (a).

(2) The executive agent shall—

(A) be an officer or executive of the United States Government;

(B) be accountable to the Secretary of Defense; and

(C) not be, or have been, in direct or immediate control of the chemical weapon stockpile demilitarization program established by 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) or the alternative disposal process program carried out under sections 174 and 175 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 50 U.S.C. 1521 note).

(3) The executive agent may—

(A) carry out the pilot program directly;

(B) enter into a contract with a private entity to carry out the pilot program; or

(C) transfer funds to another department or agency of the Federal Government in order to provide for such department or agency to carry out the pilot program.

(4) A department or agency that carries out the pilot program under paragraph (3)(C) may not, for purposes of the pilot program, contract with or competitively select the organization within the Army that exercises direct or immediate management control over either program referred to in paragraph (2)(C).

(5) The pilot program shall terminate not later than September 30, 2000.

(c) ANNUAL REPORT.—Not later than December 15 of each year in which the Secretary carries out the pilot program, the Secretary shall submit to Congress a report on the activities under the pilot program during the preceding fiscal year.

(d) EVALUATION AND REPORT.—Not later than December 31, 2000, the Secretary of Defense shall—

(1) evaluate each demilitarization alternative identified and demonstrated under the pilot program to determine whether that alternative—

(A) is a safe and cost efficient as incineration for disposing of assembled chemical munitions; and

(B) meets the requirements of section 1412 of the Department of Defense Authorization Act, 1986; and

(2) submit to Congress a report containing the evaluation.

(e) LIMITATION ON LONG LEAD CONTRACTING.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), the Secretary may not enter into any contract for the purchase of long lead materials considered to be baseline incineration specific materials for the construction of an incinerator at any site in Kentucky or Colorado within one year of the date of enactment of this act or thereafter until the executive agent designated for the pilot program submits an application for such permits as are necessary under the law of the State of Kentucky or the law of the State of Colorado, as the case may be, for the construction at that site of a plant for demilitarization of assembled chemical munitions by means of an alternative to incineration.

(2) Provided, however, the Secretary may enter into a contract described in paragraph (1) beginning 60 days after the date on which the Secretary submits to Congress—

(A) the report required by subsection (d)(2); and

(B) the certification of the executive agent that there exists no alternative technology as safe and cost efficient as incineration for demilitarizing chemical munitions at nonbulk sites that can meet the requirements of section 1412 of the Department of Defense Authorization Act, 1986.

(f) ASSEMBLED CHEMICAL MUNITION DEFINED.—For the purpose of this section, the term ''assembled chemical munition'' means an entire chemical munition, including components parts, chemical agent, propellant, and explosive.

(g) FUNDING.—(1) Of the amount authorized to be appropriated under section 107, $60,000,000 shall be available for the pilot program under this section. Such funds may not be derived from funds to be made available under the chemical demilitarization program at bulk sites.

(2) Funds made available for the pilot program pursuant to paragraph (1) shall be made available to the executive agent for use for the pilot program.

Mr. FORD. Mr. President, this is an issue that hits home for me. We have a facility in Richmond, KY, known as the Lexington Blue Grass Army Depot. This facility houses the most dangerous chemical agents known to mankind such as GB, VX, and mustard agents in various projectiles and rockets. Given the extremely hazardous nature of these agents, my primary concern must be for the health and safety of Kentuckians, and all Americans who live near these obsolete weapons.

And I am not alone. Acting out of the same concerns, the State of Kentucky has put into place rigorous regulations governing the permit process for operating an incinerator to destroy chemical weapons. To date, the Army has failed to get a permit from the Kentucky State EPA because the Army has failed in its application to meet several basic tests, including providing sufficient evidence that: Neither humans nor the environment will be harmed by emissions from the incinerator; burning the chemical weapons would be safer than any possible alternative technologies; should the incinerator malfunction, enough of the nerve gas would be destroyed instead of

released; and during a worst-case scenario accident, there are adequate plans in place for evacuating the public.

In 1981, the Army chose the baseline incineration process as the best and safest method for destroying chemical weapons. Yet just this month, 15 years later, the Defense Appropriations Subcommittee held a hearing on whether incineration adequately protects the health and safety of the public and the workers.

I fail to understand how the Army can continue along this path when legitimate questions are still being raised and are still not being adequately answered. We're now finding that many of the alternatives previously reviewed and rejected for the destruction of chemical weapons have been developed to the point where they may not only be considered viable options, but may be better choices than incineration.

Unfortunately, the Army's actions have the appearance of moving forward simply for the sake of sticking to the original plan. I understand the Army's concern over already investing billions of dollars in the incineration process. But we are dealing with the health and safety of our citizens. And when it comes to issues of health and safety our citizens deserve the best.

To ensure this happens, Senator BROWN and I offer this amendment to the fiscal year 1997 defense authorization bill, requiring the Department of Defense to conduct a 3-year pilot program. Under the pilot program the Department of Defense will determine if there is a feasible alternative to incineration for the disposal of chemical munitions. The amendment requires the Secretary of Defense to report to Congress 6 months after the program has been completed on whether there are alternative processes that are as safe and as cost-efficient as baseline incineration. Based on this report we can determine whether baseline incineration or an alternative method is the best way to demilitarize the assembled chemical munitions at the Lexington/Blue Grass Army Depot and the Pueblo Chemical Depot.

Let me add that while the Army has a review underway at this time, that review only examines the use of these technologies for bulk sites. Because the Lexington Blue Grass Army Depot and the Pueblo Chemical Depot house munitions, the Army's current study is irrelevant to these sites.

This amendment would direct the Department of Defense to appoint an executive agent to lead this program who has not been in direct or immediate control of the chemical weapon stockpile demilitarization program. I strongly believe for this program to be successful it will need new blood, an individual who is objective, forward thinking, and not wedded to the incineration process.

Second, while this pilot program is in effect, this amendment prohibits the expenditures of funds for the construction of incinerators at both the Lexington Blue Grass Army Depot in Kentucky and the Pueblo Chemical Depot in Colorado for 1 year. Should it be determined that there is no alternative technology then funds may be expended for the construction of incinerators.

Mr. President, I am hopeful the pilot program will include a decisionmaking process that will actively involve the State and local governments and local community groups, so that all parties involved in this process can reach a consensus on where pilot testing will take place. With consensus I believe there will be a future for alternative technologies in chemical demilitarization, and we can safely proceed with destruction of obsolete chemical weapons.

This amendment specifies that of the funds authorized to be appropriated for chemical demilitarization for fiscal year 1997, $60 million will be set aside to conduct this pilot program for nonbulk sites, and that none of the $60 million will come from the funds for the alternative technologies bulk pilot program.

Clearly something must be done. With good reason, the State of Kentucky will not issue a permit to the Army. But, it would also be a mistake to simply walk away from the problem. I believe my amendment makes sense for both the Army, the Kentuckians who live in that area, and for other depots that will eventually confront this same problem.

Mr. President, without this amendment it is doubtful that the Army will ever be able to get its permit to incinerate munitions in Kentucky, let me bring to your attention the following:

Section 6929 of title 42 of the United States Code, specifically recognizes and reserves to the Commonwealth the authority to impose reasonable restrictions directly relating to public health and safety with respect to the management of hazardous wastes beyond the minimum standards established under federal law.

Furthermore, Kentucky State law requires that:

In considering alternatives to the proposed activity, the cabinet shall affirmatively consider all reasonable alternatives, including alternatives that could be developed, and shall issue a permit only where it finds by clear and convincing evidence that no alternative treatment or disposal option, including transportation, exists or could be developed that would provide greater protection against exposure or harm to the public or environment.

How can the State of Kentucky under these conditions ever issue a permit when the Army has yet to look at alternative technologies for nonbulk sites?

Mr. President, I look forward to working with my colleagues to ensure that the Department of Defense moves forward in a way that will not place a single American at risk.

I ask unanimous consent that the list of organizations supporting this amendment be printed in the RECORD.

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

GROUPS SUPPORTING THE CWWG, ON FORD AMENDMENT TO S. 1745

Aberdeen Proving Ground Superfund Citizens Coalition: Joppa, Maryland; Alabama Conservancy: Anniston, Alabama; Arkansas Fairness Council: Little Rock, Arkansas; ACTION: Circleville, Ohio; Action for a Clean Environment: Alto, Georgia; Artists For Earth: Berea, Kentucky; Appalachian Science in the Public Interest: Livingston, Kentucky; Arms Control Research Center: San Francisco, California; Bass Anglers Sportsman Society: Montgomery, Alabama; Burn Busters: Anniston, Alabama.

Cancer Registry—Dioxin Research: Globe, Arizona; Center for Economic Conversion: Berkeley, California; Central Kentucky AIM Support Group: Lexington, Kentucky; Champaign-Urbana Physicians for Social Responsibility: Mason City, Illinois; Chicago Media Watch Environmental Task Force: Evanston, Illinois; Citizens Clearinghouse on Hazardous Waste: Falls Church, Virginia; Citizens Energy Council: Hewitt, New Jersey; Citizens Environmental Organizations of Bedford Co., Clearville, Pennsylvania; Citizens for a Healthy Environment: Waveland, Mississippi; Citizens for Responsible Fort McCoy Growth: Sparta, Wisconsin; Citizens for Safe Water Around Badger: Merrimac, Wisconsin; Coalition for Jobs and the Environment: Abingdon, Virginia; Coalition for Research Ethics and Accountability: Santa Fe, New Mexico; Columbia River United: Hood River, Oregon; Citizens Against Incineration in Newport: Newport, Indiana; Citizens for Environmental Quality: Hermiston, Oregon; Citizens for Safe Weapons Disposal: Pueblo, Colorado; Coalition for Safe Disposal: Worton, Maryland; Common Ground: Berea, Kentucky; Concerned Citizens for Maryland's Environment: Bel Air, Maryland; Concerned Citizens of Madison County: Richmond, Kentucky; Center for the Biology of Natural Systems: Queens, New York; Center for Environmental Health Studies: Boston, Massachusetts; Center for Responsive Politics: Washington, DC; Central Kentucky Council for Peace and Justice: Lexington, Kentucky; Citizen Alert: Las Vegas, Nevada; Citizens to Save Our Environment: St. Louis, Missouri.

Desert Citizens Against Pollution: Rosamond, California; Don't Waste Arizona, Flagstaff, Az.; Downwinders, Inc.: Salt Lake City, Utah; Earth and Spirit Council: Portland, Oregon; Eastern Cherokee Defense League: Cherokee, North Carolina; Ecology Center: Berkeley, California; Edmonds Institute: Edmonds, Washington; Environmental Research Foundation: Annapolis, Maryland; Earth Friendly of Huntsville: Huntsville, Alabama; Environmental Compliance Oversight Corporation.

Families Concerned About Nerve Gas Incineration: Anniston, Alabama; Farm Aid, Cambridge Mass.; Franklin County Voters for Clean Air; Columbus, Ohio; Friends of the Earth: Washington, DC; Friends and Native Americans: Arlington, Massachusetts; Friends of the Upper Willamette River, Inc: Corvallis, Oregon; Georgia Chapter, 20/20 Vision: Sautee, Georgia; Gateway Green Alliance: St. Louis, Missouri; Global Greens-USA, Washington, D.C.; GreenLaw: Washington, DC; Greenpeace International, Amsterdam; Greenpeace USA, Washington, D.C.; Greenpeace Midwest: Chicago, Illinois; Greenpeace Pacific Campaign; Greenpeace Portland: Portland, Oregon; Greenpeace South: Atlanta, Georgia; Greenpeace West: Seattle, Washington; Government Accountability Project: Washington, DC; Groups Allied to Stop Pollution: Wilmer, Texas; Hawaii's Thousands Friends; Hoosier Environmental Council: Indianapolis, Indiana;

H.O.P.E. Alive!: Pueblo, Colorado; Humane Society of the United States, Washington, D.C.

Institute for the Advancement of Hawaiian Affairs; Indiana Citizen Action: Indianapolis, Indiana; Indigenous Environmental Network: Bemidji, Minnesota; Institute for Agriculture and Trade Policy; Institute for Energy and Environmental Research, Washington, D.C.; Institute for Science and Interdiciplinary Studies: Amherst, Massachusetts; International Fellowship of Reconciliation: Douglasville, Georgia; International Physicians for the Prevention of Nuclear War; International Social Ecology Network; Kentucky Conservation Committee: Frankfort, Kentucky; Kentucky Environmental Foundation, (CWWG Project) Berea, Ky.; Kentuckians for the Commenwealth: Salyersville, Kentucky; Kentucky Resources Council: Frankfort, Kentucky; Legal Environmental Assistance Foundation: Tallahassee, Florida; Maryland United for Peace and Justice: Bowie, Maryland; Massachusetts Campaign to Clean Up Hazardous Waste: Boston, Massachusetts; Military Toxics Project: Sabattus, Maine; Newport Study Group: Newport, Indiana; Nuclear Free and Independent Pacific; National Center for Environmental Health Strategies: Voorhees, New Jersey; Network for Environmental and Economic Responsibility: Nutley, New Jersey; NC Waste Awareness and Reduction Network: Durham, North Carolina; Northwest Coalition for Alternatives to Pesticides: Eugene, Oregon.

Northwest Environmental Advocates: Portland, Oregon; Nuclear Information and Resource Service: Washington, DC; National Depleted Uranium Citizens Network; Oregon Peaceworks: Salem, Oregon; Oregon Environmental Council: Portland, Oregon; Pine Bluff for Safe Disposal: Pine Bluff, Arkansas; Pacific Asia Council of Indigenous People, Hawaii; Pacific Concerns Resource Center; Parkridge Area Residents Take Action: Grove City, Ohio; People for Clean Air and Water—El Pueblo: Hanford, California; People vs. a Chemical Contained Environment: Jacksonville, Arkansas; Project on Demilitarization and Democracy: Washington DC; Pacific Studies Center: Mt. View, California; Physicians for Social Responsibility: Boston, Mass.; Progressive Alliance for Community Empowerment: Albuquerque, New Mexico; Project South: Knoxville, Tennessee; Reach for Unbleached: Whaletown, British Columbia, Canada; Rhode Island Coalition for Peace and Justice: Providence, Rhode Island; Rural Alliance for Military Accountability, Oregon.

Sangre de Cristo Chapt. of the Rocky Mtn. Sierra Club: Pueblo, Colorado; Serving Alabama's Future Environment: Anniston, Alabama; Sierra Club, Washington, D.C.; Sierra Club Legal Defense Fund, San Francisco, Ca.; Snake River Alliance: Boise, Idaho; South Bronx Clean Air Coalition: Bronx, New York; Southern Organizing Committee: Atlanta, Georgia; Social Concerns Office, Catholic Diocese of Jefferson City: J. City, Missouri; St. Louis Archdiocese: St. Louis, Missouri; SEVA Service Society, Palo Alto, Ca.; Tri-State Environmental Council: East Liverpool, Ohio; Tooele County Clean Air Coalition: Tooele, Utah; U.S. Public Interest Research Group: NYC, NY; Utah Sierra Club: Salt Lake City, Utah; Valley Citizens for a Safe Environment: Sunderland, Massachusetts; Vietnam Agent Orange Victims—The Living Dead: High Ridge, Missouri; Vietnam Veterans of America Foundation: Washington, DC; Veterans for World Peace: Gainsville, Florida; Vietnam Veterans of America: Little Rock, Arkansas; Women Concerned/Utahns United: Salt Lake City, Utah; Women's International League for Peace and Freedom: Portland, Oregon; Western Organization of Resource Councils, Butte, Montana; Working Group on Community Right to Know, Washington, D.C.

CHEMICAL DEMILITARIZATION AMENDMENT

Mr. FORD. Mr. President, why do we need this amendment?

I am proposing that the Department of Defense set up a pilot program to review alternative technologies for the destruction of chemical munitions. Currently, the Army has a review underway that only examines the use of these technologies for bulk sites. The Lexington Blue Grass Army Depot and the Pueblo Chemical Depot are nonbulk sites that house munitions, so we need to examine the feasibility of using alternative technologies for nonbulk sites as well.

Question: What are the unique provisions of this amendment?

First, this amendment would direct the Department of Defense to appoint someone who hasn't been in direct, or immediate control of the chemical weapon stockpile demilitarization program. I strongly believe that this program needs new blood, an individual who is objective and not wedded to the incineration process.

Second, this amendment prohibits the expenditures of funds for the construction of incinerators at both the Lexington Blue Grass Army Depot in Kentucky and at the Pueblo Chemical Depot in Colorado for 1 year.

Question: How do you know that there will not be local opposition to pilot testing an alternative technology?

I am hopeful that the pilot program will include a decisionmaking process that will include State and local governments, local community groups and that all parties in this process will reach a consensus. With a consensus building process, I believe that there will be less local opposition to the pilot testing of an alternative technology, and in future years destruction of obsolete chemical weapons will be allowed to proceed.

Question: Where will the pilot project take place?

Site selection will be decided contingent on the technical merits of the technology chosen for evaluation and the best place for that technology to be tested.

Question: What is the difference, if any, between your amendment and what is in the appropriations bill?

There are several differences. First, based on Department of Defense and private sector estimates, I am asking for $60 million for a 3-year period to conduct this pilot project. The appropriation's language requests $40 million for the same study with no timeframe for the completion of the study. I believe it is critical to have a timeframe or the project may drag on. Furthermore, the appropriation language requires that at least two technologies can be reviewed, I believe this is micromanagement on the legislative level and that those decisions should be left to the experts doing the job.

Question: Are we putting the communities in more danger by not going ahead with incineration? What about chemical munition leaks?

Based on performance history of the baseline incineration process with its legal challenges and permits difficulties, the baseline incineration disposal approach will extend well beyond the existing 2004 deadline and also beyond the 2007 anticipated chemical weapons convention deadline. On the other hand, I believe that alternative approaches may be easier to get permits and with fewer legal challenges. This amendment could expedite the common objective of safe, cost-effective expeditious disposal.

I can understand the concern about aging munitions and the possibility of leaks, but according to the Department of Defense's interim status assessment for the chemical demilitarization program, the handling of the munitions to conduct a more thorough survey is also a source of risk that need not be incurred given the apparent slow rate of deterioration.

Defense, in their report, also states: The rate of deterioration is not markedly increasing; there is no evidence of immediate danger from stockpile storage; the rocket stockpile could continue to be safely stored.

The most recent evaluation performed by the Army in 1994 indicated that with even the most conservative assumptions, the probability of a rocket auto-ignition is less than one in a million before 2013.

Mr. President, this legislation does not stop the Army from going forward with the baseline incineration program at sites other than Kentucky and Colorado. This legislation does not change the dates required by Congress for the destruction of our chemical weapons by 2004. But let me point out to my colleagues that this date of 2004 has been changed three times by Congress. When the chemical treaty goes into effect, and I hope the Army is listening to this, the treaty calls for 10½ years for the destruction of chemical weapons, from the date the treaty is ratified. So, let's say, Mr. President, that the treaty is ratified by 65 countries in January 1997. We would have 10½ years from 1997 to destroy our chemical weapons—but if we cannot do it in that timeframe then the treaty allows a country to ask for 5 additional years. That would place the destruction date in the year 2013.

Mr. THURMOND. I have grave concerns about the impact of his amendment on the current program, which uses baseline incineration technology, to destroy the chemical stockpile. This amendment would bring the program to a halt.

The amendment would direct the initiation of a pilot program on an unspecified alternate technology. As I understand it, pilot program testing is only initiated after basic technical efficacy has been demonstrated at either the laboratory or bench scale. There is

no independently verified evidence today to support legislation to direct the initiation of a pilot program.

Mr. President, this legislation is fraught with requirements that will detrimentally impact the current destruction program.

The administration is pushing the Senate to ratify the Chemical Weapons Convention. If this amendment were to pass, we would be unable to meet the requirements in the CWC to begin destruction of the stockpile within 2 years of entry into force of the treaty. We would also not be able to complete destruction of the stockpile within the 10-year timeframe.

Mr. FORD. Mr. President, I understand, after the modifications, that both sides have agreed to this amendment. I am grateful.

Mr. WARNER. Mr. President, I wish to advise the Senate, in view of the modifications submitted by the Senator from Kentucky, that this amendment is acceptable on this side.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4419) was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. FORD. I thank my friends.

AMENDMENT NO. 4415

Mr. CONRAD. Mr. President, on the previous Conrad amendment on the B–52's, we need to move to reconsider that amendment.

The PRESIDING OFFICER. There was no motion to reconsider that amendment.

Mr. CONRAD. That is correct. Would it be appropriate to reconsider the amendment?

The PRESIDING OFFICER. Yes, it would.

Mr. WARNER. Mr. President, could the Chair advise the Senate once again as to the request by the Senator from North Dakota and what the response was?

Mr. CONRAD. Mr. President, the previous Conrad amendment on B–52's that had been agreed to on both sides was not reconsidered and laid on the table. I was just going through that formality now.

I have made the motion to reconsider. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, this bill is moving along very speedily, and the managers anticipate that following the presentation by the distinguished majority leader and the Democratic leader of the unanimous-consent request that this bill will conclude today.

Seeing no Senator seeking recognition, I ask unanimous consent that the Senator from Utah be recognized to make a statement not to exceed 10 minutes.

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

THE ELECTION IN RUSSIA

Mr. BENNETT. Mr. President, I thank the managers of the bill.

Normally, I would not intrude upon the legislative session for a matter that belongs in morning business. But this morning's newspaper carries a story that has some urgency connected with it, and I think some connection with the bill we are discussing.

We are talking about America's defenses, and in the course of the debate, we talked about the situation in Russia and the election in Russia.

In this morning's Washington Post there is a headline ''New Yeltsin Aide Rails at Foreign Religions.''

Then the subheadline, which is what has caused me to come to the floor in protest, says ''Lebed Calls Mormonism 'Mold and Scum.' ''

In the story coming from Moscow, the date line of June 27,

> Alexander Lebed, the tough-talking retired general who has become President Boris Yeltsin's unofficial running mate, railed against Western cultural influences in Russia today and vowed to rid the country of foreign religious and cults—including Mormonism, which he called ''mold and scum.''
>
> Speaking to an assembly of patriotic organizations, he declared that Russia has three ''established, traditional religions''—Orthodox Christianity, Islam and Buddhism—pointedly excluding the faith of the country's 650,000 Jews, who have endured fierce antisemitism here for centuries.
>
> He then lumped Mormons with Aum Supreme Truth—the Japanese cult implicated in last year's poison gas attack on the Tokyo subway system—saying they pose a ''direct threat to Russia's security'' because they are bent on ''perverting, corrupting and ultimately breaking up out state.''

Mr. President, there are several reactions to this outburst on the part of Mr. Lebed, all of them disturbing.

First, we should note that he is reciting and repeating the general political posture taken by the Communist candidate in the race for the Presidency. This man, who is now viewed as the strongest man behind President Yeltsin and possibly President Yeltsin's replacement in that part of the Russian politics, has reached out to take the most virulent antireligious positions of their Communist opponent, Mr. Zyuganov, and has adopted them into his political platform.

One would assume, therefore, that we might dismiss this phrase as simply a political ploy on Mr. Lebed's part in an effort to steal a political position from the opponents. It is far more serious than that. Mr. Lebed has the reputation of being the kind of man who does in fact speak at the drop of a hat and sometimes without thinking but who, once having made a statement of this kind, would use his official position to follow it up with a serious religious repression of any who do not fall into the three religions he has declared to be acceptable—Orthodox Christianity, Islam, and Buddhism. I would think that Catholics, Protestants, Western Christians of any kind, and certainly Jews, would be chilled by this kind of statement coming from the man who is so close to President Yeltsin.

It is very interesting to me as a side comment that he has chosen to speak of the Buddhists as one of the three acceptable religions in Russia when, in fact, there is not a significant presence of Buddhism in Russia. If you are going to choose religions on the basis of their representation there, there are far more Jews in Russia than there are Buddhists, and yet he has chosen to include the Buddhists and very pointedly exclude the Jews. This is an outrageous statement from a nation that has been the source of some of the most virulent anti-Semitism the world has ever seen, and it clearly needs to be challenged.

The other point that needs to be made here with respect to what is being said in this Presidential campaign in Russia has to do not with religion but with democracy. We are being told continually that the Russians have finally crossed over the hump, and they have gone from the totalitarianism of the Communist years now into the open sunshine of free debate and free dissension. We know from history that the first casualty of tolerance for a regime moving in the direction of totalitarianism is always religious tolerance, and then immediately following after that comes an attempt to destroy any political dissension.

We are seeing a signal here from the man closest to President Yeltsin that the Yeltsin regime, if they listen to this man, will move in the direction of destroying dissent and differing opinions throughout all of Russian society. They will start with religion, but surely they will then move to repress all other dissenting opinions and we will see Russia move back into the shadows of totalitarianism under which the Russian people have, unfortunately, lived for centuries, if not millennia. Indeed, if you go past the Communist period into the years of the czarist rule, we found that the czars and the then State church worked hand in hand to see that there was no dissension of any kind in either religious or political debate in czarist Russia. These are the specters that are being raised by this kind of statement from this man in a Presidential election.

Mr. President, I am working on the language of a letter that will be sent to Secretary Christopher, a letter that will be sent to Brian Atwood, the Director of AID, and that probably will be sent also to Boris Yeltsin himself. Senator HATCH is working with me. We will coordinate the language of this letter. Senator REID has joined and indicated his outrage at these statements, as have Senators LIEBERMAN and SPECTER.

The Presiding Officer will recognize that three of us in this group are members of the Church of Jesus Christ of Latter-Day Saints, the Mormons to which Mr. Lebed pointedly refers, and the other two are Jews: Mr. LIEBERMAN, who practices an orthodox fashion of his religion as faithfully as anyone ever has, and Mr. SPECTER, whose father was born in Russia and forced out of Russia because of the anti-Semitism in that country. And Senator SPECTER continues to practice his Jewish religion.

Senator SPECTER and I have been to Russia together, and we have visited with high officials in the Russian Government and Russian regime. At the time, we were both welcomed, and we both felt we were contributing to a greater degree of understanding of the two nations.

Now, with this kind of statement, I would realize that if I went back to Russia, I would be labeled ''mold and scum'' because of my religious position, and Senator SPECTER would have every reason to raise the question of what would happen to him in a modern Russia if this kind of thing is allowed to go unchallenged.

One final comment. For many, many years, the Mormons were excluded from Russia and had no contact there. It was during the time when Mikhail Gorbachev was the head of the Soviet Union that the Government reached out and recognized Mormonism as a religion and invited Mormons to come to Russia. From that time until this, the Mormons have been in Russia and have had a very welcomed response on the part of the Russian people. There are now over 5,000 native Russians who have joined with the Mormon Church in Russia who have reason to feel very, very much threatened by this kind of formal statement.

So, Mr. President, as I said, Senators HATCH, LIEBERMAN, REID, and SPECTER will be joining with me in putting forth an official protest in this matter, but I wanted to bring it to the attention of the Senate in this Chamber this afternoon.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH). The time of the Senator has expired. The Senator from Georgia is recognized.

Mr. NUNN. I am pleased by the statement of the Senator from Utah today because I found the comments that I read in the paper attributed to Mr. Lebed both disturbing and very dangerous. I'm hoping that President Yeltsin and others will denounce this kind of rhetoric, which, no matter what its purpose, if it was simply posturing for political purposes leading up to the election, is inexcusable language. It can set up very dangerous kinds of activities in Russia against Mormons, against Jews, and against others.

I think it is very timely for the Senator to make this announcement. I identify with his statement, and I hope there will be corrective action taken by the Russian officials in terms of making it clear that this kind of rhetoric is unacceptable.

Mr. BENNETT. Mr. President, I thank the Senator.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Senator from Utah [Mr. BENNETT] as well for his statement. I read the statement that was attributed to General Lebed this morning in the paper, and I must say I was surprised by it. It is an obnoxious statement. It should not be allowed to stand without a reaction from those of us in this country who feel strongly about that kind of statement from wherever it emanates. I salute the Senator from Utah for his strong statement on the floor today.

Mr. President, when I was in high school, I played on a Mormon softball team. I do not know how they let somebody raised in the Presbyterian Church, later a Unitarian, play on the Mormon team, but I had a great association with Mormons. We do not have many in North Dakota, but we had a close association built up through that activity. We had a pretty good softball team as well. They were some of the finest people with whom I have ever been associated.

I think the statement by General Lebed is one that requires condemnation, and I am pleased to join my voice to those that have already been raised in objection to the really outrageous language that was used at least in the statement attributed to General Lebed. If those are not his words, he ought to quickly correct the record. If those are his words, he ought to apologize.

I thank the Chair and yield the floor.

Mr. BENNETT. Mr. President, I thank the Senator from Georgia and the Senator from North Dakota for their expressions of support. I am very grateful for that, as I am sure are all other individuals who have been outraged by the statements attributed to General Lebed.

I might say to the Senator from North Dakota, I am sure he hit the ball pretty well, which is why they had him on the team, in addition to his good personality and friendship. These teams are open to everybody, but they are open more to people who can play well and not people like myself who get in the way.

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 4420

Mr. CONRAD. Mr. President, at this time I would like to send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report.

The assistant clerk read as follows:

The Senator from North Dakota [Mr. CONRAD] proposes an amendment numbered 4420.

Mr. CONRAD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of Subtitle C of Title II, insert the following:

SEC. . AIR FORCE NATIONAL MISSILE DEFENSE PLAN.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Air Force proposal for a Minuteman based national missile defense system is an important national missile defense option and is worthy of serious consideration; and

(2) the Secretary of Defense should give the Air Force national missile defense proposal full consideration.

(b) REPORT.—Not later than 120 days after the enactment of this act, the Secretary of Defense shall provide the Congressional Defense Committees a report on the following matters in relation to the Air Force National Missile Defense Proposal:

(1) The cost and operational effectiveness of a system that could be developed pursuant to the Air Forces' plan.

(2) The Arms Control implications of such system.

(3) Growth potential to meet future threats.

(4) The Secretary's recommendation for improvements to the Air Force's plan.

Mr. CONRAD. Mr. President, this is the amendment we discussed earlier that says the Air Force plan for national missile defense is an important option and is worthy of serious consideration, and that the Secretary of Defense should give the Air Force national missile defense proposal full consideration.

It further calls on the Secretary of Defense to produce a report within 120 days on the following matters in relation to the Air Force national missile defense proposal:

First, the cost and operational effectiveness of a system that could be developed pursuant to the Air Force plan;

Second, the arms control implications of such a system;

Third, the growth potential to meet future threats;

And finally, fourth, the Secretary's recommendation for improvements to the Air Force's plan.

I do not think too much more needs to be said. I outlined at some length earlier what I think are the great strengths of the Air Force plan: First, it is treaty compliant; second, it is affordable; third, it uses existing technology.

I ask for support from my colleagues for this amendment and ask for its consideration at this point.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from Georgia.

Mr. NUNN. Mr. President, this amendment has been worked on carefully by both sides of the aisle. It calls attention of the Congress and the American people to the Air Force proposal for a Minuteman-based national defense system. It states this is an important national missile defense option worthy of serious consideration. I certainly concur in that. Then it calls for a report.

I urged adoption of the amendment. I think the Senator should be commended for bringing this to our attention and bringing it to the attention of the American people. I think this is an option that deserves serious consideration.

I urge the amendment be adopted.

Mr. MCCAIN. I echo the views of the Senator from Georgia; however, we do have an objection from our cloakroom. So I ask unanimous consent to set the Conrad amendment aside so we can get whatever that objection is worked out. I appreciate the patience of my friend from North Dakota.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

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

Mr. LEVIN. Will the Senator withhold that?

Mr. CONRAD. I will be pleased to withhold.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that I, at this time, engage in a colloquy with Senators MCCAIN and NUNN.

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

F–16'S AND HELICOPTERS

Mr. LEVIN. Mr. President, very briefly, I was considering offering an amendment which would have attempted to remove some of the funds in this authorization bill for two F–16's which were not requested by the Air Force either in the original budget request or in the supplemental list requested by the Committee, what we sometimes call, wish list of the Air Force. These are two F–16's which appear in none of the Air Force requests to this body, either the formal budget or the later so-called wish list.

It was also my intent to try to remove the approximately $120 million for conversion kits for the OH–58 helicopters, the so-called AHIP's, which also was not requested by the Army either in its original budget request or in the supplemental wish list which it submitted at our request.

I have been supported in this effort by Senator NUNN and Senator MCCAIN. What I have decided, and they concur, is that I not make the effort to offer this amendment on the authorization bill but will make any such effort during the appropriations process. I think they are supportive of this approach.

I yield to them for any comments they might wish to make.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I support the Senator on this. I believe we voted on this in committee. It was a very close vote, as I recall. There is a divided committee on this one. Both in the case of the Air Force, where the number of F–16's exceeds the Air Force request, not only their request but their informal guidance, and in the case of the helicopters, where this exceeds the Army request, I think there is serious doubt that this is the highest priority for our funding. This probably comes under the category ''nice to have but not essential.''

I join the Senator in this. I am sure I will be supporting his amendment on the appropriations bill when it comes up.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I would like to express my appreciation to the Senator from Michigan for significant progress in this effort in trying to do away with this practice, which has been going on so long, of earmarking for the Guard and Reserve. I think we are making progress in that direction. I found it one of the more egregious practices that we have engaged in. I thank him for his efforts in that area.

I also agree with him, when we start adding on equipment, even though I might point out all F–16 training takes place in the State of Arizona, without justification or request from the Department of Defense, I think we skew the process. I know there were requests from the Department of Defense for procurement of things that we decided not to do, not to put into the authorization bill. So I do not understand, unless we can make a compelling argument, which we can from time to time, that this is not needed or that this equipment is needed, that it is not appropriate. I must say I saw no argument made for these add-ons of the F–16's and helicopters. I agree with Senator LEVIN.

Could I just say, overall, also, thanks to the efforts of Senator LEVIN and Senator NUNN and Senator THURMOND and Senator WARNER and others, I think we are making progress in reducing this kind of thing. I hope we can continue to make the effort both in the authorization and the appropriations process. Frankly, what the Senator from Michigan has done by putting some sunshine on the issue is the best way we are going to cure it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Let me close by thanking my good friend from Arizona and the Senator from Georgia. Both have been active in trying to avoid these kind of add-ons. If I could single out in this body, particularly the Senator from Arizona, he has taken extraordinarily courageous positions in a whole host of areas, some of which even affect his own State, where the Congress has been adding on items which just simply cannot be justified in terms of the requirements of the military. I commend both of them for their support.

I yield the floor.

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

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

AMENDMENT NO. 4422 TO AMENDMENT NO. 4388

Mr. WARNER. Mr. President, there is pending an amendment by the Senator from Wisconsin, Mr. FEINGOLD, amendment No. 4422. We have reached an agreement.

I send an amendment to the desk as a substitute for the one presently there.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER] proposes an amendment numbered 4422 to amendment No. 4388.

The amendment is as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 223. COST-BENEFIT ANALYSIS OF F/A–18E/F AIRCRAFT PROGRAM.

(a) REPORT ON PROGRAM.—Not later than March 30, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the F/A–18E/F aircraft program.

(b) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the F/A–18E/F aircraft program.

(2) An analysis and estimate of the production costs of the program for the total number of aircraft realistically expected to be procured at each of three annual production rates as follows:

(A) 18 aircraft.

(B) 24 aircraft.

(C) 36 aircraft.

(3) A comparison of the costs and benefits of the program with the costs and benefits of the F/A–18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.

(c) LIMITATION ON USE OF FUNDS PENDING TRANSMITTAL OF REPORT.—No more than 90% of the funds authorized to be appropriated by this Act may be obligated or expended for the procurement of F/A–18E/F aircraft before the date that is 30 days after the date on which the congressional defense committees receive the report required under subsection(a).

Mr. WARNER. Mr. President, the amendment sent to the desk is in the nature of a substitute. It has been accepted on both sides. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the substitute amendment, amendment No. 4422.

The amendment (No. 4422) was agreed to.

The PRESIDING OFFICER. The question is on the first-degree amendment, No. 4388, as now amended.

Mr. WARNER. I urge adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4388), as amended, was agreed to.

Mr. WARNER. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

THE 220TH ANNIVERSARY OF OUR NATION'S BIRTHDAY

Mr. BYRD. Mr. President, in earlier days of my Senate career, I recall that prior to the Independence Day break, Senators would comment on that great and forthcoming historic day. Seeing no Senator who seeks recognition at this time, I shall take advantage of the opportunity to do a little reminiscing in contemplation of the forthcoming 220th anniversary of our own Nation's birthday.

In a few days, this fair city will throw its annual birthday party. Truly, the Independence Day celebration here in the Nation's Capital, is like nowhere else in the country. It is larger, louder, and features a fireworks display to amaze and delight even the most jaded of watchers.

And I think we all have become jaded. We have gotten away from the old-fashioned patriotism that marked our July 4 holidays of yesteryear. In the national capital, Independence Day really should be a show stopper—a sight and sound extravaganza fit for TV viewing.

While not many things are fit for TV viewing—I should not say it that way—I should say TV viewing is not fit anymore, except on certain occasions, but this is an event that is, indeed, fit for TV viewing.

But, in all honesty, I must admit that it is not my cup of tea. No, I prefer to recall a simpler time and smaller celebrations back in the hills and hollows, and the rural towns of my native West Virginia.

The high school band would don its very best regalia, shine up its buttons and march down the dusty small streets lined with moms and dads, children perched atop shoulders so that they could see and point fingers as the parade went by. The baton twirlers would twirl their batons and step high.

Young boys and girls would run along-side just to be part of the spectacle. Meanwhile, the ice cream cones would drip, drip in the sultry heat, seemingly keeping time with the marchers as they proudly passed by.

Somewhere nearby, perhaps inside a church, cakes, pies, fried chicken, potato salad, cole slaw, baked beans and hot barbecue, and a cold Coca-Cola awaited all who felt inclined to take part in the holiday feast.

And those were the days, Mr. President, when a Coca-Cola really tasted—really tasted—unique, and had an unforgettable flavor. Coca-Cola's today do not taste like they did, like a 5-cent bottle of Coca-Cola did back in the days of my boyhood.

And in the evening, a fireworks display, lasting all of 15 minutes, perhaps 20, and boasting at least three different colors in the night sky would captivate all who could stand in a nearby field or climb the lower branches of a not-too-distant tree.

There was pride and happiness on every face, then respectful silence when the stars and stripes was hoisted high and we all thanked God that we were free.

The stars and stripes fluttering in the breeze. There is just nothing like it. I contemplate those ancient Fourths of July.

I am confident that in the many small towns in my home State and in many other States, the Fourth of July celebration is still much like those that I remember—a joyful, yet thoughtful reflection on our blessed freedoms.

And in the midst of all the small-town hoopla, in these communities, the traditional customs and values which have been the fabric of American society over these 220 years are still preserved and revered.

In this vast, vast Nation which has come to be so dissimilar from one coast to another, and with an economy so diverse that interests seem always to be at war for some kind of advantage, nothing is needed more than are reminders of our common bonds and traditions.

This Nation is an ongoing experiment in making one out of many—''e pluribus unum,'' as our coins proclaim. Our intricate constitutional system of government tries to combine diverse ethnic and racial backgrounds, competing economic interests, and dissimilar geographic areas into some semblance of manageable commonality, while also attempting to guarantee individual freedoms without undermining the rule of law. Meanwhile, our all too distracted citizens are preoccupied with raising a family, earning a living, and coping daily with the increasing complexity of ordinary life. At times we seem less like a cohesive Nation and more like a collection of continually warring tribes.

Often, especially in this city, there is so much political sniping, so much game-playing, so much negativity and criticism that it seems as if the focus is always on what is wrong with America or what is faulty about our system.

So we all need to stop and contemplate and think and remember on that day, the Fourth of July, and ponder the miracle of Philadelphia: the republic—not the democracy—the Republic of the United States.

Anymore it is only on such special days that we cease the constant barrage of criticism and together appreciate the sweet air of our freedom. Would any of us really choose to live elsewhere? I think not.

On this coming Independence Day, I hope we pause and think about the things that unite us as a people, rather than about the things that seem to divide us. Perhaps also on that day we can spend some time with children and grandchildren, turn off—turn off—the TV sets, turn them off, and hopefully leave them off and actually talk with one another. Maybe some can even find time to go stand on the sidewalk, view that small, local parade, the kind they have in Kentucky and West Virginia, and, just for a moment, be completely swept away by the sight of our glorious flag as it goes by.

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums,
A flash of color beneath the sky:
Hats off!
The flag is passing by!

Blue and crimson and white it shines,
Over the steel-tipped, ordered lines.
Hats off!
The colors before us fly;
But more than the flag is passing by:

Sea-fights and land-fights, grim and great,
Fought to make and to save the State;
Weary marches, sinking ships;
Cheers of victory on dying lips:

Days of plenty and years of peace;
March of a strong land's swift increase;
Equal justice, right and law,
Stately honor and reverend awe;

Sign of a nation great and strong
To ward her people from foreign wrong:
Pride and glory and honor,-all
Live in the colors to stand or fall.

Hats off!
Along the street there comes
A blare of bugles, a ruffle of drums;
And loyal hearts are beating high:
Hats off!
The flag is passing by!

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

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with consideration of the bill.

AMENDMENT NO. 4420

Mr. McCAIN. Mr. President, I am happy to say the objection to the Conrad amendment has been removed. I had spoken with Senator CONRAD. I do

not believe he seeks to return to the floor on this issue. If he does, we will give him ample time to speak.

I ask unanimous consent we return to the Conrad amendment, and I ask that the amendment be agreed to.

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

The question is on agreeing to the amendment.

The amendment (No. 4420) was agreed to.

Mr. McCAIN. I move to reconsider the vote and I move to table the motion.

The motion to lay on the table was agreed to.

Mr. McCAIN. Mr. President, I expect us to be able to shortly finish up on this bill. There are still discussions among the leaders on a unanimous consent agreement which we hope we will have in a relatively short period of time. Senator NUNN will be returning, and we will be doing some cleared amendments to the bill. We hope that will happen shortly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DOMENICI. Mr. President, I ask that I be permitted to speak 2 minutes as in morning business.

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

ACCOLADES TO SENATOR BYRD

Mr. DOMENICI. Mr. President, I note the presence on the floor of Senator BYRD. I wanted to say to him yesterday—I was not on the floor, but I happened to listen to the comments the Senator made with reference to alcoholism and the problem it presents in the United States, and more particularly his concern about the Seagram & Sons company violating or breaching the pact that had been agreed upon years ago that hard liquor would not be advertised either on radio or television.

I wanted to come down then and congratulate the Senator on his remarks and indicate that it made me very proud to hear a Senator come to the floor and speak as the Senator did about that issue. That does not mean I have to agree with every bit of the substance of the Senator's comments, but I do want to say that I thought it was very courageous on your part, Senator, to come to the floor and share those views with Americans, and obviously with the company that has proposed to change this many-year-old agreement, voluntary as is. They are not violating any law, and you made that clear. They are not in breach of any rules or regulations of the U.S. Government.

I thought it was very timely that you addressed that issue. I want to once again congratulate you on it and indicate that I think those kind of remarks are absolutely necessary and they must be made by people in positions such as ours. Again, I congratulate you on the remarks.

Mr. BYRD. Mr. President, I thank the very distinguished Senator, my friend from the State of New Mexico.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is so ordered.

TRIBUTE TO ELBERT PARR TUTTLE, SR.

Mr. NUNN. Mr. President, I rise today in tribute to Judge Elbert P. Tuttle, Sr., who died in Atlanta this week at the age of 98. He was an extraordinary man who served his Nation in many important capacities, but whose service was best characterized by two words: wisdom and courage.

Judge Tuttle was born on July 17, 1897, in Pasadena, CA. He lived in California and Washington, DC, before he and his family moved to Hawaii in 1906. He graduated from Punahou Academy in 1914, and he then attended college at Cornell University. Judge Tuttle received his bachelor of arts degree in 1918. Following service in World War I as a second lieutenant in the U.S. Army Air Corps, he returned to Cornell and received his law degree in 1923.

In 1923, Judge Tuttle moved to Atlanta and established, along with his brother-in-law, William Sutherland, a tax practice. With but one notable exception, he continued this law practice for the next 30 years.

The exception, however, is very notable. Judge Tuttle resumed his active duty military career during World War II. He served as commander of the 304th Field Artillery, 77th Infantry Division and saw action in Guam, Okinawa, Leyte, and Ryukyu. He was decorated for bravery under fire, and was awarded several medals for his actions, including the Purple Heart with Oak Leaf Cluster and the Bronze Star. After the end of World War II, Judge Tuttle rose to the rank of brigadier general in the U.S. Army Reserve before his retirement. In recognition for his long service to our Nation, President Carter awarded Judge Tuttle with a Medal of Freedom in 1981.

During his 30 years of private practice, I believe there are two events which demonstrate Judge Tuttle's character and his commitment to preserving the rights of all Americans.

The first event occurred in 1931. One night Judge Tuttle, than a major in the Georgia National Guard, received a call from the Georgia adjutant general about a ''near riot'' in Elbert County, GA. A mob had formed intent on lynching two black men in custody for allegedly raping a white woman. Through the use of tear gas, the threat of machine guns, and the deployment of Georgia National Guardsmen with bayonets drawn, Major Tuttle was able to escort safely the two prisoners away from the scene and defuse the situation—all without serious injury to anyone involved.

Judge Tuttle later represented one of the prisoners on appeal in a case before the Supreme Court. He successfully argued that the defendants were denied due process since they had been convicted by a jury unfairly influenced by a mob. Although the defendants later lost on retrial, Judge Tuttle's efforts established an important foundation for the rights of blacks in our courts.

The second action concerned a case involving a marine accused of counterfeiting. Judge Tuttle filed an appeal that resulted in the Supreme Court ruling that an indigent accused of a Federal felony is entitled to legal representation. More than a quarter century later, Supreme Court rulings affirmed these same rights to defendants in State courts.

Mr. President, by this time, Judge Tuttle's career was a storied one. He had helped found a law firm, which is now one of the most prestigious in the country. His actions in the courtroom reaffirmed precious constitutional notions of due process and equal protection. He was a devoted husband, father and community leader. Even to the dismay of some of my Democratic forefathers, he found time to breathe new life into the two party system in Georgia.

However, these accomplishments were just the beginning of his career. In 1953, Judge Tuttle was selected by President Eisenhower as the general counsel for the Department of the Treasury. In 1954, President Eisenhower appointed Elbert Tuttle to the Fifth Circuit U.S. Court of Appeals. The ''historic Fifth'' then had jurisdiction over the Federal courts in Florida, Georgia, Alabama, Mississippi, Louisiana, Texas, and the Panama Canal Zone. Judge Tuttle became chief justice of this court in 1961, a position he held until 1967 when at age 70 he was required to take senior status. Judge Tuttle continued his active work for the court almost another 30 years.

It was on this bench that Judge Tuttle left his mark throughout the modern South. During his tenure, the court was itself at the forefront of the civil rights movement. Under his leadership as chief justice, Judge Tuttle's decisions and opinions had a significant impact on ending racial discrimination in voting, jury selection, equal access to public facilities and education. He issued decisions that resulted in the desegregation of Southern universities and the improvement of

education at all levels in the South. The ''Tuttle court'' was in many ways a beacon to the various State and Federal courts involved in decisions effecting civil and individual rights.

In a commencement address at Emory University, Judge Tuttle noted:

* * * Like love, talent is only useful in its expenditure, and it is never exhausted. Certain it is that man must eat; so set what you must on your service. But never confuse the performance, which is great, with the compensation, be it money, power, or fame, which is trivial.

The job is there, you will see it, and your strength is such, as you graduate from Emory, that you need not consider what the task will cost you. It is not enough that you do your duty. The richness of life lies in the performance which is above and beyond the call of duty.

Mr. President, I, and the many others whose lives he touched, know that Judge Tuttle answered and exceeded the frequent calls of duty. He led a rich life, and his impact on our lives will continue through the wisdom of his judicial decisions and opinions, as well as through the lives of his children, Elbert and Jane, his nine grandchildren, and his nine great grandchildren.

His life, as the Atlanta Constitution once noted, was ''a life devoted to justice.''

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with consideration of the bill.

AMENDMENT NO. 4423

(Purpose: To increase by $17,000,000 the amount authorized to be appropriated for Defense-wide activities for research, development, test, and evaluation in order to provide an additional $17,000,000 for Holloman Rocket Sled Test Track Upgrade program under the Central Test and Evaluation Investment Program)

Mr. McCAIN. Mr. President, on behalf of Senator DOMENICI, I offer an amendment that authorizes an additional $17 million in the Central Test and Evaluation Investment Program for the Holloman Sled Track Upgrade Program.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. DOMENICI, proposes an amendment numbered 4423.

The amendment is as follows:

In section 201(4), strike out ''$9,662,542,000'' and insert in lieu thereof ''$9,679,542,000''.

Mr. DOMENICI. Mr. President, I rise today to offer an amendment to authorize $17.5 million for the construction of Holloman high speed test track upgrade. The Holloman high-speed test track at HAFB is the premier high-speed ground-test facility in the world. Rocket motors propel sleds down a 10-mile track at velocities of up to March 6. High-speed ground testing is used for a wide variety of development and qualifying testing. It is both highly cost effective in supporting flight testing and is capable of accomplishing tests, such as lethality impact test, that cannot be performed by other means.

The HAFB test track has been designated as the ground test facility for theater missile defense [TMD] testing. Realistic testing for this mission requires velocities in the Mach 9 range.

Development of top priority TMD interceptors without validation of their lethality results in a major technical risk that the United States would field defensive systems which are ineffective against chemical, biological, and radiological weapons. To reach the required impact velocities, new methodologies have had to be conceived which would remove the barrier to higher velocities, and provide more flight-like environment.

Limited maximum speed, excessive vibrations, and unreliability at very high speeds are the current limitations of the HAFB high-speed test track. Currently, a slipper fits over the rail and effectively holds the sled onto the rail as it is pushed by the rocket motors. The slipper/rail interaction is a major source of the limitations.

A feasibility study which was concluded by the Air Force and completed in 1993, concluded that magnetically levitated hypersonic vehicles were feasible and relatively economical. Speeds of Mach 9 are achievable using current rocket motors, and because the levitated sled does not touch the guideway, the induced vibration and generated heat is eliminated, providing a near flight environment.

Although this project is primarily committed to lethality testing, the system, once installed, lends itself to a multitude of other technology developments. The upgraded system will have an unsurpassed capability to support a wide variety of other military and civilian programs, such as: Electromagnetic launch of highly reusable space vehicles; testing of advanced propulsion systems; rocket motors; and development testing of transatmospheric propulsion motors.

Currently, SCRAMJETS cannot be suitably tested because of windtunnel limitations, which preclude the study of the combustion process. The upgrade track should allow engineers and scientists to establish an environment to study advanced propulsion systems which are being considered for high altitude and space vehicles.

The Federal Railroad Administration has signed a MOU regarding study of the use of the upgrade track hardware and facilities. Such use might include the following types of tests for commercial magnetically levitated items: Magnetic levitation and propulsion; magnetic design, including cryogenics and helium management; vehicle control and suspension systems; and passenger ride quality.

Mr. President, the upgrade of the Holloman high speed test track will prove to be vital asset within the DOD test community. I understand that my colleagues on both sides of the aisle have agreed to accept the amendment. I appreciate their support, I ask for adoption of the amendment, and I yield the floor.

Mr. McCAIN. I believe this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4423) was agreed to.

Mr. McCAIN. I move to reconsider the vote.

Mr. NUNN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4424

(Purpose: To authorize a land conveyance at Pine Bluff Arsenal, Arkansas)

Mr. NUNN. Mr. President, on behalf of Senator BUMPERS and Senator PRYOR, I offer an amendment authorizing the Secretary of the Army to convey 1,500 acres at Pine Bluff Arsenal to the economic development alliance of Jefferson County, AR. I believe this has been cleared on both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN] for Mr. BUMPERS, for himself, and Mr. PRYOR proposes an amendment numbered 4424.

The amendment is as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2828. LAND CONVEYANCE, PINE BLUFF ARSENAL, ARKANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Economic Development Alliance of Jefferson County, Arkansas (in this section referred to as the ''Alliance''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 1,500 acres and comprising a portion of the Pine Bluff Arsenal, Arkansas.

(b) REQUIREMENTS RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of property authorized under subsection (a) until—

(1) the completion by the Secretary of any environmental restoration and remediation that is required with the respect to the property under applicable law;

(2) the Secretary secures all permits required under applicable law regarding the conduct of the proposed chemical demilitarization mission at the arsenal; and

(3) the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a certification that the conveyance will not adversely affect the ability of the Department of Defense to conduct that chemical demilitarization mission.

(c) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the Alliance agree not to carry out any activities on the property to be conveyed that interfere with the construction, operation,and decommissioning of the chemical demilitarization facility to be constructed at Pine Bluff Arsenal. If the Alliance fails to comply with its agreement in

(1) the property conveyed under this section all rights, title and interest in and to the property shall revert to the United States and the United States shall have immediate right of entry thereon.

(2) That the property be used during the 25-year period beginning on the date of the conveyance only as the site of the facility known as the ''Bioplex'', and for activities related thereto.

(d) COST OF CONVEYANCE.—The Alliance shall be responsible for any costs of the Army associated with the conveyance of property under this section, including administrative costs, the costs of an environmental baseline survey with respect to the property, and the cost of any protection services required by the Secretary in order to secure operations of the chemical demilitarization facility from activities on the property after the conveyance.

(e) REVERSIONARY INTERESTS—If the Secretary determines at any time during the 25-year period referred to in subsection (c)(2) that the property conveyed under this section is not being used in accordance with that subsection, all right, title, and interest in and to the property shall revert to the United States and the United States shall have immediate right of entry thereon.

(f) SALE OF PROPERTY BY ALLIANCE.—If at any time during the 25-year period referred to in subsection (c)(2) the Alliance sells all or a portion of the property conveyed under this section, the Alliance shall pay the United States an amount equal to the lesser of—

(1) the amount of the sale of the property sold; or

(2) the fair market value of the property sold at the time of the sale, excluding the value of any improvements to the property sold that have been made by the Alliance.

(g) DESCRIPTION OR PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall borne by the Alliance.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

Mr. MCCAIN. Mr. President, this amendment has been cleared. I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4424) was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. NUNN. I move to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 4425

(Purpose: To provide funds for research and development regarding a surgical strike vehicle for defeating hardened and deeply buried targets)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Senator KYL and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. KYL, proposes an amendment numbered 4425.

The amendment is as follows:

At the end of subtitle B of title II, add the following:

SEC. 223. SURGICAL STRIKE VEHICLE FOR USE AGAINST HARDENED AND DEEPLY BURIED TARGETS.

Of the amount authorized to be appropriated by section 201(4) for counterproliferation support program, $3,000,000 shall be made available to the Air Combat Command for research and development into the near-term development of a capability to defeat hardened and deeply mined targets; including tunnels and deeply buried facilities for the production and storage of chemical, biological, and nuclear weapons and their delivery systems.

(1) nothing in this section shall be construed as precluding the application of the requirements of the Competition in Contracting Act.

Mr. KYL. Mr. President, it is my pleasure to offer an amendment to make $3 million available from the $168.7 million in the Counterproliferation Support Program for the Surgical Strike Vehicle [SSV], which, when deployed, will hold at risk hardened or deeply buried targets of our enemies. As recent press reports indicate, the proliferation of hardened and deeply buried targets for storage and production of chemical, biological, or nuclear weapons and their delivery systems is a serious threat to U.S. national security and that of our allies. The lack of a weapon that can hold these targets at risk has not gone unnoticed by rogue nations interested in proceeding with their weapons of mass destruction programs in relative immunity from likely—that is, nonnuclear—U.S. military responses.

Few nonnuclear weapon concepts offer near-term capabilities against these underground facilities, however one Air Force concept, the Surgical Strike Vehicle, offers an interim solution with unprecedented deep penetration capability at significant standoff range.

SSV integrates existing technologies and subsystems to produce a near-term solution against hardened and deeply buried targets. SSV is a B–52H launched, rocket propelled missile systems utilizing global positioning system-based guidance for prompt, precise, and hypervelocity impact of hardened and buried targets.

SSV builds on the very successful USAF/Phillips Laboratory Missile Technology Demonstration–1 mission, which demonstrated the tightly coupled GPS navigation accuracy and successful penetration of weather granite at the White Sands missile range, New Mexico. In this August 1995 test, a simulated subscale Earth penetrating warhead was precisely delivered on target at extremely high velocity, resulting in a successful penetration of 31 feet of granite. Much higher penetration depths are possible with full-scale penetrators and higher impact velocities, which the current system is capable of delivering.

SSV is particularly suited to the high-value hardened and deeply buried target problem because it offers the following attributes: global coverage from CONUS, promptness—10 minutes from missile launch to impact—significant standoff range—launch over international waters against likely targets—Precision Lethality, >1,800 pounds of penetrating warheads at optimal peneteration velocity delivers a conventional high explosive, incendiary, or other warhead into any known cut-and-cover target and many tunnel targets; low probability of detection prior to impact for likely adversaries; immunity to air defenses or active countermeasures, jamming; and relative affordability.

I am pleased to support the SSV program and hope the Senate will agree that this program is meritorious.

Mr. NUNN. Mr. President, I urge approval of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4425) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4426

(Purpose: To require the Secretary of the Navy to establish a National Coastal Data Center on each coast of the continental United States)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator PELL and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. PELL, proposes an amendment numbered 4426.

The amendment is as follows:

On page 54, between lines 22 and 23, insert the following:

''(c) NATIONAL COASTAL DATA CENTER.—(1) The Secretary of the Navy shall establish a National Coastal Data Center at each of two educational institutions that are either well-established oceanographic institutes or graduate schools of oceanography. The Secretary shall select for the center one institution located at or near the east coast of the continental United States and one institution located at or near the west coast of the continental United States.

''(2) The purpose of the center is to collect, maintain, and make available for research and educational purposes information on coastal oceanographic phenomena.

''(3) The Secretary shall complete the establishment of the National Coastal Data Center not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997.

Mr. NUNN. Mr. President, my understanding is that this has been cleared.

Mr. MCCAIN. Mr. President, the amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4426) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4427

(Purpose: To authorize $20,000,000 to be appropriated for the DARPA Optoelectronic Centers)

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Senator DOMENICI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. NUNN], for Mr. DOMENICI, proposes an amendment numbered 4427.

The amendment is as follows:

In section 201(4), strike out ''9,662,542,000'' and insert in lieu thereof ''$9,682,542,000''.

Mr. DOMENICI. Mr. President, this amendment authorizes $20 million for the DARPA sponsored Optoelectronics Centers. Optoelectronics is widely recognized as a critical enabling technology for many information-age defense, aerospace, and commercial applications. It is the cornerstone for battlefield sensing [ultraviolet to infrared and rf], for image and signal processing, for high-speed communications, for input-output devices such as displays and cameras, and for optical storage. The development of manufacturable, reliable, cost-effective optoelectronic technology for these applications is essential to national defense as well as to our national competitiveness. This will require the challenging fusion of technological advances in electronic and photonic technologies, and the coordinated effort of our national resources from academia, industry, and the Government.

Over the initial 5 years of their existence, under the effective management of DARPA, the University Optoelectronics Centers have come a long way toward filling their role as a major resource for future U.S. defense needs. As the U.S. industry is steadily decreasing its investment in research, these Centers have become an integral part of the U.S. research and development effort, and are a major source of R&D personnel for the U.S. Government and the optoelectronics industry.

The Centers' value as a resource is derived in large part from the variety of subdisciplines that they accommodate, enabling a synergy that would not be available to an individual researcher or a smaller research group. Through exposure to the defense community and industry, the Centers are also in a position to provide future engineers that can enter the work force seamlessly. The Centers are therefore a primary source of engineering manpower, an important, complimentary avenue for technology exchange.

There are many examples of clear links to product development and ongoing interactions, as a measure of the contributions of the DARPA-funded Centers.

At the Center for Optoelectronics Science and Technology [COST] the emphasis is toward optical communications networks on a scale ranging from local area networks to the global grid. The COST Research Program includes three thrusts-optoelectronic systems [e.g., parallel optical links], laser and modulator technology [e.g., In AIP-InGap quantum well devices], and optical receiver technology [including MESFET and HBT receivers].

At the National Center for integrated Photonic Technology [NCIPT] the focus is on the Optically-Controlled Phased Array Antennas [OCPAA] project in which significant impact could be made on the general application of photonics to microwave systems. The Center added a second focus area in optoelectronic integration with significant effort in the Optochip project, explained below. The Center also has devoted resources toward interconnects, including work on low-skew ribbon cable.

At the Optoelectronic Materials Center [OMC], the major focus has been on diode-based visible sources, optoelectronic tools for intelligent manufacturing, and optoelectronic information networks. The work on visible diode sources is aimed at the realization of compact visible light sources based on GaN light emitting diodes and diode lasers, second harmonic generation of diode lasers, and up-conversion fiber lasers.

The work in optolectronic tools aims primarily at the development of optoelectronic sensors for the silocon manufacturing industry, including applications in interferometric lithography, spectroscopic analysis of trace impurities, and the control of temperature during thermal processing steps. The Center's work in information network concentrates on the establishment of a test bed to evaluate wide bandwidth optical interconnects—based both on fiber and free-space technology.

At the Optoelectronic Technology Center [OTC] the main focus is on computer interconnects [including guided wave and free space technologies], and high-performance networks [including time domain, subcarrier, and wavelength-division multiplexing].

Mr. President, these Centers have been a valuable tool to the Department of Defense and my amendment will allow them to continue this vital work. I understand my colleagues on both sides of the aisle have agreed to accept my amendment. I appreciate their support, ask for adoption of the amendment, and I yield the floor .

Mr. McCAIN. Mr. President, I believe this has been cleared by the other side.

Mr. NUNN. Mr. President, it has been cleared. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4427) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4428

(Purpose: To prohibit the distribution of information relating to explosive materials for a criminal purpose)

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Senator FEINSTEIN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mrs. FEINSTEIN, for herself, and Mr. BIDEN, proposes an amendment numbered 4428.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON THE DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVE MATERIALS FOR A CRIMINAL PURPOSE.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(l) It shall be unlawful for any person to teach or demonstrate the making of explosive materials, or to distribute by any means information pertaining to, in whole or in part, the manufacture of explosive materials, if the person intends or knows, that such explosive materials or information will be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a criminal purpose affecting interstate commerce.''.

(b) PENALTY.—Section 844(a) of title 18, United States Code, is amended—

(1) by striking ''(a) Any person'' and inserting ''(a)(1) Any person''; and

(2) by adding at the end the following:

''(2) Any person who violates subsection (l) of section 842 of this chapter shall be fined under this title, imprisoned not more than 20 years, or both.''.

Mrs. FEINSTEIN. Mr. President, I rise to propose an amendment, which is co-sponsored by by Senator BIDEN, to prohibit teaching bomb-making for criminal purposes.

First, I want to express my sincere appreciation to the managers of this bill, Senators THURMOND and NUNN, and to the distinguished chairman and ranking member of the Judiciary Committee, Senators HATCH and BIDEN, for their cooperation in accepting this important amendment.

My amendment prohibits the teaching of how to make a bomb if a person intends or knows that the bomb will be used for a criminal purpose. Additionally, the amendment prohibits the distribution of information on how to make a bomb if a person intends or knows that the information will be used for a criminal purpose.

The penalty for violation of this law would be a maximum of 20 years in prison, a fine of $250,000, or both.

As my colleagues will recall, this amendment was accepted in the Senate as part of the anti-terrorism bill last summer. Regrettably, the House dropped it from their bill, and it was not restored in conference.

I vowed then, on the floor of the Senate, to continue this fight, and attach this amendment to the next appropriate legislative vehicle. Today, that time has come.

Unfortunately, while Congress was failing to act, the need for this law has, tragically, continued to grow dramatically.

Just yesterday, while I was working to add this amendment to this bill, the Los Angeles Times ran a story, ''Internet Cited for Surge in Bomb Reports,'' which demonstrated this need. I ask unanimous consent that this article be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mrs. FEINSTEIN. The Times detailed the recent alarming rise in bombmaking incidents in my State of California: reports of possible explosives to the Los Angeles Sheriff's Department have more than doubled in the last 2 months; responses by the Los Angeles Police Department to reports of suspected bombs shot up more than 35 percent from 1994 to 1995; the LAPD found 41 explosives in 1995, more than double the number 3 years earlier; and the Sheriff's Department discovered 69 bombs last year.

What is especially troubling is that it appears that an increasing number of these incidents involve children, who are getting instructions for making these explosives from the Internet:

Four teenagers were arrested last week for a rash of pipe bombings in Rancho Palos Verdes in May and June which destroyed four mailboxes, a guard shack, and a car.

In Orange County, police say teenagers may have used the Internet to help construct acid-filled bottle bombs in Mission Viejo and Huntington Beach, one of which burned a 5-year-old boy when he found it on a school playground.

Two-months ago, the Orange County Register reported that a North Carolina teenager who posted ''The Anarchist Cookbook'' on his World Wide Web page was told by a Dutch girl that she had used the recipes to blow up a neighbor's car.

All Senators and Representatives should be concerned about this, for these incidents are occurring across the country. Wherever there is a computer and a phone line, this danger is present.

In February, in upstate New York, three 13-year-old boys were charged with plotting to set off a homemade bomb in their junior high school, using bomb-making plans which they had gotten off of the Internet.

Yesterday's Los Angeles Times article reported that computer-generated guides proved a common link in bombs built recently by teenagers from the streets of Philadelphia and Houston to rural Kansas and upstate New York.

These incidents aren't just limited to dangerous teenage pranks either. One of the 1993 World Trade Center bombers was arrested with manuals in hand.

My amendment gives law enforcement another tool in the war against terrorism—to combat the flow of information that is used to teach terrorist and other criminals how to build bombs.

This information is not something that one would use for a legitimate purpose or information that can be found in a chemistry textbook on the back shelf of a university library.

What my amendment targets is detailed information that is made available to any would-be criminal or terrorist, with the intended purpose of teaching someone how to blow things up in the commission of a serious and violent crime—to kill, injure, or destroy property.

In researching this issue, I came to find that specific and detailed information on how to make a bomb is distributed far too widely. It's available on the Internet, in books, in magazines, and by mail order. According to terrorism expert Neil Livingston, there are more than 1,600 so-called mayhem manuals—books with titles like ''The Anarchist Cookbook,'' ''The New Improved Poor Man's James Bond,'' ''How To Kill'', and ''Exotic and Covert Weapons''.

Let me provide some examples of the type of information I am talking about:

The ''Terrorist's Handbook'' is available by mail order and on the Internet. Just recently, my staff downloaded a copy of it from the Internet; Mr. President, you could do the same thing today.

The ''Terrorist's Handbook'' begins by saying:

''Whether you are planning to blow up the World Trade Center, or merely explode a few small devices on the White House lawn, the ''Terrorist's Handbook'' is an invaluable guide to having a good time. Where else can you get such wonderful ideas about how to use up all that extra ammonium triiodide left over from last year's revolution.

The Handbook goes on to give step-by-step instructions on what to do:

Acquiring chemicals: ''The best place to steal chemicals is a college. Many state schools have all of their chemicals out on the shelves in the labs, and more in their chemical stockrooms. Evening is the best time to enter a lab building, as there are the least number of people in the building. . .. Of course, if none of these methods are successful, there is always section 2.11 [Techniques for Picking Locks].''

It then tells the reader how to pick a lock.

The Handbook lists various explosive recipes using black powders, nitroglycerine, dynamite, TNT, and ammonium nitrate. And, it provides explicit instructions for making pipe bombs, book bombs, light bulb bombs, glass container bombs, and phone bombs, just to name a few.

Phone bomb: ''The phone bomb is an explosive device that has been used in the past to kill or injure a specific individual. The basic idea is simple: when the person answers the phone, the bomb explodes. . .. It is highly probable that the phone will be by his/her ear when the devise explodes.''

Light Bulb bombs: ''An automatic reaction to walking into a dark room is to turn on the light. This can be fatal, if a lightbulb bomb has been placed in the overhead light socket. A lightbulb bomb is surprisingly easy to make. It also comes with its own initiator and electric ignition system.''

Yet another handbook contains detailed schemes and diagrams for a zippered suitcase booby trap, and a shower head booby trap, triggered by the pressure of turning on the water.

One of the more appalling descriptions of bomb making involves baby food bombs. The following information was taken from the Bullet'N Board computer bulletin board off the Internet:

Babyfood Bombs: ''These simple, powerful bombs are not very well know even though all the material can be easily obtained by anyone (including minors). These things are so f—-ing powerful that they can destroy a car. . .. Here's how they work.

''Go to the Sports Authority or Hermans sport shop and buy shotgun shells. At the Sports Authority that I go to you can actually buy shotgun shells without a parent or adult. They don't keep it behind the little glass counter or anything like that. It is $2.96 for 25 shells.''

The computer bulletin board posting then provides instructions on how to assemble and detonate the bomb. It concludes with, ''If the explosion doesn't get'em then the glass will. If the glass doesn't get'em then the nails will.'' Here are some more examples of individual postings from the Internet:

''Are you interested in receiving information detailing the components and materials needed to construct a bomb identical to the one used in Oklahoma? The information specifically details the construction, deployment and detonation of high powered explosives. It also includes complete details of the bomb used in Oklahoma City, and how it was used and could have been better.''—posted April 23, 1995.

''I want to make bombs and kill evil zionist people in the government. Teach me. . .. Give me text files!. . .. Feed my wisdom, Oh great one.''—posted April 25, 1995.

The foreword to the book ''Death by Deception: Advanced Improvised Booby Traps'' states:

Terrorist IEDs [improvised explosive devices] come in many shapes and forms, but these bombs, mines, and booby traps all have one thing in common: they will cripple or kill you if you happen to be in the wrong place at the wrong time.

In this sequel to his best-selling book ''Deathtrap'', Jo Jo Gonzales reveals more improvised booby-trap designs. Discover how these death-dealing devices can be constructed from such outwardly innocuous objects as computer modems, hand-held radios, toilet-paper dispensers, shower heads, talking teddy bears, and traffic cones. Detailed instructions, schematic diagrams, and typical deployment techniques for dozens of such contraptions are provided.

Other titles of books that teach people how to make bombs include: ''Guerrilla's Arsenal: Advanced Techniques for Making Explosives and Time-Delay Bombs''; and ''The Advanced Anarchist Arsenal: Recipes for Improvised Incendiaries and Explosives.''

Enough is enough. Common sense should tell us that the First Amendment does not give someone the right to teach someone how to kill other people.

The right to free speech in the First Amendment is not absolute. There are several well known exceptions to the First Amendment which limit free speech. These include: obscenity; child pornography; clear and present dangers; commercial speech; defamation; speech harmful to children; time, place and manner restrictions; incidental restrictions; and radio and television broadcasting.

I do not for one minute believe that the Framers of the Constitution meant for the First Amendment to be used to directly aid the teaching of how to injure and kill.

In today's day and age when violent crimes, bombings, and terrorist attacks are becoming too frequent, and when technology allows for the distribution of bomb making material over computers to millions of people across the country in a matter of seconds, some restrictions on speech are appropriate. Specifically, I believe that restricting the availability of bomb making information, if there is intent or knowledge that the information will be used for a criminal purpose, is both appropriate and required in today's day and age.

My amendment is an important, balanced measure to confront the problems presented by today's rapid growth in technology, and I am extremely gratified by its adoption today.

I yield the floor.

EXHIBIT 1

[From the Los Angeles Times, June 27, 1996]

INTERNET CITED FOR SURGE IN BOMB REPORTS

COMPUTERS: POLICE AND SHERIFF'S OFFICIALS SAY WEB SITES PROVIDE YOUNGSTERS WITH INFORMATION ON MAKING EXPLOSIVES

(By Eric Lichtblau and Jim Newton)

Los Angeles explosives experts have seen an alarming rise in bomb calls over the last several months, and they think they know the main culprits: youngsters on the Internet who are learning to make bombs by scanning computer sites with ominous names like ''the Anarchists Cookbook'' and ''Bombs and Stuff!''

Reports of possible explosives to the Los Angeles Sheriff's Department have more than doubled in the last two months. More troubling, the percentage of suspicious devices that turn out to be real explosives—especially homemade pipe bombs—has grown even more drastically.

The Los Angeles Police Department has noted a similar rise in bomb reports, reflecting a nationwide trend that experts blame on newfound computer access to explosives recipes.

''A lot of the [cases], we're finding out, are kids getting the information off the Internet,'' said Lt. Tom Spencer, who heads the sheriff's arson/explosives detail. ''We're very worried, to be honest . . . It's frightening.''

Sheriff's officials believe that information from the Internet was used in a rash of pipe bombings in Rancho Palos Verdes in May and June that destroyed four mailboxes, a guard shack and a car. Four teenagers were arrested last week in the explosions.

In Orange County, meanwhile, police said the Internet may have aided vandals in building acid-filled bottle bombs in Mission Viejo and Huntington Beach. A 5-year-old boy was burned by one of the bombs on a school playground in an April attack that led to the arrests of four teenagers.

And nationwide, computer-generated guides proved a common link in bombs built recently by teenagers around the country, from the streets of Philadelphia and Houston to rural enclaves of Kansas and upstate New York.

Some bookstores and libraries have long provided printed information on homemade bombs—one such manual was found this week in Torrance after a 23-year-old man allegedly blew out three windows at his parents' home with a 10-inch-long pipe bomb. But the Computer Age has cast the explosives' net far wider, experts say.

LAPD spokesman Cmdr. Tim McBride said: ''There is a lot of verbiage on the Internet, where people are becoming * * * more aware of what it takes to put a bomb together.''

Indeed, a quick scan of computer sites reveals wide access to site offering enlightenment on a wide range of bombs, some cast in a serious, academic tone, others in an aggressive or even hostile bent. ''Don't be a wimp. Do it NOW!!!'' urges a file on ''making and owning an H-bomb.''

One popular site, the Anarchists Cookbook, lists no fewer than 19 chapters related to explosives, from ''Making Plastic Explosives From Bleach'' to a ''Home-Brew Blast Cannon'' and ''A Different Kind of Molitov [sic] Cocktail.''

USC terrorism expert Richard Hrair Dekmejian believes that users of such technology are often troubled youths who, without intervention, could become involved in more serious violence along the lines of the Oklahoma City, World Trade Center or Unabomber attacks.

The Internet's bomb-making intrigue offers an outlet for troubled youths who are ''bored and alienated,'' he said in an interview. ''This is very, very serious. This is a new epidemic, and I see the problem getting worse,'' Dekmejian said.

The numbers in Los Angeles seem to prove him right.

Both the LAPD and the Sheriff's Department—the main agencies that handle bombings in the area—have seen marked increases in the last several years in reports of suspicious devices. Last year, responses at each department shop up more than 35% over 1994, reaching 972 calls to the LAPD and 595 to the Sheriff's Department. Each report of a suspected bomb automatically triggers a response by a bomb squad.

The rise has been even more drastic at the Sheriff's Department in the last two months. The bomb detail, which had been averaging about 30 calls a month, handled 68 assignments in April and 62 in May.

LAPD officials attribute the rise in part to the public's increased awareness and sensitivity to the threat posed by bombs, especially after terrorist bombings in Beirut, New York City and Oklahoma City, among other attacks.

For that reason, an abandoned briefcase may be more likely to generate a call to police today than it was a few years ago. But the trend goes beyond public alertness, officials say, and the number of actual explosives discovered has gone up significantly as well.

The LAPD found 41 explosives in 1995, more than double the number three years earlier. And the sheriff's discovery of explosives rose about 10% over that same period, to 69 bombs. The rise was particularly sharp in 1995 at the Sheriff's Department, with the number of bombs 50% higher than in the previous year.

The Sheriff's Department and its 26 bomb technicians recently began using a new 4½-inch-high robot to ferret out possible explosives. Much smaller than its predecessors, it can be used to roam under trucks or through theater aisles to inspect suspicious items.

But technology can be a double-edged sword, and Spencer says his people remain hamstrung as long as the Internet provides free recipes for disaster.

''We can't do anything because there's a freedom of speech mandate that says people can put on the Internet what they want, and people will access if if they want to access it,'' he said. ''The way to stop it is for parents to monitor what their kids are doing.''

Mr. BIDEN. Mr. President, I stand in strong support of the Feinstein-Biden amendment, which would make it a Federal crime to teach someone how to make a bomb if you know or intend that it will be used to commit a crime.

This seems pretty simple and straightforward to me. Many Americans—no, I think most Americans—would be absolutely shocked if they knew what kind of bone-chilling information is making its way over the Internet.

You can access detailed, explicit instructions on how to make and detonate pipe bombs, light bulb bombs, and even—if you can believe it—baby food bombs.

Let me give you just a small sample. A guy named ''Warmaster'' sent this message out over the Internet about how to build a baby food bomb. Here's how his message goes:

These simple, powerful bombs are not very well known even though all the materials can be easily obtained by anyone (including minors). These things are so [expletive deleted] powerful that they can destroy a car. The explosion can actually twist and mangle the frame. They are extremely deadly and can very easily kill you and blow the side of the house out if you mess up while building it. Here's how they work.

And then the message goes into explicit detail about how to fill a baby food jar with gunpowder and how to detonate it.

The thing about this bomb,

The message observes,

Is that the glass jar gets totally shattered and pieces of razor sharp glass gets blasted in all directions.

Warmaster's recipe also elaborates on how you can make the bomb more effective still:

Tape nails to the side of the thing,

It says.

Sharpened jacks (those little things with all the pointy sides) also work well. The good thing about those is any side it lands on is right side up. If the explosion doesn't get'em then the glass will. If the glass don't get'em then the nails will.

Now, I'm not making this stuff up.

And what this amendment says is that if Warmaster gives his recipe to some young kid—intending or knowing that the kid will go build one of these bombs and blow it up over at the local school playground—then Warmaster should be put behind bars.

Right now, that's not a Federal crime. It should be—no ifs, ands, or buts.

I take a back seat to no one when it comes to the first amendment, and the protection of our most cherished rights of free speech.

But there is no right under the first amendment to help someone blow up a

building. There is no right under the first amendment to be an accessory to a crime. And there is nothing in the first amendment that says we must leave our good sense at the doorstep.

This is not the first time that Senator FEINSTEIN and I have tried to put this crime on the books. We tried to add it back to the terrorism bill in April. But our Republican colleagues derailed our effort. Evidently, there were those on the House side who didn't like this provision—who for some reason didn't think that intentionally teaching someone how to build a bomb should be a crime.

I'm glad that our Republican colleagues here in the Senate have come to their senses. And I hope—and urge—that they will do all that they can to make sure their House counterparts do the right thing this time.

This amendment is simple and straightforward. If you're one of these guys who has made a name for himself writing manifestos like ''The Terrorist Handbook'' or ''How To Kill With Joy''—and if someone comes to you and says: ''Tomorrow morning, a group of police officers is going to be meeting in the 5th Street precinct—and I want to blow it up.''

And if you then say: ''Here you go—I've got just the recipe for you.''

It seems to me that that should be a crime. And I'm glad the Senate has seen fit to join Senator FEINSTEIN and me in our effort to make it a crime.

Mr. NUNN. Mr. President, this amendment has been cleared with the Judiciary Committee. It is not in our jurisdiction, but it has been approved by both Senator HATCH and Senator BIDEN. So I urge support of the amendment.

Mr. McCAIN. Mr. President, the amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4428) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4429

(Purpose: To clarify that the exemption from the Qualified Thrift Lender applies to any savings institutions that serve primarily military personnel)

Mr. McCAIN. Mr. President, I send an amendment to the desk on behalf of Senator SHELBY, and others, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. NUNN], for Mr. SHELBY, for himself, Mr. FAIRCLOTH, Mr. BRYAN, Mr. DODD, and Mr. GRAMM, proposes an amendment numbered 4429.

The amendment is as follows:

At the appropriate place in the bill add the following new section:

SEC. . EXEMPTION FOR SAVINGS INSTITUTIONS SERVING MILITARY PERSONNEL.

Section 10(m)(3)(F) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(3)(F)) is amended to read as follows:

''(F) EXEMPTION FOR SPECIALIZED SAVINGS ASSOCIATIONS SERVING CERTAIN MILITARY PERSONNEL.—Subparagraph (A) does not apply to a savings association subsidiary of a savings and loan holding company if not less than 90 percent of the customers of the savings and loan holding company and the subsidiaries and affiliates of such company are active or former officers in the United States military services or the widows, widowers, divorced spouses, or current or former dependents of such officers.''.

Mr. SHELBY. Mr. President, this is a carefully tailored amendment intended to broaden the opportunities for military personnel to obtain financial services. There exists in current law an exemption from the penalties associated with failing to meet mortgage asset requirements of the qualified thrift lender [QTL] test. It was created some years ago for specialized savings associations serving military personnel. At least 90 percent of the association's customers must be active or former officers—commissioned and noncommissioned—in the U.S. military services or widows, widowers, divorced spouses, or current or former dependents of such officers. The rationale for the exemption is that relatively few transient military personnel and their dependents have the need or desire for a residential mortgage. Accordingly, it would be very difficult for a savings association serving the military community to comply with the QTL test requirement.

The present exemption language is too narrowly drawn to apply to similarly situated organizations serving the military community. The amendment retains the essential requirement that at least 90 percent of the savings association's customers be military related. By permitting new market entrants, it will have the effect of expanding competition in this underserved market.

This amendment has been endorsed by the Military Coalition, an organization of all the major active duty and veterans groups. The Treasury Department and the Office of Thrift Supervision have indicated no objection to the amendment.

Mr. McCAIN. This amendment has been cleared.

Mr. NUNN. This amendment has been cleared, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4429) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4430

Mr. NUNN. Mr. President, I send an amendment to the desk on behalf of Mr. JOHNSTON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. JOHNSTON, proposes an amendment numbered 4430.

The amendment is as follows:

On page 410, line 5, strike ''$2,000,000'' and insert ''$5,000,000''.

On page 410, line 10, strike ''$2,000,000'' and insert ''$5,000,000''.

On page 410, before line 14, add the following:

''(c) STUDY ON PERMANENT AUTHORIZATION FOR GENERAL PLANT PROJECTS.—Not later than February 1, 1997, the Secretary of Energy shall report to the appropriate congressional committees on the need for, and desirability of, a permanent authorization formula for defense and civilian general plant projects in the Department of Energy that includes periodic adjustments for inflation, including any legislative recommendations to enact such formula into permanent law. The report of the Secretary shall describe actions that would be taken by the Department to provide for cost control of general plant projects, taking into account the size and nature of such projects.''

On page 413, line 25, strike 11$2,000,000'' and insert ''$5,000,000''.

Mr. JOHNSTON. Mr. President, this amendment raises the statutory fiscal ceiling set in section 3122 on a type of activity in the Department of Energy known as general plant projects. The amendment also requests a report from the Secretary of Energy with recommendations on a permanent authorization formula for such activities.

General plant projects are projects that seek to maintain or replace the fixed and capital assets of the Department at its facilities, whether these assets are entire buildings, major subsystems of buildings—for example, electrical systems, compressed air systems—or other fixed assets such as parking lots, electrical substations, sewer lines, or roads. General plant projects do not entail the acquisition of new programmatic capabilities. Rather, they support and maintain an infrastructure for carrying out existing DOE programs and authorities. This activity designation is unique to DOE in this bill—there is not a clear analog to general plant projects in the Department of Defense, although the Department of Defense also has a large facility infrastructure that it must maintain.

Starting in the National Defense Authorization Act for fiscal year 1986, cost ceilings have been annually established for DOE general plant projects for missions and authorities under the jurisdiction of the Committee on Armed Services. This routine provision of recent defense bills, however, has proven to have considerable effects on the civilian programs of the Department under the jurisdiction of the Committee on Energy and Natural Resources. By establishing a statutory ceiling for general plant projects in the National Defense Authorization Act, the Congress has effectively set the ceiling on all Department spending on general plant projects, whether defense

or civilian. This is because it is not possible, in practice, to manage a system of routine construction and maintenance based on different ceilings. For example, a major electrical upgrade that affected both civilian and defense-related buildings at a DOE site could hardly be subject to two different statutory limits. Nor, as another example, could an upgrade to a sanitary sewer system connecting several buildings—some of which housed civilian DOE programs, others of which housed DOE defense projects—be accomplished under two different statutory limits. In fact, there is some evidence that the greatest impact of the ceiling in the Defense bill is on the Department of Energy infrastructure supporting civilian missions, as general plant projects at defense-related DOE sites tend to be small than general plant projects at civilian sites.

The present ceiling on general plant projects has also never been the subject of a substantive review. Many Department of Energy sites are over 50 years old and contain numerous buildings that are far below contemporary standards or that have completely outlived their useful occupancy. Major rehabilitation of these buildings or their major systems for ongoing programs is required. Yet, the $2,000,000 statutory limitation on such projects poses a major obstacle to the speedy accomplishment of such tasks.

For example, in fiscal year 1996, the Office of Energy Research had to propose a line-item project—Project No. 95–E–303—to rehabilitate electrical systems in the laboratories for which it was responsible in the 300 Area of the Hanford Site. This work was required to correct numerous National Electrical Code violations identified in 1990 during a ''Tiger Team'' inspection. In DOE's words, ''much of the older equipment is deteriorating and its present condition poses a personnel and fire hazard.'' The construction cost for this electrical safety rehabilitation was estimated at $4.2 million, above the current general plant project limit. Because of this statutory limitation, this needed safety upgrade—identified nearly 6 years ago—has been delayed for at least an additional 18 months, and workers have been needlessly exposed to a known, personnel and fire hazard. Further, because this project was forced into a line-item project status, its costs were further increased by the need for the preparation of a conceptual design report and by enhanced requirements for project management that attend line-item projects of any size in the Department. The ''design and management costs'' associated with this $4.2 million construction project were an additional $1.7 million. Clearly, this is an example of excessive costs driven by an artificially low limit on general plant projects.

As another example, at Brookhaven National Laboratory, an existing storage and transfer facility for fuel oil had to be upgraded over a period of 4 fiscal years via a line-item appropriation because the cost of the project was $3.65 million. This facility was the only supply of fuel for the central steam facility that, in turn, provided heat and hot water to the entire laboratory. A timely upgrade was needed to bring the facility into compliance with State and local codes. Because this project was delayed in order to undertake it as a line-item appropriation, the regulatory timetable for achieving compliance was exceeded and State and local officials had to issue a temporary waiver to the old facility to continue operations. Had these officials been less forthcoming, the operations of the entire laboratory would have been compromised. There is heightened regulatory concern over potential groundwater contamination from Brookhaven laboratory facilities on Long Island, as Brookhaven is located over an EPA designated sole-source aquifer for the Island. Had general plant project funds been available for this project, it would have been completed more expeditiously, the need for a special waiver might have been avoided, and the Department and the Laboratory could have certainly avoided further inflaming local concern over groundwater pollution from this facility.

There are many other examples that could be discussed of needed projects at DOE facilities that have been needlessly delayed because of the general plant project limitation contained in previous Defense Authorization Acts. Put simply, $2 million doesn't buy very much in the real world of facilities management. Replacing 3,480 feet of sanitary sewer lines ranging in diameter from 3 to 8 inches—Project 96–E–331—or retrofitting heating, ventilation, and air conditioning systems in a 40-year-old 300-person office building—Project 95–A–500—or upgrading a chemical laboratory to meet current requirements of the Uniform Fire Code—Project 93–E–324—all exceed $2 million in costs.

In preparation for offering this amendment, I asked the Department of Energy to estimate the number of projects and their related costs that would be added to the general plant project category if my amendment were adopted. I ask unanimous consent that the response from the Department of Energy be printed in the RECORD following the completion of my remarks.

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

(See exhibit 1.)

Mr. JOHNSTON. Mr. President, the DOE response, which I interpret to favor this amendment, is illuminating in several respects.

First of all, it confirms that there are real cost savings to be realized by raising the general plant project limit. DOE estimates that $4.7 million would be saved by raising the ceiling under my amendment, considering only costs associated with elimination of Conceptual Design Reports and savings from avoiding the 18-to-24 month hiatus now experienced by projects in the range between $2 million and $5 million. There are also additional savings that will result from reduced overhead (personnel associated with these projects now must be moved to other projects and otherwise kept on the payroll during the hiatus or new personnel must be brought up to speed at the end of the hiatus). As the examples I have given above illustrate, there are also other savings that are possible, from avoided injuries or fines and penalties that might result from missed compliance dates. It is hard to put a figure on such costs, as they will vary from project to project, but they are very real.

Second, the DOE response indicates that raising this limit will not open the flood gates to an unmanageable number of additional projects. Based on fiscal year 1996 data, increasing the limit under my amendment will increase the actual number of general plant projects by less than 10 percent. The total funding for general plant projects, across the Department, might increase by $64,000,000, with most of this increase projected to occur on the civilian side of the Department. The impact of my amendment on general plant projects in the Office of Defense Programs, according to the Department, ''would be relatively small.'' Thus, I believe that my amendment is an appropriate step to take at this time.

Third, the DOE response indicates that, because the funds for general plant projects in fiscal year 1997 have been spoken for, this amendment will begin to exert its effect starting in fiscal year 1998, thus allowing the Department one year to examine its internal procedures to ensure that they are adequate for the higher limit.

While I am convinced that increasing the limit from $2 million to $5 million in this bill is well justified, I also believe that we need a more permanent solution to the issue of establishing limits on general plant projects in the Department of Energy. That is why my amendment also calls for a report ''on the need for, and desirability of, a permanent authorization formula for defense and civilian general plant projects in the Department of Energy that periodic adjustments for inflation, including any legislative recommendation to enact such formula into permanent law.'' I believe that we should set in motion a process to arrive at a permanent legal and management framework that addresses both civilian and defense needs for general plant projects in the Department of Energy. I would like to thank the managers of this bill for their cooperation and support for my attempts to address this issue, and I urge the adoption of my amendment.

EXHIBIT 1

DEPARTMENT OF ENERGY,
Washington, DC, June 27, 1996.

Hon. J. BENNETT JOHNSTON,
Ranking Minority Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR SENATOR JOHNSTON: Thank you for June 18, 1996, letter concerning general plant projects in the Department of Energy.

As you are aware, the statutory ceiling on general plant projects contained in S. 1745, the Defense Authorization Act for Fiscal Year 1997, applies only to atomic energy defense activities funded under the 050 function. You are correct, however, that the Department applies this same ceiling to all Department spending on general plant projects for administrative convenience and consistency.

The analysis prepared by the Department in response to your questions includes both civilian and defense spending for general plant projects in the aggregate based upon fiscal year 1996 spending. Our analysis suggests that potential savings could accrue from raising the ceiling on general plant projects. Some program offices would clearly be more likely to accrue savings than other program offices, however. For example, in the case of the Office of Defense Programs, general plant projects tend to be small construction requirements, such as facility refurbishment and minor road repairs, and very few of these projects reach the $2 million ceiling. Therefore, savings from increasing the ceiling for the Office of Defense Programs would be relatively small. In addition, as a result of language included in the House and Senate reports accompanying the Energy and Water Development Appropriation for Fiscal Year 1996, the Department now merges its general plant projects into operating expenses, which has provided the Department additional flexibility in carrying out general plant projects under the ceiling of $2 million. The value to the Department of a higher general plant project ceiling would be enhanced if that flexibility were extended to the higher ceiling.

The Department appreciates your efforts to reduce unnecessary or burdensome requirements and to assist us in finding areas for cost savings. I hope this information is helpful to you. If you have further questions, please contact Mary Louise Wagner, Deputy Assistant Secretary for Senate Liaison, on 202–586–5468.

Sincerely,

DONALD W. PEARMAN, Jr.,
Associate Deputy Secretary for Field Management.

Enclosure.

ENCLOSURE

Question. What is number of general plant projects anticipated in FY 1997 that would be below the current $2,000,000 limit?

Answer. These projects tend to be relatively small, such as facility refurbishment, minor road repairs, roof repair and replacement, electrical system upgrades, and some small facilities. The actual projects to be funded in FY 1997 will not be selected until later when programmatic needs and unexpected repairs are prioritized with existing lists of general plant project requirements. Although a few push the $2,000,000 limit, $500,000 is a good estimate of the average size of these projects. Based on this average, we estimate approximately 200 general plant projects in FY 1997.

Question. What is the total dollar amount represented by these projects?

Answer. The total dollar amount represented by these projects (i.e., the FY 1997 funding request for general plant projects) is approximately $98,000,000.

Question. What would be the number of general plant projects (and the corresponding dollar amount) that would be added if the limit in the Defense Authorization Act were to be changed to $2,500,000; $4,000,000; and $5,000,000?

Answer. Using FY 1996 data as a gauge, there would be no additional general plant projects, if the limit were raised to $2,500,000.

Using FY 1996 data as a gauge, there would be 11 additional general plant projects with an additional dollar amount of $37,000,000, if the limit were raised to $4,000,000.

Using FY 1996 data as a gauge, there would be 7 additional general plant projects with an additional dollar amount of $27,000,000, if the limit were raised to $5,000,000.

Question. What savings would occur if the limit on general plant projects were changed to $2,500,000; $4,000,000; and $5,000,000?

Answer. For that limited number of projects in FY 1996 which fell between $2,000,000 and $5,000,000 in estimated total project cost, some savings would be generated by shortening the project time line and being able to proceed immediately from conceptual design, through final engineering and into physical construction. The analysis was conducted on FY 1996 data and would vary from year to year depending on the specific activities.

If the limit on general plant projects were changed to (based on our current data):

Limit	Additional general plant projects	Estimated savings
$2.5 Million	$0	$0
$4.0 Million	$37 Million	$2.7 Million (see note).
$5.0 Million	$27 Million	$4.7 Million (see note).

Note: Calculation of Savings: $37 M x 2% for Conceptual Design Report development + 5.3% (Escalation) = $2.7M. ($37M + $27M) x 2% for Conceptual Design Report development + 5.3% (Escalation) = $4.7M.

Question. How would such cost savings be realized?

Answer. General plant projects do not require Conceptual Design Reports. Once requirements for general plant projects are identified, design of the projects can begin immediately.

Currently, there is an 18–24 month delay between the completion of a Conceptual Design Report and start of design of a line item project (any construction project above $2 million). The cost savings if the Conceptual Design Reports are not required would be approximately 2 percent of the total project cost (representing the average cost to perform the Conceptual Design Report) plus avoidance of the escalation resulting from the two year ''hiatus.'' Other intangible cost savings would accrue from reduced overhead, quicker response to changed mission requirements and earlier availability of facilities to support the mission.

In FY 1997, minimum savings would be realized because Conceptual Design Reports should already have been started or completed, therefore the delay (18–24 months) between Conceptual Design Reports and start of design would have already occurred. Any real savings would start to accrue in FY 1998.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

Mr. McCAIN. Mr. President, this amendment has been cleared on this side. I urge the Senate adopt this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4430) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4431

(Purpose: To require the Director of the Ballistic Missile Defense Organization to prevent adverse effects of establishment of the National Missile Defense Joint Program Office on private sector employment)

Mr. NUNN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for Mr. HEFLIN, for himself and Mr. SHELBY, proposes an amendment numbered 4431.

The amendment is as follows:

At the end of subtitle A of title IX add the following:

SEC. 907. ACTIONS TO LIMIT ADVERSE EFFECTS OF ESTABLISHMENT OF NATIONAL MISSILE DEFENSE JOINT PROGRAM OFFICE ON PRIVATE SECTOR EMPLOYMENT.

The Director of the Ballistic Missile Defense Organization shall take such actions as are necessary in connection with the establishment of the National Missile Defense Joint Program Office to ensure that the establishment and execution of the new management structure will not include any planned reductions in Federal Government employees, or Federal Government contractors, supporting the national missile defense development program at any particular location outside the National Capitol Region (as defined in section 2674(f)(2) of Title 10, United States Code).

Mr. HEFLIN. This amendment would help assure that the creation of a new management office within the Ballistic Missile Defense Organization does not result in a centralized bureaucracy at the expense of vital ballistic missile defense capabilities built up over the years across the United States.

Concerns about Pentagon centralization have resulted in the Defense Appropriations Committees limiting funds made available for relocations of DOD organizations, units, activities, or functions into or within the National Capital Region. This has been the case in the past and it is again the case in the pending Defense appropriations bill. Another concern has been the use of support contractor services and consultants to escalate centralization in Washington. In 1992, Senator PRYOR found an alarming trend of contractor growth in support of the BMDO predecessor organzation, the Strategic Defense Initiative Organization [SDIO]. His amendment, accepted without opposition, capped the amount of money

which could be expended for the procurement of support services for the central SDIO activity. Its intent is still relevant today.

Those concerns about DOD centralization are founded on traditional beliefs that government works best when it is not all collocated in the Capital region. Centralization of government and contractor personnel results in higher costs. Relocation of functions loses unique capabilities now available through military services and thus creates greater inefficiencies and schedule losses due to the necessity to retrain and replace technical and managerial personnel.

The purpose of this amendment is to clearly establish that the implementation of the NMD JPO decision must continue to be consistent with the assurances we are being given by the Pentagon. The Acting BMDO Director, Adm. Dick West, has just met with our staffs and discussed the organizational details of the new Joint Program Office, as it is now planned. He foresees a central organization of 64 or thereabouts, supported by those on-going activities in the field who have been developing such elements as the interceptor and ground-based radar. At present, these are basically all in the Army sphere of responsibility since the Air Force Space and Missile Tracking System Program is an Air Force program and will not be under the new office, and the Navy has no current role in NMD. Admiral West is convincing in his assurances that those activities which have been so beneficial to the progress in ballistic missile defense in the past will not be adversely impacted by this new central office. Concurrently, a BMDO ''Point Paper'' has included the following assurances:

The decision to manage NMD using a Joint Program Office (JPO) does not change the fundamental execution of the program. The basic building blocks remain the same and will be developed by the organization already assigned those responsibilities. Contracts that have been awarded will be executed as planned. The Service organizations that have had responsibility for NMD will continue to play the same role. As the program approaches a deployment decision, the role of the services will increase significantly.

Even with this assurance, I believe this amendment is necessary to clearly reflect the intent of Congress for the benefit of Admiral West's successor and those further down the organizational ladder responsible for the implementation of the various components of the new activity.

These are important times for the National Missile Defense Program, when with additional funding and emphasis, Congress has great expectations that these investments will yield the greatest possible dividends. Continuation of the valuable contributions of the NMD activities in their field locations will be critical to that success.

Mr. NUNN. Mr. President, I believe this has been cleared, and I urge its adoption.

Mr. MCCAIN. Mr. President, the amendment is cleared. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4431) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4432

Mr. MCCAIN. Mr. President, I send an amendment to the desk on behalf of Mr. LOTT and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for Mr. LOTT, proposes an amendment numbered 4432.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . OCEANOGRAPHIC SHIP OPERATIONS AND DATA ANALYSIS.

(a) Of the funds provided by Section 301(2), an additional $6,200,000 may be authorized for the reduction, storage, modeling and conversion of oceanographic data for use by the Navy, consistent with Navy's requirements.

(b) Such funds identified in (a) shall be in addition to such amounts already provided for this purpose in the budget request.

Mr. MCCAIN. I believe this amendment has been cleared by the other side.

Mr. NUNN. Mr. President, this amendment has been cleared, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 4432) was agreed to.

THE AWARD OF THE CONGRESSIONAL MEDAL OF HONOR TO SEVEN AFRICAN-AMERICANS WHO SERVED IN COMBAT DURING WORLD WAR II

Mr. NUNN. Mr. President, the national defense authorization bill under consideration by the Senate contains a very special provision that, once enacted, will clear the way for the President to award the Medal of Honor to seven African-Americans who served their Nation with the utmost distinction in combat during World War II.

Pvt. George Watson of Birmingham, AL, was on board a ship which was attacked by enemy bombers. When the ship was abandoned, Private Wilson remained and assisted several soldiers who could not swim to reach the safety of a liferaft. This heroic action subsequently cost him his life but resulted in saving the lives of his comrades.

Capt. Charles L. Thomas of Detroit, MI, though grievously wounded when his scout car was subjected to intense enemy artillery, self-propelled gun, and small arms fire, directed the emplacement of two antitank guns to return enemy fire. Only after he was certain that a subordinate was in full control of the situation did he permit himself to be evacuated.

S.Sgt. Ruben Rivers of Oklahoma City, OK, though severely wounded when his tank hit a mine, refused medical treatment, took command of another tank, and advanced to the objective. Repeatedly refusing evacuation, Sergeant Rivers continued to direct his tank fire at enemy positions through the next day until he was killed by the enemy.

S.Sgt. Edward A. Carter, Jr., of Los Angeles, CA, while attempting to lead a three-man group was wounded five times and finally was forced to take cover. As eight enemy riflemen attempted to capture him, Sergeant Carter killed six of them and captured the remaining two.

First Lieutenant John R. Fox of Cincinnati, OH, and some other members of his observer party voluntarily remained on the second floor of a house to direct defensive artillery fire while the majority of U.S. forces withdrew in the face of overwhelming numbers. As the Germans continued to press the attack toward the area that he occupied, he adjusted the artillery fire into his own position knowing that this was the only way to stop the enemy attack. Lieutenant Fox's body was later found along with the bodies of approximately 100 German soldiers.

First Lieutenant Vernon J. Baker, of Cheyenne, WY, destroyed enemy installations, personnel, and equipment during his company's attack against a strongly entrenched enemy in mountainous terrain. When his company was stopped by the concentrated fire from several machinegun emplacements, he destroyed three machinegun nests and an enemy observation post. He then covered the evacuation of the wounded personnel of his company by occupying an exposed position and drawing the enemy's fire.

Pfc. Willy F. James, Jr., of Kansas City, KS, as lead scout was the first to draw enemy fire. After being pinned down for over an hour, he returned to his platoon, and led a squad in the assault, accurately designating targets as he advanced, until he was killed by enemy machinegun fire while going to the aid of his fatally wounded platoon leader.

These seven heroes have many things in common: their selfless dedication to their comrades, their unwillingness to give up despite overwhelming odds, their leadership in the face of certain death, and their race.

A study, commissioned in 1993 by the Acting Secretary of the Army to review the Medal of Honor processing procedures as applied to African-American soldiers in World War II, revealed that no African-American soldier was recommended for the Medal of Honor for service in World War II.

Concluding, in part, that this was reflective of the national racial climate

and the use of African-American soldiers in World War II, the study recommended that 10 African-Americans be considered for the award of the Medal of Honor.

The Secretary of the Army, the Secretary of Defense, and the President recommended legislation that would permit the award of the Medal of Honor to the seven heroes I previously mentioned.

This marks the end of a long journey for these seven men—six of whom who have died before they could realize this great honor.

It is not the end of a journey, however, for our military services as they continue to lead the Nation in matters of equal opportunity, elimination of racial and gender discrimination, and creation of an environment that is, in fact, based on individual merit and performance.

I have always been proud of the way our military services were able to recognize the importance of eliminating discrimination and prejudice. I have always been proud of the tremendous efforts that have been made and that will continue to be made in this area.

Surely, 100-percent success has yet to be achieved, but the U.S. military is clearly a beacon lighting the way for the rest of the Nation.

So, too, today I am proud of what these heroes have done. But I am also proud of how we as a nation can look back into our history and, seeing something that just is not quite right, can and will fix it.

I regret that six of our seven heroes are no longer with us. I hope and pray that their families and loved ones will realize the significance of what these courageous men accomplished and permit our Nation to honor them in this way.

Mr. President, I thank the Chair. I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent to speak as if in morning business for 5 minutes.

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

HEALTH INSURANCE REFORM

Mrs. KASSEBAUM. Mr. President, it has been exactly 2 full months since the Senate unanimously passed the Health Insurance Reform Act 100 to nothing. However, because Republicans and Democrats have been unable to reach agreement on one outstanding issue—the size and scope of the Medical Savings Account Demonstration Program—we have not been able to make further progress in reaching a compromise between the House and Senate language on this bill.

Many, I think, assume that this legislation which passed unanimously in the U.S. Senate has already become law, and that is just not the case. I would suggest that every day we wait the stakes grow higher. As the number of legislative days dwindle:

More American families lose their health insurance coverage;

More American families are unable to obtain insurance because of preexisting illnesses or outright discrimination;

Millions of Americans hold onto jobs that they would otherwise leave for fear of losing their health coverage;

Patients suffering from AIDS, and our seniors and disabled citizens, do not have adequate resources to pay for care;

And self-employed men and women, and small businesses, find the cost of health insurance increasingly out of reach.

The bipartisan health reform legislation that passed both the Senate and the House in April would help address these critical issues. The General Accounting Office [GAO] estimates that the reforms at the heart of the bill will help at least 25 million Americans each year.

There is no disagreement between Republicans and Democrats about how to help these 25 million Americans. Yet each day that we quibble over whether to allow a tiny fraction of the insurance market to test the concept of medical savings accounts, the chance to enact reforms that will help these 25 million Americans grows dim.

As my colleagues know, the House passed a very different bill from the Senate. But after weeks of discussions and sometimes tense negotiations between Republican leaders, we have reached agreement on every outstanding issue—except for MSA's. The House has agreed to drop altogether controversial provisions on multiple employer welfare arrangements and medical malpractice. While many—including myself—strongly believe we need to help small employers gain purchasing clout and control the health care costs through malpractice reform, all of us recognized that compromise was necessary to reach a bipartisan consensus on the legislation.

Mr. President, I want to assure my colleagues and the American people that the core of the Kassebaum-Kennedy bill is firmly in place in the House-Senate compromise. Those provisions will greatly enhance the health security of American workers. In addition, the compromise legislation increases the deduction for self-employed individuals from 30 to 80 percent, provides tax deductions to help make long-term care more affordable for our seniors, and helps reduce health costs by fighting fraud and abuse and reducing the paperwork burden imposed on patients, doctors, and hospitals.

In an attempt to reach agreement on the remaining outstanding issue, Republicans have offered three separate compromises on medical savings accounts. Unfortunatley, these concessions seem to have done little to narrow the gap between Republicans and Democrats in the House and Senate, and the White House.

Last night, under the leadership of the distinguished majority leader, Republicans proposed an extremely generous, constructive compromise that will allow us to test the concept of MSA's and assess their impact in the small employer market. As my colleagues know, I have grave concerns about the potential impact of MSAs. But I believe this proposal is fair and limited, and contains protections sufficient to guard against adverse risk selection. It was offered in good faith and goes a long way toward meeting concerns raised by the President. In fact, it goes well beyond the agreement I reached earlier with many Republicans in the House and Senate conference.

As part of this agreement:

Republicans have agreed to reduce the scope of the 4-year demonstration program to firms with 50 employees or less, and to require an affirmative vote to expand MSA's to large employers and individuals. That is a significant concession.

The Joint Committee on Taxation estimates that MSA's will be available during this 4-year demonstration to less than 1 percent of the total work force and slightly more than 1 percent of the work force with insurance.

Equally important, reducing the size of the demonstration to firms with 50 workers or less will help guard against risk selection because the underlying bill extends guaranteed issue and renewal requirements to firms with 50 or fewer workers. Moreover, this is the portion of the insurance market where the States have worked aggressively to protect consumers and guard against risk selection.

The proposal contains a fire process for assessing the impact of MSA's by an independent, nonpartisan organization. In addition, the Secretary of the Treasury is required to annually monitor the MSA's impact on the market and report to Congress as to whether the legislation is necessary to reduce costs due to excessive enrollment.

Finally, Republicans have agreed to reduce further individuals' out-of-pocket exposure by lowering the maximum MSA deductible and requiring MSA plans to cover at least 70 percent of covered services once an individual reaches the deductible. We also have agreed to further reduce the tax advantages of MSA's by limiting annual contributions.

Moreover, high-deductible plans must meet disclosure requirements, and the National Association of Insurance Commissioners is directed to promulgate further consumer protection standards.

Mr. President, despite significant concessions, I believe, on the part of Republicans, however, the White House and congressional Democrats continue to raise new demands and to insist that high-deductible MSA policies meet nondiscrimination and consumer protection standards well beyond current

law requirements for other health insurance plans and even well beyond the reforms contained in the underlying legislation.

The Health Insurance Reform Act will pass, Mr. President, only if we keep our eye on the ball.

First, we need to recognize that success always requires compromise. The House has conceded on malpractice reforms, has conceded on MEWA's and now receded significantly on the MSA's.

Second, we need to bear in mind that the legislation will help 25 million Americans each year, and that the positive impact of the bill's core reforms will far outweigh any potential harm from the limited medical savings account proposal that has been offered by Republicans last night.

I believe we have worked too long and too hard in a bipartisan fashion to let this historic opportunity to pass meaningful health reform pass us by. I hope we can come together in the next few days. I think it is absolutely essential that we not let time slip away. And I hope that the White House and the Democratic leadership will genuinely help us reach that goal.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I ask unanimous consent that I be permitted to speak for 6 minutes as if in morning business.

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

FEDERAL DROUGHT ASSISTANCE IN THE SOUTHWEST

Mr. DOMENICI. Mr. President, I wish to bring a very serious matter to the attention of my colleagues.

As has been reported by several Senators, there is a serious drought underway in the Southwest, and I believe my State of New Mexico is probably the most seriously affected because it is suffering a very severe drought, almost in its entirety.

As my colleague from New Mexico, Senator BINGAMAN, has stated on at least two occasions on the Senate floor in the last month, livestock producers are among the most devastated by these drought conditions. Today, I would like to inform the Senate of the current status of one of the relief options that several of us have been pursuing: the Emergency Feed Grain Reserve.

It involves a small portion of grain reserves held by the U.S. Department of Agriculture, known as the Emergency Feed Grain Reserve. Under this program, the Secretary of Agriculture is authorized to purchase and store up to 75 million bushels of grains to be held in reserve for emergency or disaster situations.

Currently, the Department reports that there are about 45 million bushels of grain stored under this program. In the event of an emergency, the Secretary of Agriculture has a great deal of flexibility in how these reserve grains are to be used.

On June 5, the Senate passed a concurrent resolution, Senate Concurrent Resolution 63, which called on the Secretary of Agriculture to release all grains held in the emergency reserve to provide relief for livestock producers whose livelihoods are threatened by this natural disaster. In fact, the distinguished Senator from Kansas, Mrs. KASSEBAUM, who just spoke, was the lead Senator on that concurrent resolution.

There has been no response.

Again, on June 12, the Senate called on the Secretary to act under the authority of this program by passing two resolutions, Senate Resolution 259 and Senate Resolution 260. These two resolutions called on the Secretary to use the most efficient methods of providing relief under this program, including cash payments generated by receipts from the sale of reserve grains and to give special consideration to those producers who could not receive assistance under any other program.

There was no response.

Let me put the amount of the grain reserve into perspective. As I stated earlier, there are about 45 million bushels of grain in this emergency relief reserve. Reuters news service reported this morning that the average price of corn during the month of June has been slightly more than $4 a bushel, barley was slightly lower, and wheat was considerably higher, at well over $5 a bushel.

Even if the Secretary were to sell the emergency reserve stocks at a discount to provide relief in areas of severe grain shortages, there could easily be generated $100 million to provide relief in those areas where other forms of livestock feed, such as hay, are more needed. This is far greater than the $18 million that Senator BINGAMAN and I have attempted to provide legislatively through a modest but needed temporary extension of the only relief program for many livestock producers in the Southwest, the Emergency Livestock Feed Program.

Secretary of Agriculture Glickman has a proposal. Earlier this week, I wrote to Secretary Glickman to inquire about the status of various plans or proposals to provide relief for livestock producers in the drought-stricken Southwest.

I also spoke with the Secretary's office by phone and asked what, if anything, else was required for the release of the emergency reserve grains. I was informed that the Agriculture Department had submitted a proposal to the White House some time ago regarding the release of reserve grains for the purpose of this disaster relief but that it had not yet been approved.

I have since been informed that the U.S. Department of Agriculture proposal was sent to the White House on June 4, 1 day before the Senate called on the Secretary to act. It has been 24 days, Mr. President—it has been 24 days—since Secretary Glickman proposed disaster relief activities to the White House.

There has been no action.

We cannot wait. These ranchers are going broke. When we have an earthquake, we act quickly. This drought is resulting in a gradual elimination of farmers and ranchers who cannot make a living in this drought, which is arguably the worst in 100 years.

When there is a flood, an earthquake, as I indicated, a hurricane, this administration and this Senate prides itself on the responsiveness of its agencies, whether it be FEMA or any other, to the needs of the affected area, and we vote in the Senate for that kind of relief even if it is not our area. We have done that historically, and, God forbid, we stop doing that. It is absolutely our responsibility to help a State with serious problems, and we have that in New Mexico.

The disaster relief that I am addressing today could have begun weeks ago by administrative action, and still there is no response. Farmers and ranchers in my home State of New Mexico and in parts of Arizona, Colorado and Texas, are losing their means of livelihood by having to sell large numbers of their cattle at rock bottom prices to survive. Some have been dealing with these drought conditions for over 3 years, but this year over three-fourths of my State is currently under what is called severe drought, according to the National Oceanographic and Atmospheric Administration. I believe it is time for the President and the White House to approve the plan submitted by the U.S. Department of Agriculture. The time is past. It should be done now.

Since there has been no response to my inquiries other than, ''We are working on it,'' I hope that perhaps what I am saying to the Senate here on the floor will bring some action. It is not as if we are asking for billions of dollars, but it ought to be done. I hope the White House will respond quickly.

If there are other things we must do in Congress, I hope they will tell us. I believe the Senate would respond, if we have to change something legislatively to provide assistance to one group of New Mexicans, or another. We may be here in the next few weeks, asking for some extraordinary help. The drought is causing wells to dry up, and water sources to disappear. We are having to move water around in the State to accommodate the various needs. Clearly we may need some extraordinary relief. Today what we are asking for is simple, it is forthright, and it ought to be done.

I thank the Senate for giving me this time and I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the call of the quorum be waived.

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

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, I regret I cannot vote for this bill. I do congratulate, however, the managers of the bill and the staff of the Armed Services Committee for their meticulous attention to the details of the legislation and for their skillful handling of the bill.

There are many good provisions contained in it, provisions that address legitimate defense needs and provide support for the men and women in our military. Worthy provisions have been added to this bill, such as the amendment offered by Senators NUNN, LUGAR, and others, to provide assistance to Federal and local law enforcement agencies to defend against terrorist use of weapons of mass destruction and to help safeguard or destroy foreign sources of nuclear weapons materials. Another provision establishes a commission to review our national security needs, which will help to shape more realistic future defense budgets. And I am pleased that an amendment I offered was accepted that will provide medical assistance to the children of Gulf war veterans with birth defects and other medical problems while scientific research determines whether their maladies may be a result of their parents' service.

But in the end, this bill remains billions of dollars above the administration's already generous request for the Department of Defense. Other government programs addressing important domestic needs face flat funding or are being reduced, while the defense budget is flush with unrequested funds. Of the amount added to the defense bill, over $4 billion is designated for procurement programs that are not in the Future Years Defense Plan or on the military services' wish lists. Purchasing weapons that the military has not asked for on this scale is an ill-disguised attempt to provide a defense jobs program. I support a strong, well-equipped military, but buying weapons in 1997 that the military has not planned to purchase until after the year 2000 is not ''buying in bulk'' to achieve savings. It is welfare for defense contractors. Buying weapons early means turning down the spigot of technological advances, reducing to a trickle the incorporation of improvements, and shutting off the possibility of switching to a new and better design. And what will we do after the turn of the century, when these weapons are built and the shipyards and the aircraft production lines begin to be idle? Buy more weapons before they are needed, to keep the lines open? Where does it all end?

An amendment by Senator EXON, which I cosponsored, would have cut that amount from the bill and direct it toward deficit reduction. It failed. Another amendment, offered by Senator WELLSTONE, would have authorized the transfer of $1.3 billion of these unrequested funds to education programs, bringing those programs up to the President's requested level. It failed. But $855 million was added in the defense bill to a multibillion dollar ballistic missile defense program designed in part to protect the United States against the unlikely prospect of a rogue ballistic missile attack. It will not protect us against a terrorist attack using weapons of mass destruction, but only against a very limited number of ballistic missiles. Billions have been, and likely will be, spent to build this ''Star Wars Lite'' or ''Son of Star Wars'' while the needs of our people go unmet. I cannot support these kinds of skewed priorities.

Mr. President, is war so glamorous, are weapons of war so beguiling, that we must turn a blind eye to domestic cares? Must our schoolbooks fray and our bridges crumble in order to slake an unquenchable thirst for unnecessary tools of destruction? History will not judge us on our military might alone. It will also cast a critical eye on our wisdom, our learning, and our music and our arts. It will look upon our families, and the way that we treat our children.

Mr. President, Napoleon is remembered for his military exploits, for the battles he fought and the death and destruction that resulted from his actions. But in the end, for all of his personal ambitions, was France any greater as a result of his militaristic acts? What great artists, what great musicians, and what great philosophers were killed in those battles, who might have benefitted all mankind? What monies spent on Napoleon's great armies might otherwise have built spiral, soaring cathedrals, beautiful parks, and stately roads, or fed and educated children? I fear that, like Napoleon, we are in danger of letting our ambitions and priorities become skewed so far in favor of military spending and military might in the pursuit of our role as ''the last superpower'' that we will be remembered in history only as Napoleon is remembered, for acts of war rather than acts of progress.

Which reminds me of Robert G. Ingersoll's oration at the grave of Napoleon:

> A little while ago, I stood by the grave of the old Napoleon—a magnificent tomb of gilt and gold, fit almost for a dead deity—and gazed upon the sarcophagus of rare and nameless marble, where rest at last the ashes of that restless man. I leaned over the balustrade and thought about the career of the greatest soldier of the modern world.
>
> I saw him walking upon the banks of the Seine, contemplating suicide. I saw him at Toulon—I saw him putting down the mob in the streets of Paris—I saw him at the head of the army of Italy—I saw him crossing the bridge of Lodi with the tricolor in his hand—I saw him in Egypt in the shadows of the pyramids——
>
> I saw him conquer the Alps and mingle the eagles of France with the eagles of the crags. I saw him at Marengo—at Ulm and Austerlitz. I saw him in Russia, where the infantry of the snow and the cavalry of the wild blast scattered his legions like winter's withered leaves. I saw him at Leipsic in defeat and disaster—driven by a million bayonets back upon Paris—clutched like a wild beast—banished to Elba.
>
> I saw him escape and retake an empire by the force of his genius. I saw him upon the frightful field of Waterloo, where Chance and Fate combined to wreck the fortunes of their former king. And I saw him at St. Helena, with his hands clasped behind him, gazing out upon the sad and solemn sea.
>
> And I thought of the orphans and widows he had made—of the tears that had been shed for his glory, and of the only woman who ever loved him, pushed from his heart by the cold hand of ambition.
>
> And I said I would rather have been a French peasant and worn wooden shoes. I would rather have lived in a hut with a vine growing over the door, and the grapes growing purple in the kisses of the autumn sun.
>
> I would rather have been that poor peasant with my loving wife at my side, knitting as the day died out of the sky—with my children upon my knees and their loving arms about me—I would rather have been that man and gone down to the tongueless silence of the dreamless dust, than to have been that imperial impersonation of force and murder, known as ''Napoleon the Great!''

So, Mr. President, like Ingersoll in his writing of that beautiful prose, captured my feelings as I watch what has been taking place over the last few years. I support a strong military, prepared and equipped to defend the United States and its genuine security interests abroad. But I am not so bedazzled by a military gilded and draped with a surfeit of unnecessary weapons—with trappings ''fit almost for a dead deity''—that I cannot recall other priorities closer to home. I hold my family, and all American families, high on my list of priorities. I hope that in conference we will be able to rethink these spending priorities, to reduce the untimely procurement proposed in this bill, avoid a threatened veto, and produce a bill that balances our legitimate security requirements with our very critical domestic needs.

Mr. BRYAN. Mr. President, I rise today in opposition to the Senate Armed Services Committee's national defense authorization bill for fiscal year 1997. I voted to report the bill out of the Armed Services Committee because I believe it should be openly debated on the Senate floor. I cannot support this bill in its current form as it contains significant and questionable spending increases from the original authorization requested by the Pentagon.

This bill recommends a total spending level for the Pentagon of $267.3 billion in fiscal year 1997, an extra $13 billion beyond everything the Pentagon requested for the year. In today's climate of budget cuts, Federal deficits, and balanced budget debate, it is irresponsible to spend an additional $13 billion on top of the Pentagon's budget

request. It is a rare Government agency that is granted everything it asks for in its annual budget, and an additional allocation of $13 billion above and beyond its top request level is quite extreme. Balancing the budget is a priority for me. I do not believe that we can afford to spend this much money—especially when military experts question the need for it.

One example of this bill's overspending is the case of the F–16. The Department of Defense has planned to build four F–16's in fiscal year 1997. When asked what additional resources they might need related to the F–16 program, DOD responded that they ideally would like to have two more, for a total of six. The Senate Armed Services Committee somehow considered it prudent to provide an additional $107.4 million so that the Air Force may purchase a total of eight F–16's. This is a national defense bill, not a national jobs bill.

I am also puzzled by the committee's position on the funding of nuclear attack submarines. Although a full procurement plan was laid out by the committee in last year's defense authorization bill, this year's bill overrides that schedule and instead spends $701 million to accelerate the development of these submarines. Although some may assert that forcing production costs to occur earlier saves money, there is a point where acceleration of production actually costs more money in the long run. If engineers are not provided enough time to work out the bugs of a new design before building phase II of the same vehicle, cost overruns are likely to occur. There are sound reasons why we take time when developing a new combat vehicle, and to suggest that speeding up production saves money is not always the case.

Some of the most dangerous provisions in this bill are in the section on ballistic missile defense. The Senate has already considered alternative ballistic missile defense policy this year in the Defend America Act. It is clear that there is not overwhelming support for an acceleration of a ballistic missile defense system.

The President vetoed last year's defense authorization bill because it mandated deployment of a national missile defense system. The administration's current deployment policy is a 3+3 program which continues research for 3 years—into fiscal year 1999—and allows a decision to be made at that time to deploy a national missile defense system in 3 years or to continue research if the perceived threat does not warrant deployment. The committee has added $300 million to the national missile defense accounts in an effort to make sure that a system is deployable by 2003. Since the administration has not changed its position on reviewing deployment in 3 years, for the committee to suggest that deployment is needed in 3 years is beyond the previous mandate of the Senate and equivalent to asking for a veto from the President.

It is not just the ballistic missile defense policy questions that I would call into question. The committee has added $856 million to the Pentagon's $2.8 billion request for funding the Ballistic Missile Defense Organization [BMDO]. The committee boosts star wars funding by adding $40 million to the requested $7.4 million for the Applied Interceptor Technology Program; by adding $70 million to the requested $30 million for the space-based laser; by adding $140 million to the requested $482 million for the theater high altitude area defense system; and by adding $246 million to the requested $58.2 million for the Navy upper tier system. These aggressive funding increases clearly accelerate development of the star wars initiative far beyond what the Pentagon had requested; this additional level of spending is almost unfathomable in an age of fiscal austerity.

In addition, this bill contains language that would impede efforts the President is making to abide by the Antiballistic Missile Treaty. The ABM Treaty was originally negotiated in 1972 between the United States and the Soviet Union; since the breakup of the Soviet Union, President Clinton has been trying to determine how the treaty can still apply to the independent states now replacing the former Soviet Union. The committee states that ''* * * the United States shall not be bound by any international agreement entered into by the President that would add one or more countries to the ABM Treaty or would otherwise convert the treaty from a bilateral to a multilateral treaty, unless the agreement is entered pursuant to the treaty making power under the Constitution.'' The administration has expressed serious reservations with this language. If this language is adopted, Russians will have ample reason to believe that the United States no longer intends to abide by the provisions of the ABM Treaty and would likely become reluctant to negotiate any further nuclear weapon reductions.

Mr. President, we really ought to think twice before we vote on this bill. With an extra $13 billion in increased spending levels and substantive changes in ballistic missile defense policy, I do not feel comfortable supporting it. I urge my colleagues to vote against it.

CRITICAL DEPARTMENT OF ENERGY PROGRAMS

Mr. THURMOND. I rise to discuss the important national security and environmental missions that are carried out at the Department of Energy's Savannah River Site and invite the distinguished Senator from New Mexico to engage me in a colloquy on this matter.

Mr. DOMENICI. I would be happy to engage the Senator from South Carolina in a colloquy.

Mr. THURMOND. Mr. President, the programs carried out at Savannah River are among the most important in the Nation. From nuclear waste processing to defense production, the Savannah River Site hosts a unique mix of skills and capabilities that are critical to our national interest. Many of these capabilities do not exist anywhere else in the DOE weapons complex.

Mr. DOMENICI. I would agree with the Senator that the missions carried out at the Savannah River Site are critical, not only for the citizens of South Carolina, but for the Nation as a whole.

Mr. THURMOND. The Savannah River Site is currently the only site in the DOE weapons complex with the capability to process high-level radioactive waste and spent nuclear fuel rods in such a way that these wastes will be acceptable for permanent, geologic disposal.

Mr. DOMENICI. I am aware that S. 1745 provides an additional $43 million to keep the F- and H-canyon processing facilities in full operation in order to accelerate treatment of spent nuclear fuel and other wastes located at Savannah River. I am also aware that S. 1745 provides an additional $15 million for the newly constructed defense waste processing facility to accelerate the volume of wastes to be processed and packaged for disposal. I fully support these initiatives and will ensure that they are among my highest priorities as the Energy and Water Appropriations Subcommittee moves forward with its fiscal year 1997 appropriations bill and that bill is signed into law.

Mr. THURMOND. I appreciate the distinguished Senator's support of these programs. In addition to those environmental missions, the Savannah River Site also has very important national security missions. The committee required the Department of Energy to accelerate its phased approach to restring tritium production. Tritium is a critical element in ensuring the credibility of our nuclear deterrent and it is essential that the Department of Energy move forward as rapidly as possible to select a production technology.

In addition, the committee restored $45 million to the Department of Energy production plants and provided additional funds for manufacturing modernization, both at the National Laboratories and production plants. These programs will ensure that the Department can maintain the skills and capabilities to meet its national security missions well into the future.

Mr. DOMENICI. I am aware that S. 1745 provides an additional $60 million to the administration's request to accelerate the Department's decision to restore tritium production by the year 2005. I am also aware that S. 1745 provides an additional $45 million to restore DOE cuts to the important functions carried out at DOE production plants. I support these initiatives. I want to indicate that the important items contained in this colloquy and the other important programs for the Department of Energy can be funded if the allocation to the Energy and Water

Subcommittee provided by the Senate Appropriations Committee is agreed to. The House has not agreed to such allocations as of this time. If the House and Senate appropriations conferees do not agree on such allocations, I will do my best to ensure that the programs we have just discussed and the base administration request for the Savannah River Site are among my highest priorities during the House-Senate appropriations conference.

Mr. THURMOND. I appreciate the commitment that the able Senator from New Mexico has expressed for these programs. I look forward to working with my colleagues to ensure that these programs are fully implemented.

AMENDMENT NO. 4382

Mr. GRASSLEY. Mr. President, I am pleased to support the Feinstein, Kyl, Grassley amendment that will establish a more vigilant system of oversight of the sale of chemicals from Government stockpiles. Recently, Senator FEINSTEIN's office in California noticed a large, commercial sale of iodine from DOD stockpiles on the open market. Iodine is one of the precursor chemicals used in the manufacture of methamphetamine. Both Senator FEINSTEIN and I have been very concerned about the manufacture and sale of this very dangerous drug. Together we have sponsored legislation that would increase controls over the chemicals used in making meth. Thus, when Senator FEINSTEIN's office noticed the sale of large quantities of iodine by DOD they asked if the Government authorities knew who their customers were. It was a good question. They did not. With the realization that the Government could have found itself selling chemicals to possible illegal drug dealers, it became clear that the amendment that is being offered was an important step. By asking for a review of future sales by the Administrator of the Drug Enforcement Administration, the amendment establishes a safeguard on inappropriate sales while still permitting agencies to sell surplus items. I am pleased to support this timely and essential amendment.

AMENDMENT NO. 4420

Mr. SHELBY. Mr. President, I would like to enter into a colloquy with the distinguished chairman of the Senate Armed Services Committee, Senator STROM THURMOND and my distinguished colleague from Alabama, Senator HOWELL HEFLIN.

Mr. HEFLIN. Mr. President, I welcome the opportunity to enter into a colloquy with the distinguished chairman and my fellow Alabamian.

Mr. THURMOND. Mr. President, I too would be happy to enter into a colloquy with my friends from Alabama.

Mr. SHELBY. Mr. Chairman, I disagree with premise of Senator CONRAD's sense of the Senate amendment regarding the Air Force's National Missile Defense proposal. The program would violate the ABM Treaty and perhaps even the START I Treaty, the cornerstone of nuclear arms reduction. I certainly hope that the committee's acceptance of this sense of Senate amendment does not constitute an endorsement of this highly questionable program.

Mr. HEFLIN. I agree with Senator SHELBY that the Air Force program is a bad idea. It is dead-end technology that would leave us with a system of extremely limited capability and no growth potential to meet a changing threat. I, too, hope that the committee has not expressed an endorsement by accepting this amendment.

Mr. THURMOND. The committee does not specifically endorse the Air Force proposal. I strongly support the Ballistic Missile Defense Organization's existing National Missile Defense program which includes the ground based interceptor, ground based radar and the Space and Missile Tracking System. I agree that this proposal presents a number of serious questions regarding arms control implications and potential future growth. The committee supports the need to have a serious examination of these questions before any significant amount of funding is directed to further evaluating the Air Force Proposal.

Mr. SHELBY. Thank you, Mr. Chairman, for addressing our concerns.

Mr. SHELBY. Thank you, Mr. President.

TAXPAYER SUBSIDIES FOR MILITARY CONTRACTOR MERGERS

Mr. HARKIN. Mr. President, I have an amendment at the desk No. 4178. It deals with taxpayer subsides for military contractor mergers. This is a very important and timely amendment. I was outraged to learn recently that taxpayers are being asked to foot the bill, in one case to the tune of up to $1.6 billion, for these mergers.

In the interest of not delaying my colleagues, and to give an opportunity to continue discussions with those who have raised concerns about my amendment, I will defer offering it until we get the DOD appropriations bill early next month.

The House Appropriations Committee adopted a bipartisan amendment identical to mine earlier this month. Therefore, that would be an appropriate vehicle.

Before I end, I just wanted to have printed in the RECORD several quotes from different groups on this subject.

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

It's time for the Pentagon to drop this ridiculous ''money for nothing'' policy.—Taxpayers for Common Sense

The new policy is unneeded, establishes inappropriate government intervention in the economy, promotes layoffs of high-wage jobs, pays for excessive CEO salaries, and is likely to cost the government billions of dollars.—Project on Government Oversight

The costs associated with mergers should not be absorbed by Federal taxpayers. This is an egregious example of unwarranted corporate welfare in our budget.—The CATO Institute

. . .[T]axpayer subsidization is no more necessary today to promote acquisitions and mergers than it has ever been. Just about every major defense company today is the product of a merger, some of them decades old. . . Even today in the supposed ''bull market,'' plenty of bidders vie for the available companies. . . It is hard to believe that if taxpayer subsidies were not available, companies would not buy available assets if it made good business sense. If they paid a little less for their acquisitions, the taxpayers rather than the stockholders would benefit.—Lawrenece J. Korb, Under-Secretary of Defense under President Reagan

Mr. HARKIN. We simply must make reforms here. So, I will pursue this on the DOD appropriations bill and try to put an end to this ill-advised waste of taxpayer money. I look forward to working together with Senator NUNN and other of my colleagues in reaching a successful conclusion to this issue. I appreciate his good faith efforts to try to resolve this and I believe the additional time may help us to that end.

TRANSFER OF THE U.S. AIR FORCE HOUSING PROJECT KINGSLEY ANNEX

Mr. NUNN. I yield to Mr. WYDEN.

Mr. WYDEN. I thank the Senator. I would just like to engage the Senator in a colloquy about a provision in this bill giving the Department of Defense the authority to transfer contaminated Federal property before the complete remediation of all the environmental problems at a property. While I believe that it is important that the Department take responsibility for the environmental clean up of its properties, I recognize that there are some properties which have been abandoned and have not received sufficent remedial action. This appears to be the case with an Air Force housing project called Kingsley Annex in Klamath Falls, OR.

Kingsley Annex consists of 290 units of housing that are sitting vacant in an area with a serious lack of housing, particularly, low income housing. A local nonprofit, SoCO Development, Inc. is interested in developing this property to be used for low-income housing; however, the property has a lead-based paint problem. The property has remained vacant because it is not high enough on the list of Air Force priorities to receive money for a clean up.

At no cost to the Federal Government, SoCO is willing to remediate the problem of lead-based paint and meet the HUD standards for reduction of lead-based paint on federally owned residential property, as well as remediate a number of other environmental hazards on the site. However, they need possession of the property before they can invest in a clean up.

In my view it is consistent with this provision for the Air Force to work with groups like SoCO Development, Inc., to use the new authority in this bill to turn over property for purposes such as low-income housing with the

conditions that ensure that the environmental problems are remediated.

Mr. NUNN. I assure the Senator from Oregon that this is consistent with the provisions in this language to encourage the Air Force to resolve situations like the one at Kingsley Annex. I also assure the Senator that I will work with him to help resolve the problem at Kingsley Annex, and I encourage the Air Force to move ahead with this project under this new authority.

ABM MULTILATERALIZATION

Mr. NUNN. Mr. President, I wish to enter into a colloquy with the distinguished Chairman of the Armed Services Committee, Senator THURMOND. Today we are agreeing to a unanimous-consent agreement concerning a number of items, including the substitution of sense of the Senate language for the binding language in this bill relative to the multilateralization of the ABM Treaty.

The issue of the treaty obligations of successor states to the former Soviet Union is of particular importance to the Senate because it concerns the Senate's unique constitutional responsibility to provide advice and consent to the ratification of treaties.

The unanimous-consent agreement provides for hearings on this issue because it raises the question of whether the many treaties with the USSR, relative to arms control, trade and other matters, which are acceded to by components of the former Soviet Union, now successor states, need to be reratified by the United States Senate. This issue has important ramifications for our relations with Russia and the other successor states, and also for American security in many other important ways.

While the bill, as amended by the unanimous-consent agreement, now states what the current sense of the Senate is, the Committee hearings provided for in the unanimous-consent agreement are important because they will assure the Senate's ability to fully and deliberately consider how we implement treaties with nations that split into separate sovereign states.

Would the distinguished Chairman of the Committee agree with this assessment?

Mr. THURMOND. The distinguished ranking Member of the Armed Services Committee fairly characterizes the situation. However, the hearings on this matter do not preclude, and should not be construed as a substitute for, the Senate's constitutional role in advice and consent to ratification of treaties and international agreements.

Mr. NUNN. I thank the Chairman.

Mr. MCCAIN. Mr. President, I am pleased to rise in support of the Senate Armed Services Committee's recommendations contained in the fiscal year 1997 national defense authorization bill now pending before the Senate.

Overall, I believe this is an excellent bill, and I congratulate Chairman THURMOND for leading the committee through our markup of this bill. Let me also offer my sincere thanks to Les Brownlee and the staff of the committee for their professionalism and diligence in conducting a well-organized and very efficient markup process.

For the second year in a row, the Republican Congress has successfully increased the administration's inadequate defense budget request, slowing the too-rapid decline in defense spending which threatens to jeopardize the future readiness of our Armed Forces, The committee-reported bill authorizes nearly $13 billion more than the President's budget request for defense programs, with more than $7 billion allocated for procurement of additional weapons systems.

Although I am not completely satisfied with some of the committee's recommendations, the majority of this added funding is authorized for high-priority programs of the military services. The bill provides much-needed funding for essential tactical aircraft and missiles, improved communications systems, theater and national missile defense systems, and other high technology equipment which the Clinton administration failed to fund.

I am also pleased that the committee adopted most of the recommendations of the Readiness Subcommittee, including:

A provision to dispose of unneeded stockpile items which will reduce the deficit by $650 million;

A provision to terminate defense spending for a Justice Department-run center to gather intelligence on illegal drug activities; and

A provision requiring organizers of civilian sporting events to agree to reimburse the Department of Defense for the cost of providing security and other support services, but only if the event makes a profit; and

A provision requiring the military Service Chiefs to provide an analysis of an alternative readiness management system, called tiered readiness, which I proposed in a recent paper.

I appreciate very much the cooperation of my colleagues in formulating a compromise proposal to resolve the difficult issue of allocating workload between public and private maintenance depots. The provisions adopted by the committee revise the current 60–40 public-private workload allocation to a 50–50 formula, pending receipt of core workload data from the Department of Defense. The committee also adopted a requirement for competition at Kelly and McClellan Air Force Bases in advance of implementing any privatization-in-place proposal.

The committee also adopted several other amendments dealing with policy matters of particular importance.

First, the committee adopted an amendment to repeal provisions of the fiscal year 1996 Defense Authorization Act related to missing service personnel. These provisions were identified by the military leadership as burdensome and unnecessary. I appreciate the support of my committee colleagues in repealing these unworkable provisions, and I look forward to their support in our conference with the House of Representatives.

The committee also adopted an amendment to provide the Secretary of Defense with the authority to waive counterproductive ''Buy America'' restrictions which were adopted in last year's defense authorization bill. The new waiver may be exercised at the Secretary's discretion to allow the Department of Defense to purchase items from a firm located in a foreign country, if that country has a reciprocal defense procurement memorandum of understanding with the United States. The new waiver will once again allow free trade between the United States and our allies for defense contracts.

The committee also adopted a proposal directing the Department of Defense to follow a uniform policy with respect to military personnel who have illnesses that prevent them from serving overseas. In my view, it is unconscionable that military personnel infected with the AIDS virus would be treated any differently than others who cannot deploy for health reasons. This provision would ensure uniformity in the Department's discharge policy for nondeployable personnel. I sincerely hope we are able to maintain this fair and compassionate position in our conference with the House.

Again, I offer my sincere thanks and congratulations to Chairman THURMOND and Senator NUNN and the committee staff for their hard work in successfully crafting a balanced defense bill. However, I am sorry to note that the practice of pork-barrel spending is still evident in the Senate Armed Services Committee.

Mr. President, in past years, defense bills have been filled with pork-barrel projects which did little to enhance our military capabilities. Last year, the Congress wasted nearly $4 billion on pork-barrel projects like the *Seawolf* submarine, B–2 bomber, and other wasteful projects. This year, I am pleased that the practice of adding funds for Members' special interests seems to have declined significantly. However, there are several programmatic recommendations in this bill which, in my view, constitute pork-barrel spending.

First, and most egregious, the Committee added almost $600 million in unrequested military construction projects. The close attention focused on military construction pork in the past at least forced greater scrutiny of the add-on list this year. All of these projects met the established criteria for add-ons, and most of them were included on the military Services' priority lists. However, I cannot accept the apparent assumption that projects planned for construction in the next century are as high a priority as projects planned for next year's budget, and I had hoped that the Committee would focus on adding money for projects planned for 1998 or 1999.

The military construction projects added by the Committee were not included in my Subcommittee's mark, and I strongly objected to their inclusion in the Committee bill. At the appropriate time, I will offer an amendment to strike these projects.

Another perennial favorite is the addition of hundreds of millions of dollars for unrequested equipment for the National Guard and Reserve. This bill includes an additional $759.8 million in the National Guard and Reserve Equipment account, plus as much as $242 million in additional unrequested equipment earmarked for the Guard and Reserve in the regular Service procurement accounts. Within this amount is $284 million for 6 unrequested C–130J aircraft for the Guard and Reserve—a tactical airlift aircraft that the active Air Force has not yet been able to afford.

The active Air Force did request funding to procure one C–130J tactical airlift aircraft. However, the Committee decided not to authorize this asset for the active Air Force. Instead, the Committee recommended $204.5 million for an additional three C–130Js, including funding to modify these aircraft to a weather reconnaissance role, and then transferred all four aircraft to WC–130 weather reconnaissance squadron in Mississippi. It is inexplicable to me why the Committee would choose to divert these aircraft from the active Air Force, where they would have replaced aging C–130E models, and instead use them to replace newer C–130H models in a weather reconnaissance unit. Further, the Air Force plans to eliminate nearly 90 aircraft from its current C–130 fleet to conform with the Mobility Requirements Study, yet the Committee recommended adding these 4 aircraft plus 6 more C–130s for the Guard and Reserve.

The Committee's rationale for adding these aircraft, reflected in the report language, appears to be that the weather reconnaissance mission could benefit from near-term modernization. That argument, in my view, could easily apply to the thousands of Service priorities which were not included in this bill and which, in my view, would contribute much more to our national defense than an upgraded weather reconnaissance capability.

Mr. President, I am well aware of the argument that the active military Services do not adequately provide for the needs of the Guard and Reserve, but I do not believe the Congress, or the individual Adjutants General, can properly prioritize their needs. The Senate Armed Services Committee has repeatedly urged the Services to include Guard and Reserve requirements in their budget requests. I think we should enlist the obviously widespread support of our Senate colleagues and the State Adjutants General to ensure that Guard and Reserve priorities are included in the budget formulation process, rather than continuing to impose on the Guard and Reserve our own politicized judgments about specific weapons systems and projects.

Another questionable add-on in this bill is a $15 million increase for the High Frequency Active Auroral Research Program, or HAARP. This program has benefited from congressional add-ons since 1990, costing a total of $76 million in just seven years, with another $115 million required before the project can be completed in 2001. Yet it remains unclear what military benefit might accrue from the construction of a facility to study the aurora borealis.

Proponents of the program argue that it should be a part of the counterproliferation program of the Department of Defense because it will be able to detect underground tunnels and structures. However, the Air Force, which manages the program for the Department of Defense, noted in April of last year that the research is not sufficiently mature to warrant its inclusion in the nonproliferation and counterproliferation program.

Proponents also argue that the program will have application for communications, navigation, and surveillance missions. Yet, the Department of Defense did not include this $15 million in its budget request for fiscal year 1997, and it was not included on their priority lists for additional funds. That indicates to me that, in competition with other militarily relevant programs, HAARP is not a high priority for the military.

Mr. President, in my view, the Congress should stop compelling the military Services to pursue research programs that do not meet their requirements. Spending hundreds of millions of defense dollars to study the energy of the aurora borealis is, in my view, and unconscionable waste of taxpayer dollars. This program should be turned over to a privately funded university, research institution, or other organization where it could be pursued as a purely scientific endeavor.

The Committee also included a provision in the bill that establishes a cumbersome and expensive new bureaucracy to coordinate the Navy's oceanographic research activities. The addition of $99.4 million for two new oceanographic ships does not trouble me, since these ships were included in the Navy's shipbuilding plan. Nor does the addition of $6 million to replace worn equipment used by the Navy in its oceanographic survey and research activities. In fact, I do not necessarily dispute the assertion that Navy oceanographic research is underfunded. However, I see no need to establish a multitiered organization to ensure that the Navy has access to all Federal and civil research in oceanography.

The bill sets aside $13 million to fund a new bureaucracy which would, in my view, only hinder the efficient and effective expenditure of Federal funds for militarily relevant oceanographic research. In addition, the criteria and processes for appointment to these various new entities seem vague, as do the particular responsibilities and authorities of these seemingly overlapping organizations. Finally, the outyear funding requirements for this new bureaucracy are unknown, and I question whether the Navy can afford this potential funding drain in the future.

Mr. President, I believe the committee would have been better served to increase the funding available to the Navy for its oceanography program, together with specific legislative authority for the Navy to explore private sector efforts which might be of utility to the Navy. In this way, the Navy would be spared the burden of a new bureaucracy and, at the same time, would be able to benefit from privately funded research and other activities.

Finally, again this year, the committee included legislative language and additional funding for the New Attack Submarine program which is designed to ensure that the first two, and perhaps four, of these submarines are allocated equally between the two competing shipyards. The legislative language is essentially the same as that adopted last year, which earmarks at least one submarine each for Newport News and Electric Boat shipyards. The bill includes an additional $701 million for advance procurement for the second new attack submarine to ensure that Newport News receives its fair share of this program.

Mr. President, I did not support this approach last year because it defeats any pretense at competition between the yards, earmarks multi-billions of dollars for each of the yards, and is based on a faulty assumption that the Nation requires two shipyards to ensure its nuclear submarine industrial base. I still question why the Navy is retiring SSN–688 submarines early in order to accommodate the *Seawolf* and new attack submarines in a drastically reduced attack submarine fleet, and I do not understand why we are buying New Attack Submarines, which are less capable than *Seawolf* submarines, when they cost as much as *Seawolf* submarines—about $2.5 billion each. I think the committee should consider deferring this funding until it is necessary and allocate this $701 million to other Navy priorities.

Mr. President, these pork-barrel projects add up to more than $2 billion. I am astonished that, once again, after fighting hard to sustain a much-needed increase in the defense budget, the committee chose to spend these funds on pork.

Last year, we wasted $4 billion, or more than half of the total Defense budget increase, on pork-barrel projects. I suppose this year's bill shows progress of a sort—we are only wasting $2 billion.

But, Mr. President, I will say again that the American people will not stand for this type of wasteful spending of their tax dollars. If we in Congress refuse to halt the pork-barrelling, it will be more and more difficult to explain to the American people why we

need to maintain adequate defense spending.

Mr. President, recent polls indicate that national defense will probably not be an issue in the Presidential campaign. Less than 5 percent of those polled indicated that defense is an issue of concern to them in considering their vote. Instead, Americans are concerned about balancing the budget, reducing taxes, and improving their quality of life, among other things.

So how do we explain to the citizens of this country why we need to spend $11 billion more for defense this year, when we waste $2 billion on pork? How do we explain why we need to maintain a strong military to ensure our Nation's future security? How do we credibly argue that this added $11 billion is necessary for national defense, when $2 billion is spent for projects that do little or nothing to contribute to our security?

Mr. President, we have made progress in reducing the amount of defense pork-barrelling. But we have a long way to go—$2 billion, to be precise. For the sake of ensuring public support for adequate defense spending in the future, we have to completely eliminate pork-barrel spending now.

Mr. President, let me conclude by saying, again, that I believe this is, overall, a very good defense bill, and I voted in favor of reporting the bill to the Senate. However, with the budget resolution conference completed, this bill will have to be reduced by about $1.7 billion to stay within the budget targets for defense. To meet this target, I urge my committee colleagues to look carefully at these pork-barrel add-ons. We must protect the high-priority military programs in this bill which contribute to the future readiness of our Armed Forces. We should cut out the pork first.

Mr. HATFIELD. Mr. President, the clarion call of this Congress, and the current administration, has been to balance the budget. To reduce the Federal deficit and balance the budget. I believe that, with the passage of this bill, the Senate takes a step away from that goal. The fiscal year 1997 Department of Defense authorization bill authorizes a total of approximately $265.7 billion for national defense programs, which is more than $11.2 billion more than the administration requested. I have to question the sincerity, and certainly the logic, of those who ardently advocate for a balanced budget while refusing to look realistically at defense spending.

When we speak of health care, education, and foreign aid, the self-professed fiscal conservatives rave about how the public must be prepared to sacrifice today to preserve the future. About how the Federal Government must cut costs and eliminate waste. And about how there is not one extra penny to spare for even the most essential domestic programs. Yet, when we even broach the subject of significantly reducing military spending, these same fiscal conservatives take to the floor and raise the specter of national security as justification for maintaining an unconscionable level of funding.

Congress and the administration must share the blame for the failure to significantly reduce defense spending. Over the next 6 years, both the administration's and the Congress' budget plans call for $1.6 trillion in military spending. This would mean that during the decade of the 1990's, the United States Government will have spent somewhere in the neighborhood of $2.7 trillion on its military. This, when we haven't even yet begun to pay off the tremendous debts incurred during the massive military build-up of the 1980's.

For fiscal year 1997, the Senate has added $11.2 billion dollars to the administration's request for the Department of Defense. Much has been made of the fact that each of the Joint Chiefs came to Capitol Hill earlier this year and presented a list of additional programs and projects they needed beyond the initial request. These soon became referred to as their wish lists. And, of course, Congress dutifully added the funds for those items.

There has developed an attitude here that to question the funding requests from the Pentagon is to undermine the Nation's security. To spend a penny less than what is requested, it is suggested, will put our security into jeopardy. I think we should recognize that the posture and weapons systems requested by the Defense Department as essential to security do not carry with them any mandate from heaven. It is the estimation of dedicated people working in an enormously complex bureaucracy and influenced heavily by the interests and biases of that bureaucracy. Moreover, it must be remembered that the Defense Department defines and regards ''national security'' in the most narrow vein. Only the military factor is considered.

But when Congress evaluates the national security, it must recognize that our true security is a combination of economic health, political stability, and domestic tranquility, as well as our military resources. Congress has the unique task of judging the relationship of all these factors as it attempts to ensure our overall national security. We have the responsibility of prioritizing our limited resources, and we must keep in mind that the most important element of our defense policy is the will of our people. The disillusionment and dissatisfaction caused by the lack of adequate education, health services, and housing creates as great a threat to our national security as anything we may face outside our own borders.

President Eisenhower, one of America's most celebrated and dedicated military leaders, used to say that military strength is only the sharp edge of the sword. The strength of the blade, and therefore of the sword, is based on the economic might and political freedom of the American people. Today, the United States leads the world in military power, yet we lag behind other developed nations in literacy, per capita income, infant mortality, doctor-patient ratios, and other important indicators of a society's strength.

We must realize that our national security is not solely dependant on our military might. The prevailing consensus around here seems to be that if it doesn't fly, shoot, float or explode, then it isn't relevant to the security of our country. But unless we can enjoy a strong economy, adequate housing, good nutrition, educational opportunity, satisfying employment, and the liberties on which our Nation was founded, we are not truly secure, no matter how many arms and men we can muster against an enemy. This broader definition of ''national security'' must be kept in mind when considering the allocation of our financial resources in the federal budget. In my opinion, the Senate has failed in its responsibility to do so today by authorizing over $267 billion dollars for military spending at the expense of much needed domestic programs.

We must examine our military requirements carefully, so that we don't rob ourselves of the resources necessary to provide a high standard of living for every American. This bill fails in that regard, and therefore I cannot support it.

Mrs. FEINSTEIN. Mr. President, I rise in support of the DOD authorization bill for fiscal year 1997. This is a responsible bill that provides continued national security and properly funds modernization and operating accounts.

As the front page of any newspaper in this country today reminds us, we continue to live in a dangerous and uncertain world. Civil and international conflicts can begin by the assassination of a national leader, the blockade of shipping lanes, or ethnic strife. Our military response to these conflicts can vary from peacekeeping, humanitarian, and peace enforcement operations to full scale deployment. Because we continue to ask our military to participate in more and more operations other than war, we not only must plan and prepare to send our troops to an international border to protect our allies or our citizens living overseas, but to protect foreign civilians in peacekeeping and humanitarian operations.

While the fiscal year 1997 DOD authorization bill is nearly $12 billion higher than the President's budget request, it keeps total defense spending $5.6 billion below last year's inflation adjusted level. Although some of my colleagues may think this a negligible reduction, this is the 12th year in a row where the U.S. defense budget is less than it was the year before; $7.6 billion of these additional funds were allocated to modernization of our weapons systems to that the men and women of our Armed Forces have access to the best technology and safest equipment possible.

At a time when we are asking our soldiers to do more and more with less, we must strive to provide them with reliable systems that are capable of carrying out a variety of missions.

Concern over the funding levels for the new military equipment was noted by the Chairman of the Joint Chiefs of Staff, General Shalikavili, is especially worrisome in the area of procurement and research and development. During their testimony before the Senate Armed Service Committee, General Shalikavili and the service chiefs recommended that the procurement account be funded at $60 billion in fiscal year 1997.

This bill also increases funding in the service's day-to-day operating accounts. Reduced funding threatened to limit the ability of the services and Guard and Reserve forces to carry out the airlift, support, medical, and counterdrug tasks asked of them. For example, the committee increase funding for the Air National Guard by $76 million to ensure that it could carry out its aircraft and mission support operations. The committee also rightly increased the level of funding for the Defense Department's counterdrug activities. These missions, especially those carried out by the National Guard, have had a substantial impact on reducing the flow of drugs into this Nation. As a Senator from California, where illegal drugs are an epidemic, I am very pleased with this action.

This year's defense bill also recognizes the needs of our men and women in uniform. I believe the committee wisely included additional military construction projects, a 4-percent increase in the basic allowance for quarters, and a 3-percent pay raise to better our uniformed military's standard of living.

I do not, however, support all the extra funds that were added to this bill. I felt it important to support Senator DORGAN's amendment to cut $300 million from national missile defense funding. I believe that a national missile defense is a laudable goal, and I certainly want to see different Anti-Ballistic Missile [ABM] Treaty compliant national missile defense systems studied. But, the cold war is over. There is no immediate or even midterm threat to U.S. security that suggests the need for an immediate development and deployment of a national missile defense system. Only Russia and China have nuclear armed ICBM's that can reach the United States—and China has no more than a dozen or so of these weapons. There is consensus within the national intelligence community that it is very unlikely that additional countries can or will build ICBM's within the next two decades. In addition, the Pentagon's Joint Requirements Oversight Council [JROC] believes that with current and projected ballistic missile threats, the funding level for developing a national missile defense system should be no more than $500 million per year.

Funding at this level will allow the United States to continue to field critical theater missile defenses and national missile defense systems to meet projected threats, save money, and achieve an affordable ballistic missile defense. Should threats to the United States materialize, it will give us sufficient lead time to respond to those threats, at that time and as necessary, with appropriately higher funding and a more aggressive national missile defense program.

I also supported the Wellstone amendment to transfer $1.3 billion—just 10 percent of the $13 billion increase in funding from the President's request—from DOD to higher education and employment and training programs. California is one of the most heavily impacted States by the cuts. This amendment would have provided the needed extra funding for education and job training programs.

Senator WELLSTONE's amendment would have transferred $806 million from DOD's coffers for Pell grants, Perkins loans, and direct student loans. Employment and training programs for dislocated workers, summer youth jobs, school-to-work, and one-stop job training centers would have received a total of $504 million. All of these programs are as important to California as adequate defense spending and I am sorry that the Wellstone amendment did not pass.

In conclusion, Mr. President, I would like to make special note of a major victory for the women who serve in our armed forces. I am speaking of the passage of the repeal of current law that prohibits abortion at an overseas U.S. military facility even if the woman paid for the procedure herself. Forcing a woman to fly to the United States to obtain an abortion creates a double standard that is not only unjust, but potentially dangerous to the health of our women in uniform and military spouses. I am very pleased to see this amendment pass.

ALLIED BURDENSHARING

Mr. KERRY. Mr. President, I was pleased to be the principal cosponsor of an amendment offered by the Senator from Iowa [Mr. HARKIN] to the Defense authorization bill, amendment No. 4177. It was my intention to join Senator HARKIN on the floor to speak in favor of the amendment that seeks to obtain a greater sharing of the financial and other burdens of stationing American troops in foreign countries. However, Senator HARKIN successfully negotiated with the managers of the bill and they agreed to accept the amendment. As a consequence, it was hastily offered and approved by a voice vote last night while I was away from the Senate floor and could not reach the floor before that action was concluded.

Because of my strong support for this amendment, I would like to insert in the RECORD the statement I intended to make when the amendment was offered, and I ask unanimous consent that the statement be printed in the RECORD.

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

ALLIED BURDENSHARING

Mr. President, I am pleased to join with the Senator from Iowa in offering this amendment. Unlike previous burdensharing amendments that simply asked our allies to pay more of the costs of stationing U.S. troops abroad, this amendment incorporates a more comprehensive definition of the price of international peace and security. Forward deployed American troops represent only one element of a collective security approach to maintaining international security and fostering peace and democracy. An equitable distribution of the costs of collective security must recognize and include other components in the burdensharing calculations, and that is what we have done in this amendment.

Our amendment, which mirrors the Shays/Frank amendment that passed overwhelmingly in the House of Representatives, instructs the President to focus on four areas in which to seek greater contributions from countries that have U.S. forces stationed on their soil. To satisfy the terms of the amendment, the increases can be in one or more of these areas at the President's discretion.

First is the traditional request that host nations pick up more of the costs for forward deployed U.S. troops. The amendment calls on the President to increase host nation support over the next four years with a goal of reaching 75 percent of the non-personnel costs incurred by U.S. forces. Japan already pays 79 percent of these costs and Korea pays 63 percent, but our European allies only contribute an average of 24 percent. The CBO has calculated a potential savings of $11.3 billion by 2002 if this provision is fully implemented.

The second area of focus is overall defense spending by our allies as a percentage of their respective GDPs. The U.S. currently spends 4.7 percent of GDP on defense while many of our allies, including Germany, Japan, Italy, and Canada spend less than 3 percent. The amendment calls on the President to encourage allied nations to increase their defense spending as a percentage of GDP by 10 percent or to a level commensurate with that of the U.S. But as with host nation support, this category will be appropriate for some nations and not others. For example, the President might choose to encourage the Canadians to raise their defense budget from its current level of 1.9 percent of GDP to 2.09 percent, but Greece already spends 5.6 percent of GDP on defense, more than the U.S.

The third category is foreign assistance. If the President thought an ally should be doing more in this area he could encourage that country to increase its foreign assistance by 10 percent or to a level commensurate with that of the U.S. I personally believe that we have cut our own foreign aid too deeply in recent years. But if, because of our budgetary situation, the U.S. cannot continue to fund important development programs that contribute to stability in many nations, then countries that do not spend large amounts on their military should be encouraged to pick up the slack. The purpose of this amendment is to share the load, not to make every allied nation contribute the same amount in every category.

Finally the amendment instructs the President to push allied nations to increase their military contributions to U.N. and other multilateral peace-keeping operations. This provision makes the clearest break with

Cold War thinking and recognizes how important international and regional peacekeeping efforts have become. From Cambodia to Liberia to Bosnia and dozens of other trouble spots, peacekeepers work to keep tensions from erupting into conflict and to contain the conflicts that do break out. Often in these situations America cannot send troops for fear that one side or the other would seek to make them the target. Although Japan and Germany are constrained from sending troops in many cases, they could do more to provide equipment, logistical services and financial support to peacekeeping efforts. So could other nations.

If the President cannot convince our allies to improve their contribution in any of these areas, the amendment lays out a menu of options for him to use to prompt cooperation. The options include: reducing troop levels stationed abroad; imposing taxes or fees similar to those that other nations impose on U.S. forces stationed abroad; reducing the amount of U.S. contributes to the NATO budget or other bilateral programs; or taking any other action within his power. In reality the President already has the authority to take any of these steps. This language simply urges him to use these tools to encourage burden sharing. These options are suggestions and are not mandatory.

During the Cold War, the United States maintained the military industrial might to counter the threat posed by the former Soviet Union. In doing so, we paid a very heavy price and the American people made many sacrifices, most importantly in the lives of American men and women who fought and died in Korea, Vietnam, and elsewhere. But we also sacrificed a great deal of our national wealth to build and maintain a military superior to all others, capable of defending not only the United States but also our allies in Europe and the Pacific. In addition to providing the primary defense for the free world, we aided the devastated economies of Europe and Japan to recover after the war and then devoted our efforts to development in the Third World. These contributions were also important to maintaining stability and security.

For much of the Cold War, we had the only economy capable of sustaining such an effort. This is no longer the case. The European Union has passed the U.S. as the largest integrated economy in the world, and Japan's per capita output is very close to ours. With the Cold War gone and the threat of global war fading, it is time for the rest of the industrialized nations to take on their fair share of world responsibility. The United States will continue to lead the way, but we can no longer do it all ourselves.

Both the Defense Department and the State Department are on record in support of this amendment. According to the State Department the amendment ''supports U.S. policy objectives in achieving an equitable responsibility sharing of global security interests with our allies.'' This amendment does not tie the President's hands. He maintains the flexibility to target different countries in different areas and to use the tools he feels are most appropriate.

Not only is this approach supported by the Administration, but because of the potential to save the American taxpayers $11.3 billion by 2002, the amendment has garnered the endorsement of The Concord Coalition Citizens' Council, Taxpayers for Common Sense, and Citizens Against Government Waste. This amendment makes sense both for budgetary reasons and on grounds of fairness, and it supports Administration policy. I urge my colleagues to support it.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Massachusetts.

MINIMUM WAGE AND HEALTH INSURANCE REFORM

Mr. KENNEDY. Mr. President, under the Senate schedule, when the Senate returns a week from Monday, we will have the opportunity to debate the minimum wage increase, the proposal that will be before the U.S. Senate. In anticipation that minimum wage really is the next order of business, I will address the Senate briefly this afternoon in terms of what I think are the issues that will be considered. I think it is important, as we move through the Fourth of July recess, that the American people understand the issues that will be considered, under a relatively short time agreement, with the vote coming up in the early part of the week, when we return.

The issues that will be before the Senate and the American people are extremely important to working families, especially low-income working families, and their children.

I think it is important that we begin to think about these matters, now that the issues on the defense authorization bill have been addressed and pretty well resolved. Then I would like to just take a few moments to address where we are, as I consider it, in terms of the health insurance reform bill that was passed unanimously out of our committee and on the floor of the Senate and where we are in terms of the discussions that have been taking place in recent days.

But on the first issue, on the minimum wage, Mr. President, I think it is regrettable that our Republican colleagues continue to try to do all they can to undermine a fair increase. We will have the opportunity to vote on a 90 cent increase in the minimum wage over a 2-year period. Nonetheless, it is important to know that not only will we have the opportunity to vote for the increase, but that there will be an alternative before the U.S. Senate that will undermine in a very dramatic, important and significant way the effects of the increase for working families.

Mr. President, that is the particular part of the debate that I would like to talk about briefly this afternoon. At every turn, wherever we can provide some protection, there will be at least a proposal to minimize that protection for workers in the form of delays in the increase of the minimum wage.

In the proposal that will be the alternative to our increase in the minimum wage, the Republican proposal will, first of all, put off any increase until January 1, 1997.

That means for another 6 months, minimum wage workers will go without a raise. They have already had no raise over the period of the last 5 years. They will be denied approximately $500 more in additional pay that they would have received over the next 6 months—$500 that could buy medicine for sick children, new school clothes, or even Christmas presents. Only the Grinch would be mean enough to delay this raise for our poorest workers until after Christmas. Surely, our Republican colleagues find this kind of meanness embarrassing.

It is important to know that in the proposal that was introduced 2 years ago, the first phase of the increase in the minimum wage was to go into effect in this July period, to go up 40 cents, and then an additional 45 cents a year from now. Now we will have before the Senate the alternative of delaying any kind of increase until January 1997, at the earliest.

Next, our opponents propose an increase—but just a flat increase in the minimum wage, as we had in 1989, signed by a Republican President. Under our Republican proposal, we will find that the minimum-wage proposition that they support creates a subminimum wage for any worker who takes a job with a new employer.

Their proposal would allow employers to pay any new employee a subminimum wage of $4.25 an hour for 6 months. This harsh provision could have a serious depressing effect on the already depressed wages of large numbers of working Americans. Each year 6 million workers lose their jobs and struggle to find new ones, and all of them would be subjected to this subminimum wage.

Our Republican friends call this an opportunity wage. But the only opportunity in sight is the opportunity for employers to exploit their new workers. No one will be hurt more by this than the downsized, laid-off workers in a time of high unemployment who cannot find jobs equivalent to the jobs they lost. Not only will they face the indignity of having their wages fall to the minimum, but they will find themselves falling to a subminimum wage.

The past year has been a time of economic expansion and relative prosperity for our economy as a whole. But again and again we see the stories of white and blue-collar workers laid off after long careers in good-paying jobs. Many of these workers have found themselves forced to accept minimum-wage jobs after being laid off by a downsizing employer.

Mr. President, what we are saying here is that anyone who enters the job market will not be eligible for an increase in the minimum wage for 180 days. They may work for a period of time, they may be laid off from that job, they may go to another job, and they are still not eligible for another 180 days.

At least in 1989, when we were debating the increase in the minimum wage, they called it a training wage for a period of 90 days. Even though there was no requirement to provide either education or training during that period of time—they just labeled it as a training wage.

This one before us now in the U.S. Senate is 180 days, without any kind of

suggestion that there is a training wage for a minimum-wage job. This does not suggest that for entry into a minimum-wage job there is not any training—there has to be some. There is training, but for the most part that can be done within a week or a 2-week period for minimum-wage jobs.

But what we are basically saying is that there is a delay, and the effect of the delay is going to mean a loss for those who are eligible for the increase in the minimum wage. Then for every person who enters the job market—the 6 or 7 million Americans who are out there who want to work, provide for their families, and are being laid off of these minimum-wage jobs—they go to a new job and they are again held at $4.25. They do not get the increase that other minimum-wage workers would get because they are a new entry into the job market.

At least the House of Representatives said, ''Well, we'll do that with regard to teenagers.'' Not the U.S. Senate. They are going to do it to anyone, any single mother, and any single mother that may be trying to get off welfare and trying to provide for her family. The way the Senate Republican proposal is going to work is that it is going to say, ''If you go into the job market for 180 days, you're still going to be at $4.25. Then if you have to take a few days off—maybe change jobs because you have to look after a child—you're going to be continued at $4.25 for a period of time.'' It is effectively undermining the impact of any increase in the minimum wage.

So, Mr. President, the result of their plight is to make it more painful; workers will fall farther and farther behind. We are talking about minimum-wage jobs that are the least-skilled jobs. They are jobs for which little or no training is needed—at most a few hours or days. Yet the Republican amendment doubles the duration of the subminimum wage of the House-passed bill, from 90 to 180 days, far beyond any reasonable training or tryout period.

There is no good reason for this harsh proposal other than Republican opposition to the minimum wage and any Government protection for working people. In the Republican view, the lower the minimum wage, the better. Our Republican friends would rather have no minimum wage at all. If American workers' wages have to sink to the third world level to make business competitive, so be it.

I oppose the subminimum wage in the House-passed bill which applies only to teenagers during the first 90 days of employment with any employer. Many of the 18- or 19-year-olds need a living wage as much as any adult, especially if they are young welfare mothers willing to work for a living. The notion that they need training for 3 months in jobs like burger flipping or waiting on tables, washing dishes or bagging groceries is absurd.

The Senate Republican proposal is even more objectionable than the House proposal because it imposes a longer subminimum wage for workers at all ages, not just youths. Employers would be authorized to pay a subminimum wage to a 50-year-old steelworker who is down on his luck after his plant is closed. Office workers whose 30-year careers have ended in layoffs could be paid a subminimum wage.

Republicans cannot hide behind their typical excuses about the minimum wage applying to wealthy teenagers who do not really need a job. The facts are plain: the Republicans simply want to drive workers' wages as low as they can, regardless of the workers' age, experience or family situation.

Mr. President, the third part of the Republican alternative, besides the delay in the effective date and the 180-day delay in terms of putting the minimum wage into effect, is the exemption for workers in small businesses. Businesses with less than $500,000 in annual sales would be exempt from any minimum wage. There are 10.5 million workers who are employed in those firms today. I say they deserve protection, too.

The protection is not something small business needs. The economy has added more than 10 million jobs since Congress last raised the minimum wage in 1991. Small business often claims to have led the way. The minimum wage has not been a drag on job creation. It strengthens job creation by putting more money into circulation. Even the National Federation of Independent Businesses' own survey found that the minimum wage is not a critical issue for small business. In that survey, the minimum wage ranked 62d in importance out of 75 issues—62d out of 75.

So these proposals are a cruel hoax on low-wage workers. They are nothing more than an attempt to deny a fair increase in a minimum wage to millions of low-income Americans, even while appearing to grant an increase to those people. There is no accurate information on how many of the 10.5 million workers in small firms will be denied a raise they would otherwise receive, but there is no justification for denying even one working American the right to a living wage.

What possible rationale can there be for forcing millions of Americans to continue working at wages that everyone knows are poverty wages, wages so low that they cannot support a family?

The Republican alternative says that the reason is to save jobs. But the fact is that the modest increase we are proposing will not cause job losses, and may even lead to an increase in employment. I point out that the Wharton School, the DRI examination of our minimum wage increase says that there is at risk 20,000 jobs—20,000 jobs—20,000 jobs, Mr. President, and still we find our Republican friends say, ''Well, we can't afford any kind of increase because we're going to lose those jobs.'' The other studies which I referred to today, the 12 other studies, the most current show there is a good possibility it will mean expanded jobs, because many people will go back into the market if they think there is a possibility to have a livable wage. The money that is expended by those individuals will create sufficient demand to increase employment as well.

So, Mr. President, the expansion of employment is exactly what happened in New Jersey in 1992 and is happening, I point out, in my own State of Massachusetts and the State of Vermont. The last two States who have increased the minimum wage are Massachusetts and Vermont. They have seen the greatest decline in unemployment that we have had in New England. Over the period of the last 4 to 5 months, we have seen the greatest decline in unemployment in the two States that have increased their minimum wage in the early part of this year. There are just no real, meaningful studies that have demonstrated that there would be any important job loss.

Mr. President, one reason for that result is reflected in an analysis released by Salomon Brothers in the U.S. Equity Research report of April 22, 1996. The Salomon Brothers predicted retail businesses would benefit from an increase in the minimum wage due to the enhanced purchasing power it would create for many low-income consumers. This is the Salomon Brothers. The Salomon Brothers recommend purchasing a number of retailing stocks because of the benefits they will receive from the increased purchasing power of low-income workers.

The report specifically concludes that the benefits from increased sales would generally outweigh the modest rise in wage costs. It is not fear of job loss by those who oppose minimum wage increases and who support the Republican proposals; what motivates these groups primarily is greed. There is no other way to explain the intense opposition to the minimum wage by organizations like the National Restaurant Organization. The Restaurant Association claims that a minimum wage increase would be a job killer, even though the restaurant industry has seen enormous employment growth since the last minimum wage increase in 1991.

In fact, the actual experience of the restaurant industry shows that the minimum wage incresae would be good for business and good for the economy.

For 3 years before the 2-step minimum wage increase in 1990–91, employment growth in the restaurant industry was falling, along with the real wages of minimum wage workers. Restaurant industry employment growth fell from 3.1 percent in 1987 to 2.8 percent in 1988, to 2.3 percent in 1989, to 1.7 percent in 1990, and actually decline by 0.5 percent in 1991.

But in 1992, the first full year after the 90-cent minimum wage increase took effect in April 1991, employment growth rebounded by 2.1 percent. And

in each of the next 2 years, employment growth accelerated, reaching 3.2 percent in 1993 and 3.6 percent in 1994.

From 1991 to 1995, the restaurant industry added almost 800,000 new jobs! If that's what the Republican Party calls job-killing, I say let's have more of it.

With respect to this small business submininum wage, it is critical to remember not only that the last minimum wage increase took effect in April 1991, but that the 1989 amendments expanded coverage to include employees in small restaurants who had formerly been excluded.

That expansion should have compounded the job-killing effect of the increase, but it did not. Instead, the restaurant industry saw an expansion of job growth, record profits, and mindboggling increases in CEO pay. The sub-minimum was not needed. Small businesses don't need it, and their employees don't deserve that harsh and unfair treatment.

The argument that the minimum wage kills jobs is nonsense. Both Vermont and Massachusetts raised their State minimum wage to $4.75 in January of this year, while our neighbors in New Hampshire and New York did not. What has happened since then? Have we lost jobs in Massachusetts and Vermont? Far from it.

Since January, when these States raised their minimum wage, unemployment in both Massachusetts and Vermont have fallen. We haven't lost jobs—we've added them.

But what happened to our neighbors who left their minimum wage unchanged? Haven't they done better? No, far from it. In both New York and New Hampshire, unemployment has risen since January from 4.9 to 5.1 percent in New York and from 4.2 to 4.4 percent in New Hampshire. Unemployment fell where the minimum wage has increased, and rose where the minimum wage was frozen at $4.25.

Giving working Americans a living wage will not cost jobs. Making all employers pay a living wage will not cost jobs. The minimum wage law in Massachusetts does not exempt businesses with sales of $500,000 or less, and neither does the minimum wage law in Vermont.

Have small businesses been demanding an exemption from the minimum wage? No, they have not. Studies cited by the Small Business Administration show that only 7 percent of small businesses consider the minimum wage a critical problem. As I pointed out earlier, a survey prepared by the National Federation of Independent Businesses ranked the minimum wage as 62d in importance out of 75 issues.

Another study, funded by the NFIB Foundation, revealed that even among the smallest of businesses—those with less than 10 employees—only 6 percent consider the minimum wage a critical problem.

I have been over here the last 35 years. This is the first time, Mr. President, other than a training wage, that we have seen this kind of alternative, to extend the existing minimum wage for a period of time, to delay the effective day, or to exclude massive numbers that will be affected by the minimum wage. If this Republican proposal is enacted, it will be the first time since 1938, when we enacted the minimum wage, that we have decreased the coverage of the minimum wage.

All we are trying to do is provide a livable wage for people. The only way we can get this before the U.S. Senate is to permit this alternative. The alternative delays the effective date. It would deny working families $500. It delays the effective date for people that move from job to job, the 6 million Americans that move every year or so in terms of their jobs. It will delay them for 180 days repeatedly. This has been the most important penalty that we have seen in any possible increase in the minimum wage.

Usually, when the time comes to ultimately vote on minimum wage—and it may be a begrudging vote—we vote on the increase. What we will see here, if the Republican proposal passes, is that they will take away the increase in the minimum wage in one hand and go back and issue the press releases about how they voted for the increase in the other. Wait and see.

The American people are too smart for that, Mr. President. They ought to understand exactly what is being considered.

There is no excuse to deny a minimum wage increase to any American who works in interstate commerce. The Republican proposals are meanspirited ideas that will hurt the poorest of workers. I hope my Republican colleagues will reconsider these objectionable proposals and join us in the coming days in supporting a fair increase in the minimum wage for all workers.

Mr. SARBANES. Will the Senator yield?

Mr. KENNEDY. I am happy to yield to the Senator.

Mr. SARBANES. Do I understand under the proposal that our Republican colleagues want to put forward with respect to the minimum wage, as I understand it, you have an initial period when you are paid at below the minimum wage, is that correct, for 6 months?

Mr. KENNEDY. Mr. President, 180 days.

Mr. SARBANES. Suppose someone takes a job and he gets the below wage for, say, 5 months, and then they let him go because they do not need him anymore. When that man or woman goes to another job, do they get the below minimum wage for another 6 months in the new job, as well?

Mr. KENNEDY. The Senator is absolutely correct. The Senator is absolutely correct.

Mr. SARBANES. If fortune should strike them that they are moving from one job to another, they could be kept below the minimum wage for successive periods of time, is that correct, for successive 180-day periods of time?

Mr. KENNEDY. The Senator is absolutely correct.

The Senator remembers even in 1989 when we had the period of the 90 days, they called it a training wage, even though there was no training required. Now it is 180 days, and they call it an opportunity wage. It is just an opportunity for the company not to pay hard-working Americans a livable wage. That is one of the three parts that is in the Republican alternative.

What you will see here, Mr. President, on the first or second day after we are back on that Monday or Tuesday, they will vote for the Republican proposal that will delay the effect of the minimum wage and deny the $500 for these working families. That $500 means months of groceries and utility bills and perhaps half the tuition to go to a State school, tuition for a year. Then they will vote for delaying for the 180 days the payment so people will still be paid $4.25. Then they will exclude all of the businesses under $500,000—not just those intrastate commerce or interstate commerce, which is approximately 10 million Americans. There are only 13 million Americans affected by the increase, so they will deny all of those Americans any opportunity for a significant increase.

Then they will go out and vote for an increase in the minimum wage. That is what this issue is about—the phoniest possible effort to blind side, I think, not just the workers, because they understand it, but all of the American people. Evidently, this is being done for the political purposes of trying to be on the right side of the minimum wage.

Mr. SARBANES. Will the Senator yield?

Mr. KENNEDY. I am happy to yield to the Senator.

Mr. SARBANES. If this exclusion of below $500,000 that the Senator made reference to—exclusion, I take it if you work for a company that has below $500,000 in sales, you are not covered by this increase in the minimum wage. As I understand it, that is a great many of the people. Many of the people who now work for such companies are, in fact, covered by the minimum wage. There are some such small companies that are only intrastate commerce, not interstate, but many are in interstate commerce and are now covered by the minimum wage, as I understand it.

Under this proposal they would no longer be covered by the minimum. At least they would not receive this increase in the minimum wage. I take it they would still receive the current coverage, but they would not get this increase in the minimum wage. In effect, they would be dropped out from this legislation by this proposal, is that correct?

Mr. KENNEDY. The Senator is not only correct, but I think what you have to assume is that they would be dropped out of any increase in any proposal in the future, because this will be

the first time, the first time since enactment of the minimum wage, that we will have carved out an area to reduce the coverage for working families—the first time. Every other time we have increased the minimum wage we have expanded the coverage of the minimum wage because we have recognized that men and women that are working 40 hours a week, 52 weeks of the year, ought to be entitled to a livable wage.

If this passes, it will be the first time that we will have an important and significant carve-out. That, I think, is part of the Republican proposal which is objectionable. Not only that, but we have not even started to deal with the restauranteurs, the restaurant association and restaurants. If you look at the employment in restaurants over the period from 1989 to 1991, you saw a declining balance in terms of the number of increases in the employment for restaurants. After the minimum wage absolutely went into effect, you saw those employment figures take off.

Here we are finding out that because of the power of the restaurant association, even though the number of people that are working in the restaurant industry has been expanding and it is a growth industry according to projections by the Department of Labor, the restauranteurs have a sweetheart agreement in here. It says the restaurant is not responsible for them going from the $4.25, increasing the minimum wage if they make that money in tips. They are only liable if they do not make it in tips.

I will have printed in the RECORD on Monday and Tuesday, during debate, the amount this sweetheart deal will save those restaurants in terms of taxes. In many of those restaurants, in fancy places, people are well above it, but there are a lot of restaurants that are out there across America in small and medium-sized towns where people are working, trying to provide for their families, who are entitled and need the resources to be able to do it. Now, finally let me——

Mr. CHAFEE. If the Senator will yield——

Mr. KENNEDY. After I make this point. Finally, after all this is out, we have, underneath that, the special provisions, the $8 to $10 to $12 billion of tax breaks that are going to go to small business industries which are going to be affected by them. The cost of the minimum wage is going to be $3.4 billion, and we have about $10 billion in tax breaks for these small companies.

How much do you have to give them to provide some respect for working families? How much do you have to bribe them to finally get a vote here on the floor of the U.S. Senate? You talk about taking care of a constituency. You are giving them $10 million on the one hand, and you are carving out millions of Americans on the other hand; you are delaying the increase for working families and also delaying the trigger. We think we are debating an increase in the minimum wage. We can understand why it took so long for our Republican friends to come up with the agreement to schedule this discussion on the floor of the U.S. Senate—for a short time period of debate—on the issues of the increase in the minimum wage.

Mr. President, the American people have to understand what we are talking about. Go back to the debates—when we had the increase debates going back to the early sixties and seventies. I see the Senator, and I will yield in one minute to the Senator from Rhode Island. We have never had these kinds of sweetheart deals and exemptions. Generally, when an increase was worked out, we voted on it. We have, as the Senator from Maryland understands, Republicans—like Eisenhower and Nixon and President Bush—who have signed increases in the minimum wage.

I see the Senator from Rhode Island. I yield for a question.

Mr. CHAFEE. I know the distinguished junior Senator from Kansas has been waiting to give her maiden speech here. I do not want to delay things. Is the Senator about through?

(Mr. GRAMS assumed the chair.)

Mr. KENNEDY. I was here all day on Thursday when we were denied any opportunity for morning business to speak. We were denied, also, a very short period of morning business yesterday from 8:15 to 9 o'clock. Senator MURRAY had to stay here until 10:30 in order to get 15 minutes, from 8:15 to 8:30 yesterday. I wanted to wait until we concluded. I want to pay respects to our new Senator, and I will be very brief and then I will terminate. I eagerly await the Senator's speech. But I would like to conclude on the minimum wage and speak briefly on MSA's, and then I will yield.

Mr. CHAFEE. If I may say one thing, I have a couple of questions for the Senator from Massachusetts. First, I congratulate Massachusetts for the low unemployment, which you attribute to the rise in the minimum wage. I myself would attribute it to the outstanding Governor that they have.

Mr. KENNEDY. I know he has been trying to take credit for it.

Mr. CHAFEE. I have heard—

Mr. KENNEDY. Even though his opposition to the increase of the minimum wage is well understood.

Mr. CHAFEE. All I know is that the State is extremely vigorous and thriving because of the outstanding leadership he is providing, and, indeed, the people have recognized this with the overwhelming reelection victory that he had.

However, we will have an adequate opportunity, I think, to discuss this. I might say, I do not agree with the Senator's characterizations of employers. I wrote down some of them: ''Harsh,'' ''greedy,'' ''exploiting.'' That is the different attitude that we take.

Mr. KENNEDY. Well, the only thing I would ask the Senator is whether I have stated correctly the fact that in the Republican proposal you delay the triggering time for the minimum wage until January, which will be a loss of $500, and that you do have the 180-day period which you call the ''opportunity wage,'' and you have the carve-out? If you agree with these facts, then I am glad to welcome whatever characterization of the differences there might be, as long as the Senator would either differ or agree with that.

Mr. CHAFEE. My great concern in connection with the minimum wage is, if it does not include some kind of a ''training period'' or ''opportunity period,'' whatever you call it, that on the one hand, we are demanding folks on welfare get off and all of us have supported here provisions that require these people to be off welfare, whether it is in 2 years, 5 years or whatever it is. Fifty percent must be off in a certain length of time. Where are they going to get jobs? Who is going to hire them? So I strongly support some kind of a period—call it a training wage, or an opportunity wage. I do not think it should be restricted to those 19 years of age or younger.

This is a very serious problem we have because we cannot deal with welfare reform without considering what is happening under the minimum wage. I notice that the Senator from Kansas is here, so I will—

Mr. KENNEDY. I will just respond. If you talk about a training wage, I do not see any proposal of the Senator that would provide any degree of training or any education. If the Senator had a proposal that, look, we are going to delay the minimum wage and we are going to provide a training or insist there is training or some education, I think that argument has some degree of credibility. But to say that, for minimum wage, you have to wait 180 days—ask any minimum wage worker whether they think it should take 6 months to get training to provide for minimum wage services. That really stretches the imagination.

I will just take a moment or two to comment about our situation on the health care issue. I think all of us, as we come to the period of the Fourth of July recess, wonder why we have not had the opportunity to vote here in the U.S. Senate on a bill that was drafted by our friend and colleague, Senator KASSEBAUM, over 1 year ago and was steered through our committee with bipartisan support. The bill would have provided relief for 25 million Americans with preexisting conditions and had some degree of portability. There is virtually unanimity on that particular issue here in the Senate and, I daresay, in the House of Representatives.

There is another ingredient which has been added in the House of Representatives in the process of the negotiations on medical savings accounts. I have expressed my view—and not only my view, but the view of some 35 different editorials, from newspapers from virtually all parts of the country, questioning whether the U.S. Senate ought

to add and tag this provision onto this very, very important and essential piece of legislation.

I think everyone in this body knows that if we were to have a vote on the legislation dealing with preexisting conditions and portability, it would pass by 100 votes. Americans all over this Nation, as they come through the Fourth of July period, will understand the degree of security that they would have in terms of their futures, for any preexisting conditions. And workers would understand the importance of that.

Nonetheless, we are not able to come back to the Senate and report an agreement on the final bill. Still, effectively, no matter how you characterize it, that bill is being held hostage for an untried, untested idea. We understand where the votes are, in terms of our Republicans friends in the House and in the Senate, who are absolutely insistent on trying to find some common ground. I have heard those that have said they support certain proposals that they believe far and wide exemplify a very reasonable sort of compromise. Mr. President, I think Americans are asking why we do not go ahead and pass what is agreed on and then debate the medical savings account independently tomorrow, tonight, this afternoon, or next week. But let us get out what we can agree on. But we are denied that opportunity.

So, Mr. President, I want to just indicate to all of those Americans—the 25 million Americans and their families, all those workers that are out there—that we are going to do everything we possibly can to get this legislation, and that we are committed to trying to have some kind of a pilot program that can examine the value of medical savings accounts. But for all the good reasons that have been demonstrated here, we are not going to be stampeded into accepting something which is untried and untested.

Mr. President, I will say a final word. If any company wants today to go out and sell a medical savings account, they can do it. I have listened to my friends on the other side of the aisle say all we are looking for is freedom. That is baloney. What they want is their hand in the pocket of the American Treasury. They have the freedom to go out and sell medical savings accounts today. But what they want is the Federal Treasury to be opened for the tax advantage that they would receive, and they are asking their legislators to help Golden Rule and other companies—companies which have been poorly rated by consumers group and have been drummed out of states like Vermont and other communities, for their conduct and lack of consumer protections. They want to get inside the Federal Treasury. That is what is at risk. They have freedom to go out and sell MSAs today. No; they want to get inside the Federal Treasury and get that privileged position to be able to have a deduction or special tax advantage.

So this is very, very important. I am very hopeful that we will still have the opportunity for the health insurance reform act to become law—but quite frankly there are others interests that are involved. I certainly hope that we will have a chance to come back and address this matter, here on the floor of the U.S. Senate, sometime soon. We are running out of time in terms of the patience of the American people. We ought to be able to call the roll and have some degree of accountability.

Perhaps over the period of this break calmer heads can prevail and we can work out something that will move the legislation and permit a reasonable kind of trial period. Otherwise, I hope we will come back and we will just call the roll, and we will keep calling the roll until we get some final resolution will provide protection for those 25 million Americans and permit portability.

Constantly, at the end of the day when the day is done and you drive back home, you have to say to yourself, ''Why aren't we going ahead and providing this protection for the American people?'' We can pass a bill that everybody agrees on. Why should we be effectively held hostage to those who want to include an untried and untested idea in the legislation?

Mr. President, we will have more of an opportunity to revisit that because the issue of MSAs is not going away. The health care issue is not going away. We will look forward to the chance to debate it when we return.

Thank you very much.

I, too, apologize, if that is appropriate, to our friend and colleague. I did not know that she was about to give her maiden address to the Senate, or I would have certainly looked for another opportunity to address the Senate.

I thank you.

Mrs. FRAHM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. FRAHM. Mr. President, I ask unanimous consent that I be recognized to speak as if in morning business for up to 10 minutes.

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

Mrs. FRAHM. Thank you, Mr. President.

INAUGURAL SPEECH OF SENATOR SHEILA FRAHM

Mrs. FRAHM. Mr. President, I am honored to be recognized by the distinguished Chair and to address the U.S. Senate. In the short 2 weeks since I was sworn in as the 31st Senator from my State of Kansas and the 1,828th Senator to serve in the Senate, I have had the privilege of casting my first votes on issues that are very important to me, to Kansans, and to our Nation. These votes were on issues that I believe will help shape the future—the financial future of our children, and the future security of our Nation.

My very first vote in the Senate may, in fact, be the most important vote I will cast this year—it was in support of the balanced budget resolution. I strongly believe that it is imperative that we control Federal spending, balance the budget, and have the courage to make the tough calls. As Lieutenant Governor of Kansas, Governor Graves and I made the tough calls, submitting the first balanced budget in a generation. We lowered taxes on Kansans by $1.3 billion over the next 5 years. I cut my own Department of Administration budget for fiscal year 1997 by 7 percent, and began a 5 percent personnel reduction over the next 2 years. I will work hard to put our national fiscal house in order, as I have already done in Kansas. A balanced budget represents hope for future generations, hope that they may be relieved of the crushing burden of a debt that was not of their making. I am committed to making that hope a reality. Chairman DOMENICI is to be commended for his skill and tenacity in shaping and managing the budget resolution through conference and the Senate.

I am pleased to be serving with the distinguished chairman of the Armed Services Committee as we continue deliberations over the 1997 Defense authorization bill. Maintaining a strong national defense is of vital interest to all Americans. I am, therefore, pleased and honored to have cast some of my first votes in support of a strong America.

Further, I am delighted to join Chairman D'AMATO and my colleagues on the Senate Banking Committee. I feel honored to serve with such a dedicated and distinguished committee. Maintaining the integrity of our financial institutions, achieving real regulatory reform, and preserving a strong and vibrant housing industry are top priorities for me and for Kansas. I look forward to working with the chairman on these important issues.

On Tuesday, I cast the first of what I am sure will be a number of a very difficult votes. This was regarding cloture on the campaign finance reform bill. I believe we owe our best judgment to those we represent. And in my judgment, it is far better to have real and meaningful reform that will become law rather than cast politically expedient votes. I am not afraid of making the tough calls. I want to make it clear that I strongly support campaign finance reform—real reform. And while I know the sponsors of that bill feel they brought forward the best they could do under the circumstances, in my mind, bad reform is not better than no reform. I oppose Federal financing of our elections, which would in effect turn politicians into a new class of welfare dependents. I came here to reform welfare, not expand it. I question why the Congress should seek to pass a bill that is almost certainly unconstitutional in many of its key reforms, and puts an

unreasonable mandate of high costs on private business. There will be more tough votes ahead, but as I said, I am not afraid of making the difficult choices.

In conclusion, let me just note that I do not intend nor will I pretend to fill the tremendous void left by my predecessor, Senator Bob Dole. He stood as a giant in the Senate and his departure is a great loss to the Senate and to Kansas. But, I do pledge my very best, which I have always given to Kansas. And I am looking forward to working with Bob Dole in his new position of national leadership.

Mr. President, I thank my colleagues for the warm reception they have extended me. Their good wishes and assistance have been a great help during my first days in the Senate and I look forward to working with the leadership and my colleagues on both sides of the aisle as we work together to shape our Nation's future. Of course, we may not always agree, but I can assure you that my State of Kansas and the United States of America and the U.S. Senate will always receive my highest efforts and most careful judgment as we face the challenges ahead.

Thank you Mr. President.

CONGRATULATIONS TO SENATOR FRAHM

Mr. LOTT. Mr. President, I would like to take just a moment to congratulate the distinguished Senator from Kansas for her maiden speech.

Over the last few years, as I have gone back and read the history of the Senate, I have found that there have truly been many magic moments when maiden speeches are made in the Senate, and it is one you will always remember. I remember the first one I made—only I was on the back row over there. The Senator from Kansas is already right up on the front row.

But she has exhibited, Mr. President, all in her brief time in the Senate, that she is a legislator of courage and that she is an experienced legislator. The fact that she is here this afternoon making this maiden speech, saying what she has said and the way she has handled herself, reflects the fact that she has had tremendous experience as a leader in the Kansas State Legislature.

So I commend her for her experience in the past and for her work already in the Senate. She is going to make a great Senator for the State of Kansas like the two Senators we have been serving with earlier this year—Senator KASSEBAUM, of course, and, of course, our great majority leader, Bob Dole. It is a challenge to succeed such giants as those two.

I am convinced that our new Senator is up to the challenge. She has already been given very important committee assignments where I know she will have a chance to provide leadership. I know she is already enjoying the pleasures of being on the Armed Services Committee, having worked on this very bill in the Chamber.

I just wanted to say on behalf of the leadership and all Members of the Republican side of the aisle, in fact the entire Senate, that we are truly pleased and honored to have join us this great Senator from the State of Kansas.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to commend the junior Senator from Kansas on her maiden speech. It is a pleasure for us in the Senate to have such a delightful person join us in this body. She is a lady of integrity, ability and dedication, and will be a great asset to the Senate.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I am particularly proud to have heard the junior Senator from Kansas. I have known Senator FRAHM as a friend in Kansas. I have known her as a majority leader of the Kansas Senate, and I think she spoke in her speech to the qualities that have made her an exemplary leader and legislator in Kansas.

I have every confidence she is going to translate the very skills she spoke to in her maiden speech to the work she carries out in the future on the floor of the Senate, not only for the best interests of Kansas, as she said, but the best interests of the Nation. It is with real pride today that I, the senior Senator from Kansas, heard the maiden speech of the junior Senator from Kansas.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I also wish to join my colleagues in extending well-deserved praise to our new colleague, and particularly since she has joined the Senate Armed Services Committee on which I have been privileged to serve with the distinguished chairman for some many years.

It is interesting to note, Mr. President, I think a footnote in history; California was the first State in the history of the Senate to have two women and how quickly thereafter came a second State. Of course, it is of small distinction—two members of the Democratic Party from California and, proudly, two members of the Republican Party from Kansas. I have always been interested in the history of this institution. It goes way back. The Senator has made history today in two respects. Well done.

I yield the floor, Mr. President.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I, too, join in congratulating our new Senator from Kansas. We are particularly proud to have two distinguished women Senators from Kansas. I only wish that we could look forward to both of them continuing to serve that State.

HEALTH INSURANCE REFORM

Mr. ROTH. Mr. President, we have been waiting for 2 months to move forward on critical health insurance reform legislation. During this time, Republicans have compromised again and again, each time in response to concerns raised by the White House and by some of my colleagues on the other side of the aisle about medical savings accounts.

Mr. President, we have been negotiating in good faith. We have addressed our colleagues' concerns about MSA on both the structure of the insurance plan and the structure of the savings account. We have limited the number of people eligible for the tax-free MSA. We have put forward proposals that are small enough to be considered demonstration projects. We have reduced the maximum contribution that can be made to an MSA. We have reduced the top range of the high deductible. In short, we have bent over backwards to accommodate the White House and some of our Democratic colleagues.

Millions of Americans are counting on us to reach an agreement, counting on us to work together to get the job done here in Washington. Americans with preexisting conditions, Americans who are unable to afford health insurance, small businesses that cannot afford to offer their employees health insurance, millions of Americans need this bill, and they do not have the luxury of time in waiting through more games and more rhetoric.

Legislating is about compromise. Americans want us to compromise and work together to get this legislation signed into law. We have compromised significantly. We do not have much time remaining for legislative business this year, and we have even less time for partisan games on this critical issue. So let us get together and work this out today or in the very immediate future.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we are awaiting momentarily the distinguished majority leader and distinguished Democratic whip to address the Senate on a unanimous consent agreement.

Seeing no Senator seeking recognition, 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 (Mr. BURNS). Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. LOTT. Mr. President, again, I want to say I appreciate the cooperation of the members of the Armed Services Committee on both sides of the aisle. The distinguished chairman, the distinguished Senator from Virginia, the Senator from Georgia, Senator NUNN, and their staffs have all worked diligently.

I must confess that at 11 o'clock last night, I had my doubts we would be standing here this afternoon. But the tempo was very different this morning, and a lot of really good work has been done to clear amendments and to get amendments agreed to on both sides of the aisle. So I really express my sincere appreciation to the members of the Armed Services Committee and to the staff and to the Democratic leader, for his leadership team and our leadership time who was worked to bring this bill to a conclusion.

I think to complete action on this Department of Defense authorization bill is in the best interest of the country. It will allow us to move on in regular order to the appropriations bill. I hope by getting the authorization bill done first, we can avoid some of the conflicts we have run into in the past between the appropriations and authorization bills. I am pleased we have gotten it done.

AMENDMENT NO. 4433

(Purpose: To extend through fiscal year 1997 the prohibition on use of funds to implement an international agreement concerning theater missile defense systems)

Mr. LOTT. Mr. President, I ask unanimous consent that sections 231 and 232 of the bill be stricken, and I now send to the desk an amendment inserting a new section, and ask the amendment be agreed to and the motion to reconsider be laid upon the table. This new section deals with demarcation of theater missile defense systems between antiballistic systems.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT], for Mr. THURMOND, proposes an amendment numbered 4433.

The amendment is as follows:

At the end of subtitle C of title II, add the following:

SEC. 237. EXTENSION OF PROHIBITION ON USE OF FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.

Section 235(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 232) is amended in the matter preceding paragraph (1) by inserting ''or 1997'' after ''fiscal year 1996''.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 4433) was agreed to.

MODIFICATION OF SECTION 233

Mr. LOTT. Mr. President, I ask unanimous consent that section 233, regarding the ABM Treaty, be modified with the sense-of-the-Senate language I now send to the desk; and that the Foreign Relations Committee conduct hearings on the matter contained in section 233 before the end of the session.

While it is going to the desk, I want to say this is the proper thing to do. It is a serious matter as to how we deal with the question of multilateralization of treaties. I think the hearings are appropriate. I am glad to support this.

The PRESIDING OFFICER. Without objection, the section is so modified.

The modification is as follows:

Section 233 is modified to read as follows:

SEC. 233. CONVERSION OF ABM TREATY TO MULTILATERAL TREATY.

(a) FISCAL YEAR 1997.—It is the sense of the Senate that during fiscal year 1997, the United States shall not be bound by any international agreement entered into by the President that would substantively modify the ABM Treaty, including any agreement that would add one or more countries as signatories to the treaty or would otherwise convert the treaty from a bilateral treaty to a multilateral treaty; unless the agreement is entered pursuant to the treaty making power of the President under the Constitution.

(b) RELATIONSHIP TO OTHER LAW.—This section shall not be construed as superseding section 232 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2701) for any fiscal year other than fiscal year 1997, including any fiscal year after fiscal year 1997.

Mr. LOTT. Mr. President, I ask unanimous consent that the majority leader, after notification of the Democratic leader, may proceed to the consideration of each of the following three bills; that they be considered in the following order, with no intervening business in order between the three bills; that no amendments or motions be in order to these bills:

Defend America, which is S. 1635;

A bill to be introduced by the Democratic leader, or his designee, on behalf of the President regarding national missile defense;

And a bill to be introduced by Senator NUNN regarding national missile defense.

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

Mr. LOTT. Mr. President, for the information of all Senators, with respect to the Chemical Weapons Convention, the majority leader and the Democratic leader will make every effort to obtain from the administration such facts and documents as requested by the chairman and ranking minority member of the Foreign Relations Committee, in order to pursue its work and hearings needed to develop a complete record for the Senate regarding the Chemical Weapons Convention, Executive Calendar No. 12.

With that in mind, I ask unanimous consent that the majority leader, after consultation with the Democratic leader, will, prior to September 14, 1996, proceed to executive session to consider Calendar No. 12, the Chemical Weapons Convention, and the treaty be advanced through its various parliamentary stages, up to and including the presentation of the resolution of ratification; that all reported conditions and declarations be deemed agreed to; that there be two additional amendments to the resolution of ratification, to be offered by the majority leader or his designee, dealing with the subject matter of the Chemical Weapons Convention to be limited to 1 hour each, to be equally divided in the usual form; that no further conditions, amendments, declarations or understandings be in order; and there be 10 hours additional time for debate, to be equally divided in the usual form; and following the conclusion or yielding back of time, the Senate proceed to the adoption of the resolution of ratification, all without further action or debate.

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

Mr. LOTT. Finally, I ask unanimous consent that the bill be advanced to third reading and final passage occur at 9:30 a.m. Wednesday, July 10, 1996, and paragraph 4 of rule XII be waived.

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

Mr. LOTT. Mr. President, I further state that if the resolution of ratification, with respect to the Chemical Weapons Convention, is agreed to, then I will do my best to schedule the implementation legislation, if it is available, no later than early 1997.

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

Mr. LOTT. I wonder if the Democratic leader has any comments at this point.

Mr. DASCHLE. Mr. President, let me just commend the distinguished majority leader. Like him, I was not very optimistic we would be able to get to this point. But I think it, again, demonstrates the interest on both sides in working together to accomplish a number of major legislative achievements this year, and this is a good one.

This is an important issue. It is a bill that we needed to get done. The administration is very much in keeping with our desire to see the completion of this legislation in the nearest possible time.

We have appropriations bills when we get back. I look forward to using the same approach as we try to address those as well. It will be my hope that during the month of July, we can do on appropriations what we have just done on this authorization bill.

Mr. LOTT. Mr. President, I would like to confirm what, obviously, all Senators now know. There will be no further votes today. We will be back in session on Monday, July 8, during which time we will begin the debate that was outlined in the unanimous consent agreement with regard to minimum wage and small business tax provisions, to be followed on Tuesday by the TEAM Act. And then there will be a vote, as we just outlined, at 9:30 a.m.,

Wednesday of that week on the final passage of the DOD authorization bill.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I ask the majority leader, subject to an earlier discussion we had, for the interest of Senators, if we might be able to announce that the minimum wage vote would occur after the caucuses on Tuesday, and that debate on minimum wage take place that morning to accommodate traveling Senators and the debate on the issue, and then if there are votes, for them to be stacked at that point, 2:15, we would be happy to do that.

Mr. LOTT. Mr. President, I believe that we can work together on that, and agree now that we would not have a vote on the minimum wage issue until after the policy luncheons on Tuesday. However, my intent was to complete all of the debate on that on Monday, and then have the debate on the small business packages on Tuesday. You know, we can work that out as far as the debate time. And we may need to stack some votes, or we may need to go to other issues that morning. But at the very minimum, we can agree now there will not be a vote on that until after the luncheons. Then I would like to work with the minority leader on the time for the rest of the debate.

Mr. DASCHLE. Mr. President, I am primarily interested in when the votes take place and also accommodating some Senators who want to be heard on minimum wage who will not be here on Monday. And if it were possible to accommodate them, to allow for additional comments on Tuesday morning, it would be very helpful.

Mr. LOTT. As is always the case, just like we entered into having an agreement we would have a vote on that Wednesday and final passage 30 minutes later so two Senators can be heard on issues they feel are important, I am sure we can work it out in a balanced way where there could be others that want to be heard on other subjects that morning. But we will work with the minority leader to make sure Senators have time to express their views.

I thought the main thing was just to understand we would not have a vote until after the luncheon. But I want to maintain the flexibility of what we do earlier in the day, and after the vote, so we can get as much done on Tuesday as is at all possible. We will continue to work together on that.

Mr. DASCHLE. I thank the majority leader.

Mr. THURMOND. Mr. President, I rise to address an issue of vital important to the U.S. Senate: whether the Senate should provide its advice and consent on any succession agreement regarding the ABM Treaty, especially an agreement that would convert the treaty from a bilateral agreement to a multilateral agreement. I would remind my colleagues that existing law requires any substantive modification of the ABM Treaty to be submitted to the Senate for advice and consent.

The administration has asserted that it would be inappropriate for the Senate to make a judgement about the substantive nature of any potential agreement at this point. But, if the Senate's treaty making role is to be protected, we must clearly establish our views now, especially since the implications of such an agreement are fairly clear already. To do otherwise would invite a major dispute with the executive branch in the near future and put the Senate in a position where its only recourse would be to attempt to prohibit the implementation of the agreement. In my view, multilateralization of the ABM Treaty clearly constitutes a substantive change. Let me briefly outline my reasons for coming to this conclusion.

First of all, the fundamental circumstances that produced the treaty in the first place have changed. The ABM Treaty, more than any other arms control agreement, was a product of the bipolar cold war confrontation between the United States and the Soviet Union. With the dissolution of the Soviet Union, we face strategic and political circumstances that are vastly different.

Second, by having the Soviet Union succeeded, for purposes of the ABM Treaty, by some but not all of the independent States of the former Soviet Union, each possessing full and sovereign rights under the treaty, we would be changing, limiting, and extending certain rights and obligations previously possessed by the parties. This is all but a text book definition of a treaty amendment. U.S. rights would clearly be changed given the fact that the Standing Consultative Commission, the ABM Treaty's implementing body, would now be comprised of several parties, all of whom would need to consent to changes, clarifications, or amendments to the treaty.

As the administration stated in a May 3, 1996, letter to Senator NUNN: ''Each Party will participate in implementing the treaty as a sovereign entity. This includes a full and equal voice in the SCC.'' When asked if the consent of all parties would be needed before the treaty could be amended, clarified, or interpreted, the administration answered: ''Yes. The U.S. has insisted on a decision-making mechanism in the SCC under which legally binding obligations would be adopted by consensus.'' In effect, the SCC would be transformed into a corporate body in which the United States would need to receive five, six, or more affirmative votes before the treaty could be amended. In addition, some of the new treaty partners would only have partial rights. Of the former Soviet States, presumably only Russia would be entitled to deploy an operational ABM system.

Third, the actual functional mechanics of the ABM Treaty will be changed through multilateralization. The ABM Treaty is based largely on a geographical description of the United States and the Soviet Union. It states specifically that certain large phased array radars may only be located along the periphery of the territory of the parties. In the case of the former Soviet Union, however, some such radars are now located outside Russia. The so-called Scrunda radar in Latvia, for example, is on the territory of an independent country that has categorically rejected membership in the ABM Treaty. Clearly, any agreement that addresses the successorship issue will also have to redefine these geographic aspects of the treaty, which in and of themselves will constitute substantive amendments to the treaty. In this regard, the Senate will be as interested to see which States do not accede to the ABM Treaty as it will be to see which countries do accede.

Mr. President, as we consider this important matter, which dramatically affects the Senate's constitutional prerogatives, let me also remind my colleagues of an important debate that took place in this Chamber several years ago regarding the so-called broad versus narrow interpretation of the ABM Treaty. On March 11, 12, and 13, 1987, the chairman of the Armed Services Committee, Senator NUNN, took to the floor to deliver a series of speeches criticizing the Reagan administration for having announced a new interpretation of the ABM Treaty. I do not wish to revisit the specific issues in that debate, only to remind my colleagues, especially on the other side of the aisle, how outraged they were at what appeared to be a challenge to the Senate's constitutional treaty-making role.

On March 11, 1987, Senator NUNN stated that the State Department was directly challenging the Senate's constitutional role. ''This effect,'' he said, ''could carry over and may well produce a congressional backlash through its exercise of the power of the purse and the power to raise and support armies in a manner that would give the effect to the original meaning of the treaty as presented to the Senate.'' It is precisely such a backlash that we are seeking to avoid by including section 233 in the Defense authorization bill. The administration is proceeding down a very dangerous course and we are simply trying to ensure that the Senate plays a role before we arrive at a point of crisis.

Why do I use such strong terms in describing the administration's present course? Let me be clear, Mr. President. The administration is not intending to submit any agreement to the Senate regarding ABM Treaty succession, even though such an agreement would constitute a fundamental departure from substance of the treaty presented to the Senate for advice and consent in 1972. In the same letter than I quoted from earlier, the administration makes clear that they are working on a memorandum of understanding on succession. What, I would ask, is the legal

standing of an MOU? How is it possible, given the major implications of such a change, that the administration is trying to modify a major arms control treaty with an MOU, as if this were some minor agreement with a close and reliable ally?

Mr. President, I do not believe that one can avoid the conclusion that the administration is negotiating major changes to the ABM Treaty, that these changes constitute substantive modifications to the treaty and the rights and obligations of the parties, and that the Senate must be directly involved. In my view, this involvement must include advice and consent to any such agreement. The executive branch cannot simply change the entire context of a major arms control treaty and expect the Senate to stand idly by.

The administration has sought to use various analogies to other cases in which the executive branch has not sought, and the Senate has not insisted upon, advice and consent on succession. The examples of the Conventional Forces in Europe and Intermediate-range Nuclear Forces Treaties are frequently used.

In the case of CFE, the Senate specifically recognized the impending breakup of the Soviet Union and adopted provisions taking this into account during the ratification debate. In fact, the Senate was so concerned about this issue with regard to CFE that it took great care to develop a condition to the resolution of ratification specifying procedures for adding new states parties and for evaluating the implications of the withdrawal of key newly independent states from the treaty. In the case of the ABM Treaty, no such provision has ever been made, since the ABM Treaty has always been viewed in a bipolar context. If anything, the case of the CFE Treaty argues for Senate advice and consent on any ABM Treaty succession agreement.

In the case of the INF Treaty, in my view, the executive branch still should seek a formal protocol on succession. The only reason that this has not become a major issue is due to the fact that INF has already been fully implemented and there are no significant areas of contention. Unlike the ABM Treaty, there is little likelihood that the United States may require major amendments or clarifications to the INF Treaty.

In the case of the START I Treaty, the succession agreement, known as the Lisbon Protocol, was in fact approved by the Senate as part of the overall ratification process. As in the case of CFE, START I was surrounded by major succession issues that the Senate had to address in a formal manner. I think it is fair to say that neither CFE or START I would have been approved by the Senate if not for the fact that the succession issues were thoroughly addressed as part of the ratification debate. In both cases the Bush administration correctly saw that a vote of the Senate was necessary.

Mr. President, in summary, let me simply say that section 233 of the bill stands up for the prerogatives of the Senate. The fact that the administration is so opposed to it is very bothersome. This provision was approved by the committee on a bipartisan basis and I believe that the Senate should overwhelmingly endorse it.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I want to thank the leadership on both sides of the aisle on behalf of all members of the Armed Services Committee on both sides of the aisle. We simply would not have been able to achieve what we have just announced without strong, firm commitments by both leaders. Indeed, I commend the distinguished Democratic whip who, likewise, helped in the clearance of amendments.

It is remarkable. I have served with many leaders. I will tell you, each time they arise to the challenge. And this time, indeed, both leaders did arise to the challenge. So I thank the leaders on both sides.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for third reading and was read the third time.

Mr. WARNER. Mr. President, having worked with our distinguished chairman on the committee, I wish to compliment again his leadership in enabling this bill to come through and be acted upon by the Senate in a timely manner thereby putting us in the logical sequential order with the appropriations measure.

I wish to congratulate the distinguished ranking member, Mr. NUNN. We have worked on bills for many years together. This will be the last that we have worked on together. I shall speak about his departure at a later time.

I also wish to thank the staff on both sides who have diligently pursued efforts dramatically in the last 24 hours. I assure you we were here until after midnight last night.

Also, I wish to thank the many colleagues on our committee who took an active role in this, and certainly Senator MCCAIN with his usual help in trying to get this series of amendments through and also working with the group of us who dealt with the time agreement which I hope will soon be adopted by the Senate.

Mr. President, I yield the floor.

Mr. THURMOND. Mr. President, after we call the roll next week, I will make some expressions of appreciation to those who were so helpful on this matter.

One of them is the able Senator from Virginia who has done a magnificent service in the passage of this bill. I want to thank him.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

Mr. CHAFEE. Mr. President, I ask unanimous consent I may proceed as in morning business for 5 minutes.

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

TRIBUTE TO MOLLIE BEATTIE

Mr. CHAFEE. Mr. President, I rise today to express my sorrow over the death last night of Mollie Beattie who was, up until just a few weeks ago, the Director of the U.S. Fish and Wildlife Service. Mollie Beattie was a courageous and determined woman for whom all of us who knew her had the most tremendous respect.

As I mentioned, just up until a few weeks ago, she was Director of the U.S. Fish and Wildlife Service and resigned from that because of the battle she was undergoing with brain cancer. Her death, Mr. President, is a great loss to this country. We have lost a committed, dynamic professional whose devotion to the conservation of our Nation's natural resources has benefited us all and will continue to improve the lives of our children and our grandchildren.

Mr. President, as a way of commemorating Mollie's contribution and her spirit, I am honored to cosponsor S. 1899, a bill to designate 8 million acres of wilderness within the 19-million acre Arctic National Wildlife Refuge as the Mollie Beattie Alaska Wilderness Area. It seems to me this is a wonderful tribute to a person whose appreciation of wild places has been a lodestar for her career. I am grateful to Senator STEVENS for sponsoring this resolution along with Senator LEAHY and Senator MURKOWSKI.

Many of you knew Mollie and recognized that she had incredible energy and vitality, and she brought all that to the Fish and Wildlife Service during her 3-year tenure there. She was the first woman to lead the Service, and she did an extraordinary job during a period when her agency was faced with increased budget cuts, public scrutiny and criticism. Her commitment to conservation of natural resources and to the people that work for the Fish and Wildlife Service made her an effective and well-respected advocate.

Throughout her serious illness, Mollie continued to lead the Service, demonstrating the strength of courage that made her unquestionably an extraordinary leader. She refused to let the serious operations and treatments for her cancer keep her from the job she loved. Mr. President, I have had the privilege of working with Mollie Beattie on a number of issues important to the Fish and Wildlife Service. Just last month, on May 16, despite her poor health, she came to my office to urge me to help in

Congress to maintain the integrity of the 90-million-acre national wildlife refuge system. Her concern and devotion for the conservation goals to the Fish and Wildlife Service were clear and constant throughout her career.

I just want to point out one instance of the modesty that she had. On June 14, she was featured as the ABC News ''Person of the Week.'' As a condition of that interview, she insisted that the program highlight the importance of the Endangered Species Act above her own accomplishments. Her deep commitment to the conservation of endangered species led her to carry out a number of important administrative changes to improve that act.

Mollie's career was illustrious even before becoming Director of the Fish and Wildlife Service. She was executive director of the Richard Snelling Center for Government in Vermont. Prior to coming to Washington, she was commissioner of the Vermont Department of Forests, Parks and Recreation. She was program director for the Windham Foundation, managing 1,300 acres of farm and forest land for wildlife. And she was a teacher of resource management to private landowners for the University of Vermont.

Mollie participated in a wide variety of nonprofit conservation initiatives, including serving as a board member of the American Forestry Association, the Vermont Land Trust, and the Vermont Natural Resources Council. She also chaired a Defenders of Wildlife commission on the future of the National Wildlife System in Vermont's Nonpoint Water Pollution Task Force.

So, Mr. President, all of us have reason to be deeply indebted to Mollie Beattie for her distinguished public service and great contribution to the protection of fish and wildlife and wide open spaces. And all of our prayers are with her and her family today.

I thank the Chair.

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.

TRIBUTE TO MOLLIE BEATTIE

Mr. LEAHY. Mr. President, I wish to commend the distinguished Senator from Rhode Island for those very gracious, warm, and honest thoughts about Mollie Beattie. The Senator from Rhode Island was privileged to know her, as was I. Of course, we in New England had a special feeling for her. Senator JEFFORDS and I—as in so many other things in Vermont where we have joined together—were absolutely joined in our admiration of Mollie Beattie.

Even though we knew that the end was near for Mollie, I know that both Senator JEFFORDS and I felt sorrow this morning when we heard the news that she had died. Just a few minutes ago, Mr. President, I talked with her husband, Rick, and told him that we were about to pass, this evening, the legislation that would honor her in Alaska. And Rick told me that he had talked with Mollie as she lay dying and told her this legislation was moving forward. The distinguished senior Senator from Alaska, Mr. STEVENS, had introduced it a few days ago in this body, cosponsored by Senator JEFFORDS, myself, and others, and we had been assured that it would eventually pass. He said she was well aware of that and so humbled by it, saying that she could not imagine such a great honor, which was so typical of her.

Mollie always thought to do what was best for our country, not just for this generation, but for the next generation. She did that continuously, and did it without ever looking at what it might do for her. She was affected and did feel honored and humble by what this body was doing. Frankly, we should feel honored that we have the opportunity to do this for Mollie Beattie.

I should tell my colleagues that following a memorial service for her in Vermont this coming week, Wednesday afternoon, and one here in Washington with the Department of Interior, her ashes will be divided between Vermont and Alaska. She said to her husband that this was a case where she was going to be part Vermonter and part Alaskan. It was a way of talking of her deep affection for the State of Vermont, but her great appreciation for magnificent parts of the wilderness in our Nation that she was involved with.

Also, in talking with Rick—and I think I give away nothing in this—he talked about the fact that when she was ill, when it was more difficult sometimes to work, she would ask herself at the end of each day of work, ''Was it worth it to come to work today?'' She always had the same answer: ''Yes, it was.'' She was able to do good for the country in the mission that had been entrusted to her.

When Senator JEFFORDS and I, and others, sought her confirmation, I know that some Senators—especially from the western part of our country—wondered who was this eastern woman coming in to fill a position that was always held not only by men, but oftentimes men from the West. Those same Senators are the ones who have come up to me on the floor in the past couple weeks, as the news of Mollie's final illness reached us, and said, ''I am going to miss her.''

She has done, as the Senator from Rhode Island said, a superb job. She has dedicated herself and has been a true professional, a true public servant.

So, Mr. President, I thank the distinguished senior Senator from Alaska, Mr. STEVENS, for his help in this, and Senator JEFFORDS for joining as a cosponsor of this, and other Senators who worked with me until late last night, and again this morning, to release whatever holds might be on this legislation, to allow it to go forward. I thank the distinguished Republican leader and the distinguished Democratic leader for their help in clearing this. It is a worthy tribute to Mollie Beattie.

It is, more than that, a worthy tribute to what is best in America.

Mr. President, I yield the floor and 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 (Mr. CHAFEE). Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 10, 1996

Mr. LOTT. Mr. President, I ask unanimous consent that at 9 a.m. on Wednesday, July 10, the Senate resume consideration of S. 1745 with 30 minutes of debate time remaining, to be divided with 7½ minutes of debate under the control of each of the following Senators: THURMOND, NUNN, HELMS and PELL, with a vote on passage of S. 1745, the Defense Authorization Bill, at 9:30 a.m. Further, that immediately following the vote, the Senate proceed to the immediate consideration en bloc of the following bills: Calendar No. 408, No. 409 and No. 410, and that all after the enacting clause be stricken and the appropriate portion of S. 1745, as amended, be inserted in lieu thereof, in accordance with a schedule which I have sent to the desk; further, that the bills be advanced to third reading and passed, the motions to reconsider be laid upon the table en bloc, and that the above actions occur without intervening action or debate.

I ask unanimous consent the Senate then immediately proceed to the consideration of H.R. 3230, and that all after the enacting clause be stricken and the text of S. 1745, as amended, be inserted in lieu thereof; that the bill be advanced to third reading and passed; that the title of S. 1745 be substituted for H.R. 3230; the Senate then insist on its amendment and request a conference with the House, and the Chair be authorized to appoint conferees, with no intervening action or debate.

I finally ask that with respect to S. 1762, S. 1763, and S. 1764, as just passed by the Senate, that if the Senate receives a message with regard to any of these bills from the House, the Senate disagree with the House on its amendment or amendments and agree to a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees, without any intervening action or debate.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. 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.

NATIONAL LABOR RELATIONS ACT AND RAILWAY LABOR ACT AMENDMENT—MOTION TO PROCEED

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to consideration of Calendar No. 417, S. 1788, the right-to-work bill.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. In light of the objection, I move to proceed to S. 1788.

The PRESIDING OFFICER. The question is on agreeing to the motion.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 1788, the National Right To Work Act.

Trent Lott, Orrin Hatch, Paul Coverdell, Judd Gregg, Jesse Helms, Lauch Faircloth, Connie Mack, John Warner, Don Nickles, Robert F. Bennett, Hank Brown, Phil Gramm, Strom Thurmond, Kay Bailey Hutchison, Richard Shelby, Bob Smith.

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. LOTT. I ask unanimous consent that the cloture vote occur at 12 noon on Wednesday, July 10, and that the mandatory quorum under rule XXII be waived.

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

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. 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 VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, June 27, 1996, the Federal debt stood at $5,118,682,872,218.91.

On a per capita basis, every man, woman, and child in America owes $19,303.19 as his or her share of that debt.

CHURCH ARSON PREVENTION ACT

Mr. BYRD. Mr. President, although I was pleased to have had the opportunity to join with Senators FAIRCLOTH and KENNEDY as an original cosponsor of S. 1890, the Church Arson Prevention Act, I remain saddened by the fact that this bipartisan legislative effort was even necessary.

To think that the Congress of the United States must take action to stop the vile and revolting destruction that we have seen occurring at places of worship throughout this nation is a troubling through, indeed. It is simply incomprehensible to me that anyone in this country could be so depraved that they would consider, let along carry out, such deeds against the House of the Lord.

Sadly, though, since January 1995, there have been fires at 75 churches nationwide. And while many of these acts of religious terrorism have taken place in the South, the fact is that any activity of this kind is an attack on all Americans, all churches, and all faiths. Not one of us is spared the effects of these dehumanizing incidents. This is why it is important that we stand together, all of us, to speak with one voice in condemning these cries of unspeakable dimension. Each of us, in this body and throughout this nation, must demonstrate a collective intolerance for this destruction.

I would hope that all Americans—be they Christian, Jew, Muslim, or even atheist—take time to remember that this nation was founded on the principle of religious freedom. Many of those who set sail upon uncharted and dangerous seas nearly 400 years ago, who landed on shores they knew nothing about, and who undertook unimaginable risks, did so for one overriding reason: religious liberty. Indeed, this most fundamental right is the very first to be protected in the First Amendment to the Constitution.

Mr. President, I believe that all of us have a responsibility, and those of us in this body a sworn duty, to defend this legacy. Thus, I urge every American to join me in condemning these terrible acts of violence: For if we are unwilling to condemn them then we are silently condoning them.

REGARDING FCC AUCTIONS

Mr. MCCAIN. Mr. President, I wanted to take a moment of the Senate's time to discuss the issue of spectrum auctions. Specifically, I want to discuss the potential for the Federal Communications Commission to auction channels 60 to 69.

The American people expect the Congress and the FCC to manage this country's public assets in a responsible manner that ensures the greatest benefit to the public as a whole. Unfortunately, both the Congress' and the FCC stewardship of this Nation's spectrum—one of the most valuable public resources—has been uneven at best.

To date over $20 billion has been raised by spectrum auctions. This $20 billion is being used to pay down the deficit and to fund needed Government programs. The American people benefit from these auctions in that they allow innovative companies to offer new and exciting services and reduce the need on taxes.

As my colleagues know, there is considerable debate as to how to allocate broadcast ATV licenses. The Congress should and I hope soon will act on this issue and give the FCC the appropriate guidance necessary on that issue. However, such guidance is not neither needed nor required for the Commission to act on the issue of auctioning channels 60 to 69.

Although there are stations that operate between channels 60 to 69, those entities can be relocated or share other spectrum and still operate. In the long run these entities will not be adversely affected by being forced to relocate.

During a recent hearing of the Commerce Committee, I inquired of the FCC Chairman as to whether a transition from analog to digital television could occur seamlessly while still auctioning channels 60 to 69. Mr. Hundt informed me that FCC engineers foresee no problems with this auction simultaneously occurring while a transition to digital TV occurs.

Based on that evidence, I can see no reason whatsoever for an auction of channels 60 to 69 not to occur. Any effort to thwart an auction of these channels is being done in direct contradiction of the needs of the best interests of the American people.

The last time the Commission had a similar issue before it the Commission decided—correctly I believe—to auction a block of spectrum previously held by a company named ACC. This auction fairly allocated the spectrum and resulted in a $682.5 million windfall for the American taxpayer.

Deciding to vote to auction that spectrum should have been an easy decision. However, it proved to be very controversial. Some have indicated that the decision to auction channels 60 to 69 may be equally vexing.

Mr. President, I sincerely hope that the FCC will see clear to do the right thing and auction these channels. This proposed auction will undoubtedly result in new revenues to the Treasury. If the Commission decides not to auction, I hope the Commission will correctly identify its action as a ripoff of the American taxpayer.

Mr. President, I yield the floor.

THE 50TH ANNIVERSARY OF THE CDC

Mr. KENNEDY. Mr. President, this month marks the 50th anniversary of the Nation's premiere disease prevention agency—the Centers for Disease Control and Prevention. CDC was originally created to work with State and local health officials to fight malaria, typhus and other communicable diseases. Today, it's expanded mission is to promote health and the quality of life by preventing and controlling disease, injury, and disability.

Over the years, CDC has implemented numerous prevention programs that have saved lives and improved public health. One of the most dramatic accomplishments has been in combating infectious diseases through its childhood immunization initiatives. During this time, we have witnessed the eradication of the centuries-old scourge of smallpox, and the virtual elimination of polio in the Western Hemisphere.

In recent years, CDC has been at the forefront of the battle against HIV and AIDS. It has initiated numerous studies, surveys, and prevention activities targeting all populations, including women and youth. It has developed and coordinated community planning programs to ensure that prevention efforts include services that are effective in various communities and scientifically sound.

CDC's immunization leadership deserves great credit. Infectious diseases used to kill or disable thousands of children every year. In 1995, vaccine-preventable diseases reached an all-time low, largely because immunization rates had reached an all-time high.

Yet there is still much to be done on immunization. Today over 1 million 2-year-olds lack one or more doses of recommended vaccines. CDC established the childhood immunization initiative to strengthen efforts to ensure that children are protected against vaccine-preventable diseases. The Vaccines for Children Program is one of the key components of this initiative, which CDC is implementing in partnership with States and providers nationwide.

CDC also works effectively to prevent birth defects and genetic diseases, and it has had remarkable success in reducing mental retardation, fetal alcohol syndrome, and neural tube defects, including spina bifida and anencephaly.

CDC also investigates many environmental hazards, including radiation, air pollution, and lead poisoning. In the 1970's, CDC was instrumental in encouraging the Environmental Protection Agency to order the removal of virtually all lead from gasoline, on the basis of studies that identified gasoline as a primary source of lead poisoning. The blood lead levels of American children have declined by 70 percent as a result of that action.

In another principle initiative, CDC is working in partnership with States and public and private organizations to reduce tobacco use and exposure to environmental tobacco smoke, by communicating health information to the public, and assisting States in conducting prevention programs to achieve these essential goals.

CDC promotes women's health in numerous ways, including the Breast Cancer and Cervical Cancer Program, sexually transmitted disease programs, reproductive health research and analysis, and women's health data collection. In addition, CDC has established an Office on Women's Health and has made these issues one of the five priorities of the agency.

CDC also responds to emergencies at home and abroad, including floods, hurricanes, earthquakes, and other disasters. It sent representatives to help respond to the terrorist bombing of the World Trade Center in New York City and the Federal building in Oklahoma City. In the last year, it has developed a national strategy for responding to emerging infectious disease threats. By implementing surveillance systems to identify problems and their causes, and developing appropriate responses, CDC's leadership has been indispensable in minimizing the impact of these threats on public health.

I commend the agency for its extraordinary contributions to the Nation and the world. We need its leadership now, more then ever. New public health challenges await us in the future. Diseases and disasters are no longer easily confined to their place of origin, and wars and natural disasters create new opportunities for the spread of infectious diseases. The lessons of the past 50 years have taught us that we must expect the unexpected. Whether the issue is fighting Ebola outbreaks in Africa the reemergence of drug-resistant tuberculosis in the United States, or many other public health threats, we know the Centers for Disease Control and Prevention will be at the forefront of the worldwide effort to combat them.

THE 50TH ANNIVERSARY OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION

Mr. FRIST. Mr. President, on July 1, 1996, the Centers for Disease Control and Prevention will celebrate its 50th anniversary.

Mr. President, in the United States and around the world, the words ''Centers for Disease Control and Prevention'' are synonymous with public health. What started in 1946 as a small and comparatively insignificant branch of the Public Health Service, established to prevent the spread of malaria, is today one of the most highly regarded agencies in the Federal Government—an agency whose interests include every communicable disease known to man, and whose mission is to protect the public health by providing practical help whenever and wherever it is called upon to do so.

Over the years, the CDC has become more than just a center for disease control. As early as the 1950's, it became a center of epidemiology, providing surveillance of known diseases and ferreting out the cause of new ones wherever they occurred. From influenza, polio, tuberculosis, and smallpox in the United States to, more recently, Ebola fever in Zaire, the CDC has answered SOS calls from all over the world, and become not only a global leader in public health, but the Nation's and the world's response team for a wide range of health emergencies.

In 1992, it expanded its mission even further—from investigating and controlling disease to preventing it. Today, it champions the prevention of disability and premature death from chronic disease by promoting maternal, infant, and adolescent health, examining the interactions between people and their environment, coordinating the planning and implementation of various vaccine programs for children and adults, communicating information for public health action, and establishing a science base for public health practice.

Mr. President, over the years, the CDC has also had a variety of directors who have lead it with distinction, not the least of which is its current and distinguished director, Dr. David Satcher—a fellow Nashvillian whom I am proud to call my colleague and friend. A former president of Meharry Medical College, professor at the Morehouse School of Medicine, faculty member of the King-Drew Medical Center and the UCLA School of Medicine, Dr. Satcher brings not only world-class stature, but unmatched skill, integrity, and experience to his post as CDC.

Mr. President, it is my pleasure to extend to Dr. Satcher, and to all the staff and employees of the Centers for Disease Control and Prevention, my heartiest congratulations on the CDC's 50th anniversary, and my best wishes for their continued success in the future.

Mr. President, I thank the chair and yield the floor.

LEGISLATION REGARDING THE TERM ''NORMAL TRADE RELATIONS''

Mr. CHAFEE. Mr. President, yesterday I joined with Senators ROTH, MOYNIHAN, BAUCUS, and others on the Finance Committee in introducing a measure that will clarify and emphasize the true meaning of most-favored-nation [MFN] trading status—a misnomer if there ever was one. This is a change I long have advocated, and I hope the Senate will move quickly to approve this legislation.

Since 1989, MFN has gained notoriety as a special favor, a boon, that we grant to other nations. Yet nothing could be further from the truth. MFN denotes a concept used by trading nations that has been around since the 12th century. That concept is simple:

No nation shall be granted trade treatment less favorable than that granted to the most favored nation. In other words, no playing favorites. Every nation is to be treated equitably, without discrimination, when it comes to the terms of trade.

Thus, the concept represents the lowest common denominator of trade status—the basic treatment that all receive.

Over time, however, this concept came to be known not as, say, ''nondiscriminatory treatment'' status, or ''least favored nation'' status, but as ''most favored nation'' status. This unfortunate terminology has fostered the mistaken view that MFN is a special treatment granted only to a privileged few. In fact, just the opposite is true: MFN, as the basic trading status between nations, is granted to virtually all nations with whom the United States trades. The exceptions can almost be counted on one hand: Serbia, Laos, Afghanistan, Vietnam, Cuba, North Korea, and Cambodia. I might add that Cambodia is about to come off that already meager list, if legislation now pending in Congress is approved.

So while the concept of MFN is sound, the term used to denote that concept is misleading and has resulted in a good deal of mischief—a fact that Senators MOYNIHAN and I have lamented often during Senate Finance Committee hearings. It is time that we called the MFN nondiscrimination concept by a term that more accurately represents its meaning.

Therefore, I am joining with Chairman ROTH, Senator MOYNIHAN and all of my Finance Committee colleagues to amend U.S. law, where appropriate, to replace the term MFN with the term ''NTR:'' normal trade relations. From this point on, we will discuss legislation and hold debate on the nondiscrimination concept using the term NTR in place of MFN.

With the concept of MFN remain the same? Yes. Are we signaling a change in domestic policy, or modifying our international obligations in any way? No. But we are making perfectly clear to everyone the true meaning and purpose of this centuries-old concept. And it is my hope that our legislation will result in a better understanding of international trade relations, both here in the Congress and in the eyes of the public.

MARINE CORPS GENERAL OFFICER REQUIREMENT

Mr. WARNER. Mr. President, on Wednesday, my colleague from Iowa, Senator GRASSLEY, posed a legitimate question regarding the Marine Corps general officer requirement. As I said at the time, that question deserves a legitimate answer. His question basically was, Why does this year's Defense authorization bill provide an extra 12 general officers for the Marines at a time when the Marines are very much in a downsizing mode? The Marine Corps recognized the need for additional general officers several years ago. They developed a plan which was then validated by an independent civilian study and received scrutiny and approval at the Secretary of the Navy level. The Assistant Secretary of Defense received the study and found the rationale to be legitimate and supportable.

First, let me address Senator GRASSLEY's concern for the growth of service headquarters. The Marine Corps' request for additional general officers is not an attempt to increase the size of their service headquarters. For the record, half of those general officers authorized will fill warfighting billets which are currently vacant. Another four will be available for assignment to our warfighting CINCS and two will be used to fill the positions of commanding general at the two Marine Corps recruit depots. As Senator GRASSLEY quoted General Sheehan, ''Service Headquarters should not be growing as the force shrinks.'' I agree, and General Krulak, Commandant of the Marine Corps agrees; Marine Headquarters will not be growing with the addition of these general officers.

Second, let me talk for a few minutes about why the Marines need the additional generals. As the Marines have been brought into the joint arena, the Corps received no increase in flag officer strengths while willingly picking up additional joint requirements at the general officer level. As they have been called upon to fill legitimate joint billets, the Marines have had to leave internal warfighting billets vacant. For instance, a Marine division and a Marine airwing have colonels serving as assistant commanders. This leaves only one general for forces of 18,000 and 15,000 respectively. The other services may have at least two to three flag officers in comparable units.

As I have said, 6 of the 12 generals included in the bill would go directly into existing vacant warfighting positions. Four of the other six would permit the Marines an appropriate representation at the senior level in the joint arena. This will ensure equitable representation in joint duty positions as we envisioned when we passed Goldwater-Nickles. Let me add that the study that I mentioned earlier documented an even larger requirement for additional marine generals. The Commandant reduced that to 14. Our staff validated only 12. I really believe that this is the right thing for this body to do. This matter has received the closest of scrutiny at all levels and was found to be sound.

In summary, Mr. President, the Marine Corps would agree with General Sheehan's remarks that the unwarranted growth of headquarters staffs ultimately threatens the services' warfighting capabilities. However, as I just discussed, the Marine Corps is not trying to increase the size of its headquarters staff, but is first attempting to correct a long-standing deficiency in the number of general officers authorized to fill existing warfighting billets, and second, is in good faith pursuing the need to meet the requirements of the joint warfighting arena mandated by Goldwater-Nickles. The Marine Corps' request has been studied extensively and is supported by both Secretary of the Navy, and the Department of Defense. Correspondingly, the Armed Services Committee has studied and agreed with the requirement.

I respect the inquiry from my colleague from Iowa. He asked a good question and I am pleased to be able to report that the Armed Services Committee's recommendation is supported by analytical evidence and is requirements based. I am confident that we have made the proper recommendation; however, I assure my colleague that the Armed Services Committee will continue to exercise its oversight responsibilities by reviewing the Marine Corps general officer requirements annually.

ALEXANDR LEBED'S ATTACKS ON FAITH

Mr. HATCH. Mr. President, when Alexandr Lebed called the Church of Jesus Christ of Latter-day Saints ''mold and scum'' he attacked my faith. Russia's new security chief—the man who stands behind Boris Yeltsin—attacked the faith of America's 6th largest church. I believe this requires an immediate and forceful response, and my colleagues and I have drafted a letter to Boris Yeltsin, Ambassador Vorontsov and Secretary of State Christopher.

In his campaign comments yesterday, Lebed struck the nationalist chord. He spoke of the ''officially recognized'' faiths of ''Orthodox Christianity, Islam and Buddhism.'' There is no mention of Russia's Jews, and that concerns me greatly.

The Mormon faith is a ''security threat'' to Russia, according to Lebed. It is comparable to the Japanese cult that unleashed poison gas on Tokyo last year. Comparing the Christian faith of the Mormons to a murderous cult led by a deranged individual is a calumny. Referring to the Mormons as a security threat appears to be antidemocratic demoguogery reminiscent of communist propoganda.

Remember that, in the old days of communist propaganda, the Russian people were kept in ignorance and fear with official myths of fabricated foreign threats.

Remember that, in the old days of the communist regime, the totalitarian state disguised itself as a paternalistic state that denied all individual rights, including the freedom of religious practice.

We shouldn't be surprised, after all. Lebed has taken his outrageous rhetoric right out of the resurgent communist party's playbook. This bodes ill for democratic evolution in Russia.

I think Mormons should be insulted, and I am declaring my outrage here. I

think Jews should be concerned, and I am declaring my complete support for Russian Jews here.

And I think the Russian people should be insulted. I have too much respect for the character, strength, and, yes, the spirit of the Russian people to think that they need to be patronized by threats of religious persecution.

I will continue to support democratic evolution in Russia. And I think that this evolution demands respect for all human rights—including the right to freedom of religion. I have expressed this in a letter I have drafted to President Yeltsin and Ambassador Vorontsov, and I am grateful that my colleagues here have co-signed it. I am also happy to sign the letter Senator BENNETT has drafted to Secretary of State Christopher.

I ask unanimous consent that these letters be printed in the Record.

I now call on Alexandr Lebed to apologize, and to demonstrate that he has no intention of repeating his threats to freedom of religion in Russia. The future of democratic Russia depends on the preservation of this freedom.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, June 28, 1996.

His Excellency BORIS YELTSIN,
President of the Russian Federation, The Kremlin, Moscow, Russia.

DEAR PRESIDENT YELTSIN: We are writing to express our outrage at the comments on religion reported by Western and Russian news agencies of your new National Security Council Chief, Alexandr Lebed. Mr. Lebed's malicious, unfounded and untrue remarks are an attack on all of the Christian faithful of the Church of Jesus Christ of Latter-day Saints, the Mormon Church. His comparison of the Mormons to a murderous cult in Japan is offensive, false, and a heinous calumny that could not be explained by mere ignorance.

In addition, his notable exclusion of the Jewish faith from the religions he believes should be ''officially recognized'' raises concerns worldwide. We are greatly worried over what such an omission means for Russia's Jews.

We are strong supporters of democratic evolution in Russia and have watched with great admiration many of the recent developments in your country. But we simply cannot understand how such hateful declarations of intolerance from leaders of the Russian government can be reconciled with individual human rights, the whole of which cannot exclude freedom of religion.

Furthermore, while we admire and support the very real movement toward democracy in Russia, we cannot ignore the manifestation, explicit in these remarks, of a mentality from Russia's authoritarian past that fabricates foreign threats and influences.

Finally, we have all studied Russian history. As citizens of a free country, we've probably had access to greater resources on Russian history than citizens of your country had up until a few years ago. Any understanding of Russian history must recognize the character and intelligence of the Russian people as well as their individual courage. It is simply incomprehensible to us that any of Russia's leaders would insult their own citizens with a paternalistic attempt to prevent them from making their own determinations about matters as deeply personal as religious beliefs.

Sincerely,

ORRIN G. HATCH.
JESSE HELMS.
ROBERT F. BENNETT.
ARLEN SPECTER.
HARRY REID.
JOSEPH I. LIEBERMAN.

U.S. SENATE,
Washington, DC, June 28, 1996.

His Excellency YULIY M. VORONTSOV,
Ambassador of the Russian Federation, Washington, DC.

DEAR MR. AMBASSADOR: We are writing to express our outrage at the comments on religion reported by Western and Russian news agencies of your new National Security Council Chief, Alexandr Lebed. Mr. Lebed's malicious, unfounded and untrue remarks are an attack on all of the Christian faithful of the Church of Jesus Christ of Latterday Saints, the Mormon Church. His comparison of the Mormons to a murderous cult in Japan is offensive, false, and a heinous calumny that could not be explained by mere ignorance.

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Sincerely,

ORRIN G. HATCH.
JESSE HELMS.
ROBERT F. BENNETT.
ARLEN SPECTER.
HARRY REID.
JOSEPH I. LIEBERMAN.

U.S. SENATE,
Washington, DC, June 28, 1996.

The Honorable WARREN CHRISTOPHER,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR MR. SECRETARY: According to Western news agencies, yesterday General Alexander Lebed, the new head of Russia's National Security Council, made a number of comments on religious life in Russia today. First, he equated the Church of Jesus Christ of Latter-Day Saints to the Japanese terrorist cult Aum Supreme Truth. His characterization of the Church is defamatory and indefensible in any circumstances, let alone for the second most powerful official in the Russian Federation. Further, given Russia's history of anti-Semitism, his omission of the Jewish faith as an acceptable part of religious life in Russia further reflects a dangerous return to the practices of the past.

Equally disturbing, General Lebed's assessment of the principal religious traditions in Russia, beyond being false, is taken directly from the preelection speeches of Communist Party Gennadei Zyuganov. This willingness to adopt Communist misstatement on the part of a Russian government official leaves us genuinely concerned about whether the Russian political elite is serious in its efforts to break decisively with the Communist past.

As Senators, however, we are most offended that such statements by Mr. Lebed, or any other Russian official, indicate no tolerance in Russia for religious freedom or dissent of any kind. Such behavior demonstrates that, despite the presence of electoral institutions, Russia has made precious little progress toward the development of a civil society. Indeed, Mr. Lebed's statements may have demonstrated that the emperor of Russia ''democracy'' has no clothes.

Finally, Mr. Secretary, inasmuch as freedom of religion is a core element of American society and one of the bases of our current assistance program, we ask that you review United States assistance to Russia. In a separate letter, we will be raising the same issue with Brian Atwood, Administrator of AID. We look forward to your comments.

Sincerely,

ROBERT F. BENNETT.
HARRY REID.
ARLEN SPECTER.
ORRIN G. HATCH.
JOSEPH I. LIEBERMAN.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:58 pm., 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. 3663. An act to amend the District of Columbia Self-Government and Government Reorganization Act to permit the Council of the District of Columbia to authorize the issuance of revenue bonds with respect to water and sewer facilities, and for other purposes.

H.R. 3675. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker also signed the following enrolled bills:

H.R. 2437. An act to provide for the exchange of certain lands in Gilpin County, Colorado.

H.R. 3525. An act to amend title 18, United States Code, to clarify the Federal jurisdiction over offenses relating to damage to religious property.

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 3675. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations.

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–3228. A communication from the Acting General Counsel, Department of Commerce, transmitting, pursuant to law, a report relative to the support for S. 39; to the Committee on Commerce, Science, and Transportation.

EC–3229. A communication from the Secretary of Commerce, transmitting, pursuant to law, an annual report on Financial Overview for fiscal year 1995; to the Committee on Commerce, Science, and Transportation.

EC–3230. A communication from the Director of the Office of Global Programs, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Climate and Global Change Program,'' received on June 12, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3231. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, a report on a final policy statement relative to the Omnibus Trade and Competitiveness Act; to the Committee on Commerce, Science, and Transportation.

EC–3232. A communication from the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report entitled ''Commission's Rules to Permit Routine Use of Signal Boosters,''; to the Committee on Commerce, Science, and Transportation.

EC–3233. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a trade regulation rule concerning the incandescent lamp industry; to the Committee on Commerce, Science, and Transportation.

EC–3234. A communication from the Office of the Chairman, Surface Transportation Board, transmitting, pursuant to law, a report of rules relative to traffic; to the Committee on Commerce, Science, and Transportation.

EC–3235. A communication from the Office of the Chairman, Surface Transportation Board, transmitting, pursuant to law, a report of rules relative to rail lines; to the Committee on Commerce, Science, and Transportation.

EC–3236. A communication from the Deputy Director of the Office of Public/Private Initiatives, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''International Buyer Program,'' (RIN0625–XX07) received on June 17, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3237. A communication from the Director of the Resource Management and Planning Staff, Trade Development, International Trade Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Market Development Cooperator Program,'' (RIN0625–ZA03) received on June 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3238. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, an annual report relative to Congress Civil Aviation Security; to the Committee on Commerce, Science, and Transportation.

EC–3239. A communication from the Program Management Officer, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a report of a final rule entitled ''Summer Flounder Fishery,'' (RIN0648–AI93) received on June 20, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3240. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of an interim final rule entitled ''Fisheries in the Caribbean, Gulf of Mexico, and South Atlantic,'' (RIN0648–AI20) received on June 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3241. A communication from the Director of the Office of Fisheries, Conservation and Management, National Marine Fisheries Service, transmitting, pursuant to law, the report of a final rule entitled ''Groundfish of the Bering Sea and Aleutian Islands Area,'' received on June 13, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3242. A communication from the Director of the Office of Fisheries, Conservation and Management, National Marine Fisheries Service, transmitting, pursuant to law, the report of a final rule entitled ''Groundfish of the Bering Sea and Aleutian Islands Area,'' received on June 21, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3243. A communication from the Director of the Office of Fisheries, Conservation and Management, National Marine Fisheries Service, transmitting, pursuant to law, the report of a final rule entitled ''Pacific Halibut Fisheries,'' received on June 7, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3244. A communication from the Director of the Office of Fisheries, Conservation and Management, National Marine Fisheries Service, transmitting, pursuant to law, the report of a final rule entitled ''Reef Fish Fishery of the Gulf of Mexico,'' received on June 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3245. A communication from the Director of the Office of Fisheries, Conservation and Management, National Marine Fisheries Service, transmitting, pursuant to law, the report of a final rule entitled ''Groundfish of the Bering Sea and Aleutian Islands Area,'' received on June 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3246. A communication from the Director of the Office of Fisheries, Conservation and Management, National Marine Fisheries Service, transmitting, pursuant to law, the report of a final rule entitled ''Pacific Coast Groundfish Fishery,'' received on June 12, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3247. A communication from the Director of the Office of Fisheries, Conservation and Management, National Marine Fisheries Service, transmitting, pursuant to law, the report of a final rule entitled ''Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California,'' received on June 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3248. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to noise figure performance measurements; to the Committee on Commerce, Science, and Transportation.

EC–3249. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to open video systems; to the Committee on Commerce, Science, and Transportation.

EC–3250. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to FM broadcast stations; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with amendments:

S. 1423. A bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions, and for other purposes (Rept. No. 104–308).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1174. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Lamprey River in New Hampshire as components of the National Wild and Scenic Rivers System, and for other purposes (Rept. No. 104–309).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 1226. A bill to require the Secretary of the Interior to prepare a study of battlefields of the Revolutionary War and the War of 1812, to establish an American Battlefield Protection Program, and for other purposes (Rept. No. 104–310).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1874. A bill to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974 (Rept. No. 104–311).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment:

H.R. 238. A bill to provide for the protection of wild horses within the Ozark National Scenic Riverways and prohibit the removal of such horses (Rept. No. 104–312).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 1014. A bill to authorize extension of time limitation for a FERC-issued hydroelectric license (Rept. No. 104–313).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mr. JEFFORDS):

S. 1922. A bill to amend the Employee Retirement Income Security Act of 1974 to establish a Pension ProSave system which improves the retirement income security of millions of American workers by encouraging employers to make pension contributions on behalf of employees, by facilitating pension portability, by preserving and increasing retirement savings, and by simplifying pension law; to the Committee on Finance.

S. 1923. A bill to establish a Pension ProSave system which improves the retirement income security of millions of American workers by encouraging employers to make pension contributions on behalf of employees, by facilitating pension portability, by preserving and increasing retirement savings, and by simplifying pension law; to the Committee on Labor and Human Resources.

By Mr. STEVENS:

S. 1924. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel DAMN YANKEE; to the Committee on Commerce, Science, and Transportation.

By Mr. GORTON (for himself, Mr. COATS, Mr. HATCH, Mr. FAIRCLOTH, Mr. WARNER, Mr. GREGG, Mr. FRIST, Mr. COCHRAN, Mr. LOTT, Mrs. KASSEBAUM, Mr. KYL, Mr. MACK, Mr. NICKLES, and Mr. PRESSLER):

S. 1925. A bill to amend the National Labor Relations Act to protect employer rights, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. COCHRAN (for himself and Mr. SPECTER):

S. 1926. A bill to provide for the integrity of the medicare program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 1927. A bill to prohibit 401(k) plans from investing in collectibles and to require certain 401(k) plans to provide to participants annual, detailed reports on the investments made by such plans; to the Committee on Finance.

By Mr. LEVIN:

S. 1928. A bill to amend the Internal Revenue Code of 1986 to eliminate tax incentives for exporting jobs outside of the United States, and for other purposes; to the Committee on Finance.

By Mr. WELLSTONE:

S. 1929. A bill to extend the authority for the Homeless Veterans' Reintegration Projects for fiscal years 1997 through 1999, and for other purposes; to the Committee on Veterans Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BROWN:

S. Res. 275. Resolution to express the sense of the Senate concerning Afghanistan; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. JEFFORDS):

S. 1922. A bill to amend the Employee Retirement Income Security Act of 1974 to establish a Pension ProSave system which improves the retirement income security of millions of American workers by encouraging employers to make pension contributions on behalf of employees, by facilitating pension portability, by preserving and increasing retirement savings, and by simplifying pension law; to the Committee on Finance.

S. 1923. A bill to establish a Pension ProSave system which improves the retirement income security of millions of American workers by encouraging employers to make pension contributions on behalf of employees, by facilitating pension portability, by preserving and increasing retirement savings, and by simplifying pension law; to the Committee on Labor and Human Resources.

THE PENSION PRO-SAVE ACT

Mr. BINGAMAN. Mr. President, I appreciate very much the chance to speak, address the Senate today on the very important issue of retirement security. The Senator from Vermont, Senator JEFFORDS, and myself are introducing today two bills. I will just read the title for people so that they will get an idea what these bills will do:

To establish a Pension ProSave system that improves retirement income security for millions of American workers by encouraging employers to make pension contributions on behalf of employees, by facilitating pension portability, by preserving and increasing retirement savings, and by simplifying pension law.

Mr. President, before I describe our proposal, let me describe the problem, because I think the problem we are attempting to confront is severe, is serious, and affects many of us in this country. This first chart I have here describes the problem very well. This is a chart with the title, ''More Than 50 Million Workers Are Not Earning A Pension.''

This pie chart shows that over half of the private sector workers in this country today, 50.8 million people, as of April 1993, so I am sure it is even larger now, but over 50 million people are not covered by any kind of pension. This, of course, is separate from Social Security, which is not a pension program. But as regards any other type of pension, more than half of our workers are not covered today.

Let me show another chart that sort of breaks this down by State and shows the problem as it exists from State to State. You can see the percentages. This chart shows on a map here the percentage of people covered by some type of pension plan in each of our States. People might ask, why is a Senator from New Mexico even interested in this issue? I can tell you why. When you look at New Mexico, we have the lowest percentage of our workers covered by pensions of any State in the Union; 29 percent of our private sector employees in New Mexico actually have some degree of pension coverage.

Let me show another chart here, which tries to make the same point somewhat differently and just shows the percentage of workers who do not have coverage: ''State Differences In Pension Coverage.'' Starting from the top, the State with the largest percentage of workers not covered is New Mexico, with 71 percent; next Louisiana, 69 percent; then Nevada, 67 percent; and on down the list.

I see my friend from North Dakota on the floor. In his State, 61 percent percent of the people in that State do not have any pension coverage. So this is a serious, serious problem.

The final chart I will show is a chart to make the point that the problem is not getting better or getting solved. In fact, it is getting worse. This shows two different figures here, first the figure for 1979 and then the figure for 1989. The red is the percentage of coverage that existed in 1979, the yellow is the percentage of coverage that existed 10 years later, in 1989, for different groups in our society depending upon the extent of the education they have received.

We can see for those with less than a high school education, in 1979, 44 percent of those people were covered; in 1989, 28 percent. And on and on down through the list. Again, it is clear that our Nation has a severe problem to confront.

Second, it is clear the problem is getting worse. The reasons for inadequate pension coverage are what we need to focus on. I believe there are four key reasons why so many of our citizens have no pension coverage.

First, present law does not provide adequate incentives for employers to contribute to a pension plan for themselves and their employees. Many of our small businesses, the vast majority of our small businesses, do not contribute at the present time because those incentives are not there.

A second reason is that, in addition to inadequate incentives, present law imposes significant administrative duties on employers who wish to assist in providing pension coverage.

A third reason is that the rapid pace of job change, combined with significant waiting periods before retirement benefits vest, results in many employees losing their rights to retirement benefits when they move from job to job.

The fourth reason is that present law greatly limits the amount of pretax savings that a person can achieve unless his or her employer does take on this administrative duty of establishing a pension plan.

Let me describe briefly the proposal that Senator JEFFORDS and I are putting before the Senate today and are having referred to committee. This Pension ProSave proposal seeks to increase the number of Americans with some level of pension benefits by curing the deficiencies that are presently in the law. First, it provides an additional tax incentive to an employer if he or she commits an amount equal to at least 1 percent of each employee's salary to a pension for all employees. The maximum amount each year that an employer may contribute for each employee would be $5,000.

A second way we are trying to correct deficiencies is that the administrative duties on the employer wishing to participate in this Pension ProSave proposal are kept to an absolute minimum. Employers are given the flexibility to increase the amount of the contribution to the pension plan or to suspend payments entirely for a single year, if that is necessary because of economic hardship in the business. The employer participating in Pension ProSave is free of any future pension obligations to employees once those employees leave the job. That is a very important benefit to employers, as we see it.

A third way we are trying to correct deficiencies is that the employee will become eligible to accrue pension benefits whenever those pension benefits are made by the employer. If the employer wants to participate in Pension ProSave, the employer would have to go ahead and make contributions for each employee once the employee has been employed for 6 months. But those payments would vest immediately once they were made into the ProSave account of the employee.

When an employee not covered by Pension ProSave leaves a job where benefits have accrued, that employee would have the right to direct the employer to transfer the cash equivalent of accrued pension benefits to an account in the name of the employee and the Pension Portability Clearinghouse which we are establishing under this act.

Under Pension ProSave, an employee may save additional pretax dollars for his or her own retirement in the amount twice what the employer contributes each year, to a maximum of $5,000, whichever is less. Amounts employees are permitted to save are in addition to what might be saved in an IRA or some other pension plan.

To accomplish this set of objectives, we are proposing to establish a nonprofit, private corporation chartered by an act of Congress, which would be designated the Pension Portability Clearinghouse, to administer the Pension ProSave system. The corporation would be governed by a board, the members of which would be appointed by the President, with the advice and consent of the Senate.

Payments into the clearinghouse would occur, first, when an employee who has chosen to participate in Pension ProSave makes a payment to the account of an employee;

Second, when an employee makes a payment, as permitted, which could be up to twice what the employer has made that same year;

And third, as I indicated before, when an employer who does not participate at the direction of the employee transfers cash payments to a Pension ProSave account when the employee leaves that employer's company.

There are some similarities in what we are proposing to the TIAA-CREF model, with which many people are familiar. TIAA-CREF is the largest pension plan for administration of pension benefits that currently exists in this country, and I believe in the world. TIAA-CREF, originally established by Andrew Carnegie to help those teaching in universities to have pension coverage when moving from one educational institution to another, current manages more than $136 billion for approximately 1.7 million participants at more than 5,500 institutions.

The similarities between the Pension Portability Clearinghouse and TIAA-CREF are that we would have central administration of accounts for multiple employers.

Also, we would provide the ability of employees and employers to use the mechanism of Pension ProSave accounts if they chose to.

We differ from TIAA-CREF in several significant ways also. First of all, Pension ProSave would be open to all employers, not just to those in a particular industry or particular field. TIAA-CREF, for example, is limited just to those involved with higher education or research.

Pension ProSave is limited strictly to maintaining records of account balances and not to managing funds or selling annuities. Again, that would be a significant difference between what we are proposing and TIAA-CREF.

We also have some similarities in this proposal to the Federal thrift savings plan in that we do provide a means to establish a retirement account and to add to it as a person proceeds through their career.

We differ from the thrift savings plan in obvious ways also in that we have designed Pension ProSave for contributions to retirement savings even as a person moves from job to job. The thrift savings plan, of course, is limited to Federal employees, people working for a single employer.

Pension ProSave provides for immediate vesting of employee contributions. The thrift savings plan for Federal workers does not.

Pension ProSave does not have any requirement on employers to match contributions by employees as the thrift savings plan does.

So what we are proposing is not a carbon copy of TIAA-CREF; it is not a carbon copy of the Federal thrift savings plan either. Instead, it is a new mechanism which employers could choose to take advantage of or not, as they see fit. For those who do choose to participate, it provides a hassle-free way for the employer and the employee to save more pretax dollars for retirement.

There is one other feature of Pension ProSave that I want to highlight, and that is the opportunity it provides for employers to engage in profit sharing with their employees. Suppose, for example, that I am a small business owner and I am not sure from one year to the next how well or how poorly my business will do. Under Pension ProSave, I would have the option of setting up Pension ProSave accounts for each employee by committing to contribute as little as 1 percent of their salary into those accounts each time I issue a paycheck to them.

By making that 1 percent contribution, I give each employee the opportunity to contribute an additional 2 percent from their own resources. But if I do contribute the 1 percent each pay period from January, say, through December and then decide that it has been a very good year for my business and I want to share some of the profit with employees, I could increase that contribution into Pension ProSave for my employees to 2 percent or to 5 percent, as long as I did not exceed the $5,000 total limit per employee.

This proposal does provide a hassle-free way to save pretax dollars for retirement, a hassle-free way to participate with profit sharing programs for employees. It promotes savings. It will help more people to reach retirement with pensions. It will help to buffer individuals against the turbulence of this economy we live in. It will provide more employers with a good vehicle for profit sharing. All of those are major benefits to our Nation.

Mr. President, one cause of the extraordinary economic anxiety in our Nation is related to the eroding sense of financial security at retirement. A recent study of worker's views of their present and future economic circumstances found that most people believe that despite the twists, turns, and pitfalls in our rapidly changing economy, that they can chart a successful course to retirement. But their anxiety levels were extremely high when concerns about the solvency of Social Security and about the great number of Americans without pension benefits were mentioned.

Americans include retirement security in their personal strategies for economic success. I believe that America is calling for a credible proposal that will get more of our Citizens covered by some kind of pensions.

There is no doubt that increasing retirement savings will help bolster national savings, which will help spur more long-term investment and economic growth. I urge my colleagues to review this proposal which Senator JEFFORDS and I are offering and join us in this effort to improve retirement security for many millions of Americans.

Mr. JEFFORDS. Mr. President, the problem of retirement security is an ever mounting challenge to the future welfare of our Nation. More than 51 million Americans are not covered by any kind of pension plan. The aging of the baby boom generation will dramatically increase the retired population in proportion to the working population early in the next century.

Our Nation is facing certain crisis if we fail to take steps to correct this problem of people working until retirement—and finding that their Social Security benefits fail to maintain adequate and acceptable living standards.

Despite the proliferation of retirement products in various forms of IRA's and 401(k) plans, patterns clearly show that those who earn enough to save probably do. Our problem is that over the last 15 years, we have had no increase in the percentage of our workforce that is participating in a qualified pension program.

Mr. President, in order to ensure that this Congress does face the issue of retirement security for all working Americans and not just the fortunate minority who are saving, I am introducing with my colleague, Senator BINGAMAN, the Retirement Security for All Americans Pension Pro-Save Act.

The bill we are introducing outlines a concept for pension expansion and portability that has been discussed in this Chamber several times over the last several decades but which has not evolved until now as legislation. The Pension ProSave System would improve the retirement income security of millions of working Americans by encouraging employees to make contributions on their behalf, by facilitating pension portability, by preserving and significantly increasing retirement savings and by simplifying pension law.

Despite 17 years of availability of simplified pension plans, pension coverage remains low in the small business sector. Even when covered by a tax-advantaged pension plan, many workers cash out their own contributions made to the pension plan when they leave one job rather than roll them over into another retirement vehicle. Tax penalties unfortunately have not been entirely successful in discouraging the spending of these midcareer retirement savings disbursements. Of the $47.9 billion in preretirement distributions made in 1990, less than 20 percent of recipients reported putting the entire distribution into another tax-qualified retirement plan.

The Pension ProSave System is modeled after the highly successful Teachers Insurance and Annuity Association-College Retirement Equity Fund (TIAA–CREF), the largest private pension system in the world with assets over $136 billion and about 1.7 million participants at about 5,500 institutions. This proposal targets those who are working their way toward retirement—and will have little or no private pension plan to supplement their Social Security benefits. Pension Pro-Save is designed to supplement other pension vehicles and will increase pension coverage to millions of American workers, especially for those who work for small businesses.

The benefits of Pension ProSave are first, it would provide an incentive and a simple, hassle free way for employers to provide portable pension benefits to their workers. Employees could also make matching contributions to their accounts on a 2:1 basis to a maximum of $5,000. The employer's contributions also would not exceed $5,000. Mr. President, I want to emphasize that these are the employee's accounts—not the Government's and not the employer's. These accounts will remain with those workers the duration of their lives.

Second, Pension ProSave would stop the leakage of retirement savings by furnishing employer's pension contributions into a portability clearinghouse. Worker's account balances would be invested and managed by private sector firms in diversified portfolios.

Mr. President, the funds contributed by an employer to the retirement security of his or her employees by way of a ProSave account will remain there and be invested at the direction of the employee until retirement. The Portability Clearinghouse will contract with investment firms to manage funds through the Clearinghouse. Investment options would include a fixed income fund, an equity fund, a Government securities fund, small business capitalization fund, an international fund, and a public infrastructure fund.

Employers will have no responsibility for administering a pension fund or managing funds for employees who have left their employment. This should be very attractive to businesses that do not desire to carry long-term responsibilities for workers who have moved on. Employer contributions are locked into the Pension ProSave accounts until retirement, funds contributed by the employee are available to be loaned for certain purposes and under terms established by the Portability Clearinghouse Board.

Mr. President, I have no doubt that some who oppose this plan will rattle the cages and make claims that this act is nothing but more big Government, another bureaucratic institution that spreads the Government further into our lives. These claims would be wrong—and will only serve to maintain an economic reality that permits those best off in our society to take advantage and save up to $30,000 a year with Government provided tax advantages for 401(k)s and other employer sponsored private pension plans. Government does have an important role to play because the market has failed to provide the extension of pension coverage to 51 million Americans.

It is unacceptable that workers who don't have an employer provided pension plan—can only save $2,000 a year in IRA accounts. We must now do what we can to provide an incentive to employers to provide modest retirement security for more employees. This plan is an enabler—it creates a structure, similar in many ways to the TIAA-CREF model established at the beginning of this century by Andrew Carnegie to provide pension portability for professors and university employees moving between one higher education institution and another.

We have a responsibility not only to create a more equitable savings structure for those Americans who have the desire and wherewithal to save—but also to the many Americans who are low-income workers who move from job to job, finding themselves with little or no private pensions to help them in their retirement years.

Pension ProSave promotes savings, helps more people reach retirement with pensions, helps buffer against the turbulence of the economy, and provides many employers with a good vehicle for profit sharing. All of these are benefits for our Nation as a whole.

Interestingly enough, any plan that succeeds in establishing more retirement security for our working population is scored as costing our country short-term tax revenue. By the year 2029, when the youngest baby boomers reach age 65, more than 68 million persons will be older than 65—accounting for more than 20 percent of the U.S. population, compared to just 12 percent today. As a result, the ratio of workers contributing to Social Security will fall to two workers for every retiree. Rising Medicare and long-term care costs add even more to the savings retirees will need.

Mr. President, I ask you and my other colleagues in this Chamber to stop thinking in the short term and not wait until the baby boomers begin to retire. If we do not begin to find the way to increase the ability of private employers and individuals to finance retirement needs the cost to our country will be much greater than revenue loses. Establishing Pension ProSave accounts is an investment that will help our Nation avoid a social train wreck that is just waiting to happen.

By Mr. STEVENS:

S. 1924. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Damn Yankee*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER LEGISLATION

● Mr. STEVENS. Mr. President, today I am introducing a bill to provide a certificate of documentation for the vessel *Damn Yankee*.

The *Damn Yankee* (vessel number 263611) is a 40 foot vessel owned by David Guthert of Juneau, AK. It was built in Bellingham, WA, in 1952. Because of a gap in the ownership records of this vessel, it has been determined to be ineligible for documentation under the Jones Act. Mr. Guthert plans on using the boat for charter purposes.

I ask for unanimous consent that this bill be printed in the RECORD.

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

S. 1924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 (App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsements for employment in the coastwise trade for the vessel DAMN YANKEE (vessel number 263611).●

By Mr. GORTON (for himself, Mr. COATS, Mr. HATCH, Mr. FAIRCLOTH, Mr. WARNER, Mr. GREGG, Mr. FRIST, Mr. COCHRAN, Mr. LOTT, Mrs. KASSEBAUM, Mr. KYL, Mr. MACK, Mr. PRESSLER, and Mr. NICKLES):

S. 1925. A bill to amend the National Labor Relations Act to protect employer rights, and for other purposes; to the Committee on Labor and Human Resources.

THE TRUTH IN EMPLOYMENT ACT OF 1996

● Mr. GORTON. Mr. President, I am pleased today to join with Senators COATS, HATCH, FAIRCLOTH, WARNER, GREGG, FRIST, COCHRAN, LOTT, KASSEBAUM, KYL, MACK, PRESSLER, and NICKLES to introduce an important piece of legislation designed to alleviate an unfair practice affecting thousands of businesses in my home State of Washington and across the country. It is the Truth in Employment Act of 1996, which will curb the abuses of the union organizing tactic known as salting.

Salting, Mr. President, occurs when unions send paid, professional organizers and union members into nonunion workplaces under the guise of seeking employment. The unions' avowed purpose in these salting programs is to harass the company, its employees, and to disrupt the jobsite until the company is either financially devastated or joins the union, whichever comes first. The key problem is that unions have trained their agents to use and abuse the procedures of the National Labor Relations Board as an offensive weapon against nonunion employers, largely by filing frivolous unfair labor practice charges.

This fall, in Town & Country, the Supreme Court ruled that paid, professional union organizers are ''employees'' within the meaning of the National Labor Relations Act. Under the broad interpretations of the National Labor Relations Act, provisions prohibit employers from discriminating against employees because of other union interests or activities. This places employers, most of them small, mom-and-pop businesses, in a disastrous Catch-22: if they hire the union salts, they are subjected to outrageous internal harassment, but if they do not hire them, the salts cry discrimination and file frivolous charges. Employers are forced to make decisions about hiring, which may threaten the very existence of their businesses. Naturally, these businesses are concerned that the Supreme Court's ruling gives the unions carte blanche to use organizing techniques such as salting.

I continue to hear from small businesses from across my home State on this issue. In Snohomish county, a mid-sized mechanical subcontractor has employed over 70 union members over the years to work side-by-side with nonunion employees pursuant to project agreements. Despite this, the operating engineer's union carries out a classic salting campaign involving 14 union applicants, one of whom is a business agent. When none of the applicants are hired, the union files unfair labor practice charges. Despite the employer's history of employing union members pursuant to project agreements, the NLRB's regional office finds sufficient merit to issue a complaint and proceed to a hearing. After spending $21,000 in attorneys fees, they settled for $10,500.

Mr. President, this is just one example of the devastating economic effect salting has had on small businesses in my State. Small businesses are the backbone of our economy, providing jobs to millions of people. Understandably, this has become a serious issue for thousands of businesses across the country. Trying to defend themselves against frivolous discrimination charges, employers must incur tens of thousands of dollars in legal expenses, delays, and lost hours—time and resources, which could be better spent expanding businesses and creating economic opportunity in local communities.

The Truth in Employment Act will amend the National Labor Relations Act by adding a provision that establishes that an employer is not required to hire a person seeking employment whose primary purpose is to represent a union in an organizational struggle. Under this bill employees will continue to be afforded their right to organize and engage in the activities protected under the National Labor Relations Act. It is in no way the intent of this bill to infringe upon those rights or protections. Employers will continue to be prohibited from discriminating on the basis of union membership or activism. The bill, however, curb the abuses of salting. Abuses that have caused one constituent in my State to declare bankruptcy, one to agree to sign a union agreement because he ''was too old to go through the harassment again,'' one who is afraid to hire more employees, one who has in excess of $100,000 in legal fees and another who just ''got off easy'' with $40,000 in legal fees. These are not large firms, Mr. President, they are family-run businesses.

That is the issue, Mr. President, and that is why I am introducing the Truth in Employment Act. I encourage my colleagues to help me pass this bill and restore fairness to our small businesses.●

● Mrs. KASSEBAUM. Mr. President, I am pleased to join Senator SLADE GORTON, who is my colleague on the Senate Committee on Labor and Human Resources, as a cosponsor of his bill, the Truth in Employment Act of 1996. This legislation addresses an issue known as salting.

Over the last few years, professional union organizers, known as salts, have attempted to gain access to private property for organizing purposes. Sometimes, supervisors refuse to provide access to the property. Other times, if organizers gain access to the property, they have destroyed equipment and been disruptive.

Whether or not the organizers gain access to the property, they five numerous charges with the National Labor Relations Board [NLRB], knowing that the cost of defending such groundless charges ultimately must be borne by the employer. This process, known as salting, is an abuse of our system and is nothing less than outright harassment.

Our Federal labor law protects the right of workers to organize a union. It does not and it should not protect unions as they attempt to use our Federal agencies to harass companies.

I recognize at this late date in our legislative session that this bill has little chance of becoming law in 1996. I also understand that concerns had been raised over how to address the salting problem through legislation. Because this is an important issue, though, we need to move forward by introducing a bill. I hope that through the process of hearings in our committee, we will find an acceptable legislative solution that all parties can accept.●

By Mr. COCHRAN (for himself and Mr. SPECTER):

S. 1926. A bill to provide for the integrity of the Medicare Program under title XVIII of the Social Security Act, and for other purposes; to the Committee on Finance.

THE MEDICARE EMERGENCY PROTECTION ACT OF 1996

● Mr. COCHRAN. Mr. President, earlier this month, the Medicare trustees released their 1996 annual report on the fiscal solvency of the Medicare trust fund. The bottom line is that the Medicare trust fund is going broke. And it is going broke sooner that we had been told.

Last year's report revealed Medicare's deteriorating financial condition, but it was optimistic compared to the report released earlier this month. This month's report predicted the program will be bankrupt just 5 years from now—possibly running out of money as early as calendar year 2000.

This means by that time, there will be no funds available to pay for the hospital care for our Nation's senior citizens.

Last year, Congress passed and sent to the President a balanced set of reforms which would have kept Medicare solvent through the next generation while still increasing spending per beneficiary from $4,800 per year to more than $7,100 per year. It also offered seniors more choices and included incentives to combat fraud and abuse.

Unfortunately, President Clinton vetoed the Medicare Preservation Act, which was included as a part of the Balanced Budget Act.

Because I am tired of the partisan conflict on this issue, I am introducing the Medicare Emergency Protection Act of 1996, which incorporates the President's Medicare cuts. If the President will not approve our Republican proposal for reform of the Medicare program, I suggest we pass the President's bill. We cannot allow partisan

bickering and political grandstanding to prevent the resolution of this crisis. The American people are fed up with this kind of politics with the gridlock on this issue. It is like Nero playing his fiddle while Rome burned.

I am fed up with this stalemate too. I suggest we adopt the short-term changes recommended by the President which cut the costs of the program and create the commission to recommend the longterm changes to save Medicare.

My bill has two parts. The first part incorporates the President's proposed cuts in Medicare. But it excludes his accounting gimmick which would transfer the costs of home health care from the Hospital Insurance Program to the Supplemental Medical Insurance Program. While this transfer would extend the technical solvency of the trust fund, it would shift billions of dollars in additional costs to the general taxpayer.

The second part of this legislation creates a commission similar to the National Commission on Social Security Reform. As some of my colleagues will recall, that Commission was established by President Reagan and the Congress in 1981. The Commission suggested reforms which will maintain the fiscal solvency of the Social Security trust fund until sometime after the year 2025.

Last year, Majority Leader Dole and Speaker GINGRICH proposed a similar commission to address the fiscal insolvency of the Medicare trust fund. Unfortunately, the Clinton administration rejected that proposal.

However, in their recent report, the Medicare trustees, which include three members of President Clinton's Cabinet, themselves proposed the establishment of a commission.

Now, there is obvious bipartisan support for this proposal. The National Commission on Medicare Reform will have 1 year to consider options for reform to secure the long-term fiscal solvency of the Medicare trust fund. Once the members of the Commission have settled on a set of reforms, the President will review the proposal. If he approved it, he will submit the proposal to the Congress. Under expedited procedures, the House of Representatives and the Senate will consider it and, without amendment, vote up or down to approve or reject the reforms.

I urge my colleagues to approve this legislation. Each day that passes makes the eventual solutions more difficult to achieve.

I ask unanimous consent that copies of the statement I made on this subject in the Senate on June 6 and 7 be reprinted in the RECORD.

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

[From the Congressional Record, June 6, 1996]

MEDICARE INSOLVENCY

Mr. COCHRAN. Mr. President, this afternoon, we had a interesting hearing in the subcommittee for appropriations which is chaired by the distinguished Senator from Pennsylvania [Mr. SPECTER]. The witness was the Secretary of Health and Human Services, Secretary Shalala. We were examining the budget request being submitted by the administration for appropriations to operate the Department of the Government for the next fiscal year than begins October 1.

Secretary Shalala happens to be in another capacity a trustee of this group who have the responsibility of monitoring the trust fund that supports the benefits paid out under the Medicare Program. Since that group of trustees had just made their report public yesterday at the news conference which we all read and heard about, that subject came up.

It occurred to me, since there was before the general public a suggestion by the President that he had made recommendations that were almost identical with the Republican suggestion about how to protect the benefits of this Medicare Program and how to deal with this impending insolvency of that fund, it occurs to me that we are going to see more of the same kind of political shenanigans from now until the end of this year, with nothing being done unless somebody is ready to say, ''OK, we will go along with your proposal.''

The President can say that to the Congress, or we can say that to the President. I am prepared at this point to suggest, in a serious way, and said this to Secretary Shalala at the hearing, the Congress accept the President's suggestions. We can pass the suggested changes for short-term relief of pressure on that fund, but at the same time appoint a commission which is also called for by the President and the trustees in their report to propose long-term changes, changes to affect the long-term insolvency problems of the trust fund, and that the Congress, through its leaders and the President himself, agree to implement the recommendations of that commission for long-term changes.

It seems to me that is one way to resolve this as a part of this argument over whether Republicans are trying to cut taxes, to impose changes on Medicare beneficiaries as a part of a budget balancing act. We already, in the Congress, submitted to the President proposals to rescues the Medicare Program. That was a part of the Balanced Budget Act which the President vetoed. He has already rejected what Congress has suggested. After weeks and weeks of negotiations with leaders of the Congress and the President at the White House, all we got out to it were some photo ops, some political posturing, partisan sniping. We have had enough of that. The American people are fed up with that kind of politics. That is not the way to run the Government. I am tired of it.

I have recommended and seriously urge this Congress to accept the recommendation of the President—not the one, of course, that says that home health care ought to be paid for out of the general Treasury; I am talking about changes that will reduce the costs of the program in a way that saves the program from insolvency—they recommended last year that we had to act before the year 2002, that we were going to see an insolvency, there would be a bankrupted fund, in effect.

Now, the report this year is worse than that. The year before it was going insolvent. Under the last report, it is going to lose $33 billion, and the following year $100 billion. Contrary to what the junior Senator from West Virginia said, that this is a Republican-manufactured crisis, that is an outrageous comment. That is totally outrageous. These trustees are Democrats by and large. Secretary Rubin said it, Secretary Shalala said it is going to be insolvent, the head of the Social Security Administration was standing there and agreed with them. That is not a group of Republicans. The Republicans are not manufacturing a crisis. The crisis is real. The crisis is now.

It is irresponsible for us to continue to sit here and listen to this kind of arguing made by Senators on the other side that this is some kind of effort by Republicans to frighten older people. I am frightened. I am not an eligible beneficiary yet. We have to act.

I want to commend the Senator from Pennsylvania for his leadership in an effort to get the Secretary to agree to recommendations to the administration, that they take a stand, put their recommendations in the form of legislation, send it to the Hill, and see if we can pass it.

MEDICARE TRUST FUND

Mr. COCHRAN. Mr. President, first, I want to commend the distinguished Senator from Georgia [Mr. COVERDELL], and those who spoke this morning on the subject of a balanced budget amendment and the unfortunate consequences of our failure to deal with the problem of the ever-increasing deficits.

We also had a few of those Senators mention, as an aside, the problem with the Medicare trust fund. I wanted to remind Senators that we had a hearing yesterday in the Appropriations Subcommittee that funds the Department of Health and Human Services, and Secretary Donna Shalala came before the committee to present the President's proposed budget for that Department for the next fiscal year. She serves, along with others in the administration, on this panel of trustees, whose responsibility it is to monitor and help keep Congress and the administration informed about the integrity of the trust fund, and supports the Medicare Program.

The trustees, earlier this week, talked about the fact that the worst case scenario for future deficits in that program had been exceeded, and that rather than having the program go bankrupt, be hopelessly insolvent by the year 2002, it was going to be bankrupt earlier. By the year 2000, it would be out of balance by over $30 billion, and the following year, it would be out of balance and in deficit at the figure of $100 billion.

The consequences of this report have to wake up everybody to the realization that unless Congress and the administration quit playing politics with this issue, it is going to be insolvent. This program is going to be in jeopardy, and benefits are going to be in jeopardy as well.

I think the time has come for us to say, OK, the Republican Congress passed a balanced budget act last year. It included in that suggested reforms in the Medicare Program that would have put it in balance, would have kept it solvent, would have made some needed changes in the program to give older citizens more choices, more protection, so that their medical expenses and benefits could continue to be paid through this program.

The President vetoed the bill. He rejected the balanced budget act. So we started over again. This year, the Budget Committee is wrestling with the problem of reconciling budget resolutions, which contain projected expenditures under this program, as well as all other Federal programs, with an effort to continue to build toward a balanced budget plan as soon as possible. Their projection is the year 2002.

What I am going to suggest is that, in this politically charged environment of Presidential politics and campaigns for House and Senate seats underway—and we have to admit it—it is unlikely that this administration is going to change its mind and embrace the Republican proposals. And so we have to acknowledge that.

The President, at the same time, has made a counteroffer, as I understand it, and has proposed some changes in the Medicare Program, which would achieve savings of $116 billion over the same period of time. The Republican proposals would have achieved savings of almost $170 billion.

Let us say, OK, Mr. President, have it your way for the short term. Let us introduce the President's proposed changes in the Medicare Program. Let us accept his proposals for changes and cuts in the Medicare Program and enact them next week, or the week following. If the reconciliation bill from the Budget Committee's resolution is vetoed by the President or not supported by the Democrats in that area of the budget, let us isolate the Medicare Program changes and enact some changes.

I suggest, let us enact the President's proposed changes and cuts in the program and, at the same time, establish a commission—which the President has recommended, the trustees have recommended in their report, including Secretary Shalala, Secretary Reich, Secretary Rubin, and others, who serve on that trustee panel—to recommend long-term changes in the Medicare Program that would ensure its solvency and protect the benefits for the older citizens in our society over the long term.

I do not see anything wrong with that. As a matter of fact, I have been suggesting that that be considered as an alternative. If Congress and the President cannot agree on what changes ought to be made, get a commission together, much like the Base Closure Commission, or the Social Security Commission, which was formed in 1983 and chaired by Alan Greenspan. It made recommendations to save the Social Security trust fund from bankruptcy, and Congress and the President agreed at that time to accept the recommendation of that commission and implement it.

That ought to be a part of this legislation—that we establish that commission, agree to implement its recommendations, and have a vote on it. If you do not want to implement them, vote no; be against everything. But we have to come to terms with the reality of the situation. The longer we wait, the harder the solution is going to be and the more sacrifices that are going to have to be made by everybody—the taxpayers. If we do not make these changes, do you know what is going to happen? Pretty soon, you are going to see the taxes on the employers and employees to fund this program being increased—and by substantial sums.

Now, the older population is getting older and, thank goodness, medical science is wonderful and it is giving us all opportunities for longer lives. But coming with that, too, are added expenses, as you get older, for medical care. Our senior citizens confront the reality every day of this terrible fear, and that is that they will not have the funds, they will not have access to the care they need to enjoy the longevity that they now have, compliments of medical science, good nutrition, and the advances that we have made for good health in our society.

So I say that it is time to stop the partisan politics. Let us quit throwing rocks at each other across the aisle, blaming each other for not getting anything done. I am prepared to say, as a Member of the Republican leadership in the Senate, OK, Mr. President, let us enact your proposal.

I am going to introduce a bill next week, and I hope there will be Senators on both sides of the aisle who will say, OK, let us go along with this suggestion as an alternative to what we have been getting. And what we have been getting is nothing—gridlock, confrontation, yelling at each other, people getting red in the face, and nothing getting done.

I think the American people are fed up with that kind of politics, fed up with that kind of Government. I am fed up with it. It is time to change. We ought to do it now—before it is too late.●

By Mr. LEVIN:

S. 1928. A bill to amend the Internal Revenue Code of 1986 to eliminate tax incentives for exporting jobs outside of the United States, and for other purposes; to the Committee on Finance.

TAX INCENTIVE ELIMINATION LEGISLATION

Mr. LEVIN. Mr. President, I rise today to address the continuing loss of U.S. manufacturing jobs by introducing a bill to eliminate tax incentives for companies to export such jobs.

For too many years and in too many cases, we have seen U.S. manufacturers shut down business in the United States, lay off workers, and set up shop overseas. Although the Bureau of Labor Statistics does not maintain statistics on the export of United States jobs, we learned at a hearing of my Governmental Affairs Subcommittee 3 years ago that at least 200 United States plants had moved to Mexico alone over the previous decade.

A company's decision to move its operations overseas is usually an economic decision, based on factors like the availability of cheap labor and unregulated access to natural resources. While I wish that some U.S. companies would exercise better citizenship and recognize an ongoing responsibility to their long-time employees as well as their shareholders, I know that the Federal Government cannot force them to do so.

However, there is no reason why the U.S. taxpayers should be subsidizing companies that choose to move their operations overseas. Yet that is what we have been doing. When a U.S. company decides to shut down a plant in the United States and move its operations overseas, we reward them—through the Tax Code—for the decision.

Last year, I joined Senator DORGAN and others to introduce a bill—S. 1355—addressing one provision of the Tax Code which provides such a subsidy. The Dorgan bill would eliminate the ability of companies who move their operations overseas to defer the payment of Federal income tax on the profits from those operations.

Today, I am introducing a bill to address two more provisions of the Tax Code which provide taxpayer subsidies to companies that move their operations overseas.

First, section 162 of the Internal Revenue Code permits a deduction for ''all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on any trade or business.'' This provision has been interpreted to allow a deduction for moving expenses in the case of a company that moves part or all of its operations overseas, as long as the company continues to sell its product in the United States and can argue that the overseas operations are related to the U.S. source income. As a result, the U.S. taxpayers are underwriting the moving expenses of companies who choose to move capital equipment previously used in U.S. operations, and the associated jobs overseas.

My bill would reverse this policy by prohibiting a company from deducting the cost of transporting capital equipment previously used in U.S. operations overseas when it is in the process of closing or downsizing U.S. plants. Because the export of such capital equipment and the associated jobs is more likely to reduce U.S.-source income than to increase it, this provision is entirely consistent with the intent of section 162 to permit the deduction of ordinary and necessary business expenses incurred in connection with such income.

Second, section 367 of the Internal Revenue Code allows a company to avoid paying capital gains taxes on its capital assets, if these assets are moved overseas and included in an active business in a corporate reorganization. Because no capital gains tax is paid at the time of the reorganization, and because the U.S. loses jurisdiction over the assets after they are shipped overseas, the company is able to avoid the tax altogether. The company is able to obtain an unwarranted tax advantage by transferring appreciated assets to a corporation that is not subject to U.S. residence jurisdiction—and the taxpayers are left paying yet another subsidy to companies that choose to move their operations overseas.

My bill would reverse this policy by eliminating the active business exception in section 367 of the Internal Revenue Code and subjecting corporate assets to the capital gains tax at the time they are transferred overseas in any reorganization.

Mr. President, some companies may still choose to overlook their responsibility as citizens and the needs of their long-timer employees by moving jobs overseas, but we should not be subsidizing such decisions.

By WELLSTONE:

S. 1929. A bill to extend the authority for the Homeless Veterans' Reintegration Projects for fiscal years 1997 through 1999, and for other purposes, to the Committee on Veterans' Affairs.

THE HOMELESS VETERANS' REINTEGRATION PROJECTS REAUTHORIZATION ACT OF 1996

● Mr. WELLSTONE. Mr. President, to save a unique, highly effective and invaluable program that assists homeless veterans to find employment, I am today introducing a bill that would reauthorize the Homeless Veterans' Reintegration Projects [HVRP] for 3 years.

This bill is identical to S. 1257 which I introduced last year after this low-cost program—funded at just over $5 million annually—had been zeroed out in the rescissions bill. With the invaluable help of my distinguished colleague, Senator SIMPSON, chairman of

the Veterans' Affairs Committee—a committee I am proud and honored to serve on—we managed to keep HVRP alive by authorizing a 1-year extension through the end of fiscal year 1996, at the same time authorizing an expenditure of $10 million. Unfortunately, for reasons I can't fathom, no funds were appropriated for HVRP for fiscal year 1996. While HVRP was partially revived in February 1996 when the Departments of Labor and Housing and Urban Development [HUD] each provided $1.3 million in discretionary funds to renew and support projects in cold weather areas of the Nation, the President's budget for fiscal year 1997 contains no funding for HVRP.

I am frankly appalled and puzzled that this exceptionally cost-effective program which has done so much to help America's homeless veterans for the past 7 years, continues to face extraordinary difficulties and may not survive. The only possible explanation there is for the trials and tribulations of HVRP is that because it is such a modestly funded national program with annual appropriations ranging from $1.366 million to $5.055 million, it falls beneath the threshold of visibility of the Senate, which is accustomed to focusing on programs with price tags of hundreds of millions of dollars or more.

When I sought to have the Veterans' Committee accept the 3-year extension of HVRP I proposed in S. 1257, I was told that only a 1-year authorization could be approved because not enough was known about the program, but that a committee hearing would be held early this year to inform Members about the program. Unfortunately, it now appears unlikely that hearings on HVRP will be scheduled.

It is a pity that this exceptionally worthwhile program has such a low profile in this Chamber, because I'm confident that if my colleagues knew more about HVRP, there would be overwhelming support on both sides of the aisle for keeping this program alive and funded adequately.

Mr. President, permit me to describe the daunting problems HVRP seeks to address, its outstanding accomplishments, and its methods of operation.

On any given night, it has been estimated that between 250,000 and 280,000 veterans are homeless. And, as the Disabled American Veterans [DAV] testified before a House Committee, DOD projects a reduction of 250,000 active military personnel through the year 2000. DAV stressed that many ''at best will have 'soft' transferable skills,'' particularly those trained in combat arms, concluding that while it's unknown ''how many of them will end up in the unemployment or soup kitchen line * * * we believe they are at risk.''

In effect we are being told that up to one-third of America's homeless are veterans and the number could well increase. Mr. President, in the face of this situation which can only be described as a national disgrace, HVRP, administered by the Labor Department's Veterans Employment and Training Service [VETS] is the only employment assistance program dedicated to homeless veterans. And, as Preston Taylor, Assistant Secretary of Labor for Veteran Employment and Training has emphasized, unemployment, not the lack of affordable housing, is the main cause of homelessness among veterans.

Permit me to briefly list some of HVRP's strengths and accomplishments:

It is one of the most successful job placement programs in the Federal Government.

Since its inception it has placed 13,000 veterans in jobs at a cost of approximately $1,500 per placement.

HVRP grantees build complementary relationships with VA, JTPA, and other programs—they do not duplicate any other services.

A unique aspect of HVRP is to utilize formerly homeless veterans who know how to approach and win the confidence and trust of other homeless veterans; they go into the streets, shelters, soup kitchens, and other places and tell them HVRP and other available services.

HVRP provides grants to community based groups that employ flexible and innovative approaches to assist homeless, unemployed veterans to reenter the work force. Let me repeat—grants to community-based groups, not funding to some large impersonal Federal bureaucracy that some of my colleagues like to lambaste. This is precisely the kind of low-cost, locally focused, and result-oriented program that all of my colleagues, regardless of ideology or party should be able to support without reservation.

The program is employment-focused, recognizing that homeless veterans need to become self-supporting to obtain permanent shelter. HVRP local grantees provide homeless veterans with a variety of services designed to maximize their chances of finding permanent jobs, including job counseling, resume preparation, on-the-job training, and instructions in job search techniques. The HVRP program, in collaboration with other service providers, effectively addresses the six major problems hampering homeless veterans seeking to reenter the job market: lack of transitional housing; inadequate substance abuse treatment; transportation problems; lack of job skills; depressed local labor markets; and resistance to hiring the homeless.

In conclusion I want to make two points: First that the modest sums saved by eliminating HVRP will quickly be offset be the high costs of providing public assistance to the veterans who will remain homeless due to the lack of a permanent, paying job.

Second, and more important, I was deeply moved recently by a letter I received from a disabled Vietnam veteran in Minnesota whom I'd spoken to on the phone and thanked for his service to our country. He mentioned that he'd always felt he'd been left in Vietnam, but that after our talk he felt that he'd at last been brought home. Fortunately, there are many Vietnam veterans who feel they have now come home again. But for some Vietnam and other veterans, the only homes they know are the streets and homeless shelters. To eliminate HVRP, the one program that could give them a job and permit them to escape the miseries and indignities of hopelessness so that they too could feel that they had at last come home, would be shameful.

I urge all of my colleagues to join me in supporting this bill and ensuring that HVRP receives the funding it needs to continue its invaluable work.

Mr. President, I ask that a statement of HVRP of Ronald W. Drach, National Employment Director, DAV, before the Subcommittee on Education, Employment and Training of the Committee on Veterans' Affairs, U.S. House of Representatives, April 18, 1996, be printed in the RECORD at the conclusion of my remarks. And I ask unanimous consent that an article by Sid Daniels, Director, National Employment Service, Veterans of Foreign Wars, entitled ''Sun Sets on Homeless Vets Program,'' appearing in the Washington Action Reporter, October 1995, also be printed in the RECORD.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF AUTHORITY.

(a) HOMELESS VETERANS' REINTEGRATION PROJECTS.—Section 738(e)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11448(e)(1)) is amended by adding at the end the following:

''(E) $10,000,000 for fiscal year 1997.

''(F) $10,000,000 for fiscal year 1998.

''(G) $10,000,000 for fiscal year 1999.''.

(b) GENERAL AUTHORIZATION OF APPROPRIATIONS.—Section 739(a) of such Act (42 U.S.C. 11449(a)) is amended by striking out ''the fiscal years 1994 and 1995'' and inserting in lieu thereof ''fiscal years 1994 through 1999''.

(c) EXTENSION OF PROGRAM.—Section 741 of such Act (42 U.S.C. 11450) is amended by striking out ''December 31, 1997'' and inserting in lieu thereof ''September 30, 1999''.

EXCERPT FROM STATEMENT OF RONALD W. DRACH BEFORE THE SUBCOMMITTEE ON EDUCATION, EMPLOYMENT AND TRAINING, APRIL 18, 1996

HOMELESS VETERANS' REINTEGRATION PROJECT

Mr. Chairman, homeless veterans continue to be a major concern. On any given night, it has been estimated that between 250,000 and 280,000 veterans are homeless. Several years ago, the Department of Labor initiated an outreach project for homeless veterans in an attempt to provide needed employment and training services. This program is known as HVRP. Regrettably, funding for this program in FY 1995 was rescinded. For FY 1996, both the House and Senate authorized an expenditure of $10 million, but the monies were never appropriated. The President's budget

for FY 1997 does not request any funding for HVRP.

Mr. Chairman, homelessness among veterans is now a chronic problem. When we testified on this issue in 1992, it was estimated that between 150,000 and 250,000 veterans were homeless on any given night. As indicated, that number now is estimated to be between 250,000 and 280,000. We mentioned earlier in this testimony that DoD projects a reduction of approximately 250,000 active military members a year through the year 2000. Many of these individuals at best will have ''soft'' transferable skills. Many—particularly those trained in combat arms—will have no skills recognized by employers as transferable to the civilian labor market. How many of them will end up in the unemployment or soup kitchen line is unknown, but we believe they are at risk. Last week several economic forecasters predicted an increase in inflation. This will only add to the problem.

The HVRP program has a history of providing meaningful assistance to our nation's homeless veterans. It is a program that primarily focuses on job training and employment assistance. Perhaps the most unique thing about HVRP is that a multi-disciplinary approach is taken to solving the problems of homeless veterans. It is not enough to say DVOPs or LVERs can do the job alone, because all too often the services needed cannot be provided by that individual. Because homeless veterans require very labor-intensive services, HVRP must be continued.

We would like to commend Assistant Secretary Preston Taylor at DOL for his insight into this problem. Mr. Taylor saw the need, particularly in cold weather states, and identified $1.3 million of discretionary monies available to him through the Job Training Partnership Act (JTPA). However, before he committed those monies, he received an agreement from Assistant Secretary for Community Planning and Development Andrew Cuomo at the Department of Housing and Urban Development (HUD) for matching funds. We would like to compliment and thank Assistant Secretary Cuomo for his interest in addressing the needs of homeless veterans.

While on the subject of Assistant Secretary Cuomo, we would like to note that the DAV has been critical of HUD in the past for its lack of attention and interest in homeless veterans. However, Mr. Chairman, we are pleased to report that in addition to the $1.3 million targeted specifically for homeless veterans, Assistant Secretary Cuomo's office has reached out to the veterans' community in an effort to communicate with veterans' service delivery systems throughout the country to make them aware of the existence of funding availability from HUD for homeless projects. Additionally, Assistant Secretary Cuomo has:

Announced the creation of the HUD Veteran Resource Center—This center is designed to provide important information about the full range of resources and initiatives available from HUD. The Resource Center can be contacted through a toll free number (1–800–998–9999, Ext. 5475, Contact: David Schultz).

Appointed a combat-disabled veteran to head the Resource Center. The first mission will be outreach to veterans' community groups as well as veterans' service organizations regarding the ''1996 Homeless Assistance SuperNOFA (Notice of Funding Availability).''

Established an outreach effort to us and is providing information on events and technical assistance to those interested in applying for HUD funding. The type of outreach is unprecedented at HUD.

Agreed in February of this year to help DOL by providing $1.3 million for HVRP.

Mr. Chairman, we believe that HUD working together with Veterans' Employment and Training Service (VETS) will make a significant difference in the lives of many homeless veterans. However, we believe that funding must be made available to continue the good work that has been accomplished thus far through HVRP. Since the program started in 1987, 30,000 homeless veterans have been helped in some way and 13,000 were actually placed in jobs.

Assistant Secretary Taylor should also be applauded for his efforts in contacting every state governor asking for their assistance to bridge the gap after the loss of HVRP funding.

SUN SETS ON HOMELESS VETS PROGRAM

(By Sid Daniels, Director)

In its recent budget cutting, Congress eliminated the funding for the Homeless Veterans Reintegration Projects (HVRP) program after Sept. 30, 1995. Consequently, all 30 projects throughout the country serving homeless veterans closed down their operations on Oct. 1, 1995.

HVRP was established by the Stewart B. McKinney Homeless Assistance Act of 1987 and was administered by Labor's Veterans Employment and Training Service (VETS). The emphasis on helping homeless veterans get and retain jobs was enhanced by linking with other providers, such as veterans affairs offices and medical facilities, Job Training Partnership Act entities and social service agencies.

They offered access to benefits, substance abuse treatment, job training, transitional housing and other services needed to stabilize the homeless veteran. And they removed such barriers to employment as lack of clothing, medical care and job skills.

HVRP used veterans who had experienced homelessness themselves to reach out to homeless veterans. They went into the streets, shelters, soup kitchens, and other places to encourage homeless veterans to take advantage of available services and advised them of the HVRP program. The goal was to get homeless veterans off the street and into gainful employment, with emphasis on long-term job retention.

An important characteristic of homeless veterans, is their underutilization of existing services, benefits, and entitlements which could help them obtain employment and reintegration into mainstream society.

A unique aspect of HVRP was the use of formerly homeless veterans who knew how to approach and win the confidence and trust of other homeless veterans.

HVRP programs provided participation data and survey information, which indicated that unemployment, not lack of affordable housing, was the chief cause of homelessness.

Now, this is all gone.●

ADDITIONAL COSPONSORS

S. 607

At the request of Mr. WARNER, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 1644

At the request of Mr. BROWN, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 1644, a bill to authorize the extension of nondiscriminatory treatment (most-favored-nation) to the products of Romania.

S. 1701

At the request of Mr. PELL, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 1701, a bill to end the use of steel jaw leghold traps on animals in the United States, and for other purposes.

S. 1786

At the request of Mr. WELLSTONE, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1786, a bill to require the Secretary of Veterans Affairs and the Secretary of Health and Human Resources to carry out a demonstration project to provide the Department of Veterans Affairs with reimbursement from the medicare program for health care services provided to certain medicare-eligible veterans.

S. 1811

At the request of Mr. MACK, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 1811, a bill to amend the Act entitled ''An Act authorizing Federal participation in the cost of protecting the shores of publicly owned property'' to confirm and clarify the authority and responsibility of the Secretary of the Army, acting through the Chief of Engineers, to promote and carry out shore protection projects, including beach nourishment projects, and for other purposes.

S. 1873

At the request of Mr. INHOFE, the names of the Senator from Maine [Mr. COHEN], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from California [Mrs. FEINSTEIN] were added as cosponsors of S. 1873, a bill to amend the National Environmental Education Act to extend the programs under the Act, and for other purposes.

S. 1885

At the request of Mr. INHOFE, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1885, a bill to limit the liability of certain nonprofit organizations that are providers of prosthetic devices, and for other purposes.

S. 1892

At the request of Mr. LAUTENBERG, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 1892, a bill to reward States for collecting Medicaid funds expended on tobacco-related illnesses, and for other purposes.

S. 1899

At the request of Mr. MURKOWSKI, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 1899, a bill entitled the ''Mollie Beattie Alaska Wilderness Area Act''.

AMENDMENT NO. 4112

At the request of Mr. HELMS the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of amendment No. 4112 proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 4367

At the request of Mr. NUNN the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of amendment No. 4367 proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

SENATE RESOLUTION 275—TO EXPRESS THE SENSE OF THE SENATE CONCERNING AFGHANISTAN

Mr. BROWN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 275

Whereas, prior to 1979, Afghanistan was a peaceful, united country;

Whereas, the successful fight of the brave men and women of Afghanistan resisting the Soviet invasion and occupation of 1979–1989 was a significant element in the dissolution of the Soviet empire;

Whereas, the dissolution of the Soviet empire brought freedom to the nations of central and eastern Europe as well as to the nations of central Asia;

Whereas, although many years after the Soviet withdrawal, Afghanistan does not enjoy the peace it has earned;

Whereas, the Untied Nations can play a unique and important role in bringing an end to the conflict in Afghanistan;

Whereas, recent meetings between members of Congress and the representatives of the major Afghan factions indicate a significant desire on the part of all parties to achieve a peaceful resolution to the conflict in Afghanistan and the establishment of an effective government that represents the interests of the Afghan people;

Therefore, it is the sense of the Senate that—

(1) The courageous people of Afghanistan have earned the world's respect and support for their epic struggle against the forces of communism;

(2) Resolving the continuing conflict in Afghanistan and alleviating the accompanying humanitarian distress of the Afghan people should be a top priority of the United States;

(3) Outside interference and the provision of arms and military supplies to the warring parties should be halted;

(4) A unique moment in the Afghan civil war exists where all major factions are searching for a peaceful solution to the conflict;

(5) The United States should urge the United Nations to move quickly to appoint a special envoy to Afghanistan who will act aggressively to assist the Afghans to achieve a solution to the conflict acceptable to the Afghan people;

(6) The United Nations should work to create the conditions for a continuing dialogue among the Afghan factions.

AMENDMENTS SUBMITTED

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

McCAIN AMENDMENT NO. 4387

Mr. MCCAIN proposed an amendment to the bill (S. 1745) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . It is the sense of the Senate that, notwithstanding any other provision of law, in order to maximize the amount of equipment provided to the Government of Bosnia and Herzegovina under the authority contained in Section 540 of the Foreign Operations Act of 1996 (P.L. 104–107), the price of the transferred equipment shall not exceed the lowest level at which the same or similar equipment has been transferred to any other country under any other U.S. government program.

FEINGOLD (AND KOHL) AMENDMENT NO. 4388

Mr. FEINGOLD (for himself and Mr. KOHL) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title II, add the following:

SEC. 223. COST-BENEFIT ANALYSIS OF F/A–18E/F AIRCRAFT PROGRAM

(a) REPORT ON PROGRAM.—Not later than March 30, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the F/A–18E/F aircraft program.

(b) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the F/A–18E/F aircraft program.

(2) An analysis and estimate of the production costs of the program for the total number of aircraft realistically expected to be procured at each of three annual production rates as follows:

(A) 18 aircraft.

(B) 24 aircraft.

(C) 36 aircraft.

(3) A comparison of the cost and benefits of the program with the costs and benefits of the F/A–18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.

(c) LIMITATION ON USE OF FUNDS PENDING TRANSMITTAL OF REPORT.—No funds authorized to be appropriated by this Act may be obligated or expended for the procurement of F/A–18E/F aircraft before the date that is 90 days after the date on which the congressional defense committees receive the report required under subsection (a).

EXON AMENDMENT NO. 4389

Mr. NUNN (for Mr. EXON) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle E of title III, add the following:

SEC. 368. AUTHORITY OF AIR NATIONAL GUARD TO PROVIDE CERTAIN SERVICES AT LINCOLN MUNICIPAL AIRPORT, LINCOLN, NEBRASKA.

(a) AUTHORITY.—Subject to subsections (b) and (c), the Nebraska Air National Guard may provide fire protection services and rescue services relating to aircraft at Lincoln Municipal Airport, Lincoln, Nebraska, on behalf of the Lincoln Muncipal Airport Authority, Lincoln, Nebraska.

(b) AGREEMENT.—The Nebraska Air National Guard may not provide services under subsection (a) until the Nebraska Air National Guard and the authority enter into an agreement under which the authority reimburses the Nebraska Air National Guard for the cost of the services provided.

(c) CONDITIONS.—These services may only be provided to the extent that the provision of such services does not adversely affect the military preparedness of the Armed Forces.

ROBB AMENDMENT NO. 4390

Mr. NUNN (for Mr. ROBB) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title X, add the following:

SEC. 1014. SENSE OF CONGRESS REGARDING AUTHORIZATION OF APPROPRIATION AND APPROPRIATION OF FUNDS FOR MILITARY EQUIPMENT NOT IDENTIFIED IN THE BUDGET REQUEST OF THE DEPARTMENT OF DEFENSE AND FOR CERTAIN MILITARY CONSTRUCTION.

It is the sense of Congress that—

(1) to the maximum extent practicable, each House of Congress should consider the authorization of appropriation, and appropriation, of funds for the procurement of military equipment only if the procurement is included—

(A) in the budget request of the President for the Department of Defense; or

(B) in a supplemental request list provided to the congressional defense committees, upon request of such committees, by the Office of the Secretary of Defense, by the military departments, by the National Guard Bureau, or by the officials responsible for the administration of the Reserves;

(2) the recommendations for procurement in a defense authorization bill or a defense appropriations bill reported to the Senate or the House of Representatives which reflect a change from the budget request referred to in paragraph (1)(A) should be accompanied in the committee report relating to the bill by a justification of the national security interest addressed by the change;

(3) the recommendations for military construction projects in a defense authorization bill or a defense appropriations bill reported to the Senate or the House of Representatives which reflect a change from such a budget request should be accompanied by a justification in the committee report relating to the bill of the national security interest addressed by the change; and

(4) the recommendations for procurement of military equipment, or for military construction projects, in a conference report of the committee on conference to resolve the differences between the two Houses relating to a defense authorization bill or a defense appropriations bill which recommendations reflect a change from the original recommendation of the applicable committee to

either House should be accompanied by a justification in the statement of managers of the conference report of the national security interest addressed by the change.

SARBANES AMENDMENT NO. 4391

Mr. NUNN (for Mr. SARBANES) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of title XXI, add the following:

SEC. 2105. PLAN FOR REPAIRS AND STABILIZATION OF THE HISTORIC DISTRICT AT THE FOREST GLEN ANNEX OF WALTER REED MEDICAL CENTER, MARYLAND.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a comprehensive plan for basic repairs and stabilization measures throughout the historic district at the Forest Glen Annex at Walter Reed Army Medical Center, Maryland, together with funding options for the implementation of the plan.

BINGAMAN (AND DOMENICI) AMENDMENT NO. 4392

Mr. NUNN (for Mr. BINGAMAN, for himself and Mr. DOMENICI) proposed an amendment to the bill, S. 1745, supra; as follows:

At the appropriate place, insert the following:

SEC. . MODIFICATION OF BOUNDARIES OF WHITE SANDS NATIONAL MONUMENT AND WHITE SANDS MISSILE RANGE.

(a) PURPOSE.—The purpose of this section is to effect an exchange between the Secretary of the Interior and the Secretary of the Army of administrative jurisdiction over the lands described in subsection (c) in order to facilitate administration of the White Sands National Monument and the White Sands Missile Range.

(b) DEFINITIONS.—In this section:

(1) MISSILE RANGE.—The term ''missile range'' means the White Sands Missile Range, New Mexico, administered by the Secretary of the Army.

(2) MONUMENT.—The term ''monument'' means the White Sands National Monument, New Mexico, established by Proclamation No. 2025 (16 U.S.C. 431 note) and administered by the Secretary of the Interior.

(c) EXCHANGE OF JURISDICTION.—The lands exchanged under this Act are the lands generally depicted on the map entitled ''White Sands National Monument, Boundary Proposal'', numbered 142/80,061 and dated January 1944, comprising—

(1) approximately 2,524 acres of land within the monument that is under the jurisdiction of the Secretary of the Army, which are transferred to the Secretary of the Interior;

(2) approximately 5,758 acres of land within the missile range abutting the monument, which are transferred to the Secretary of the Interior; and

(3) approximately 4,277 acres of land within the monument abutting the missile range, which are transferred to the Secretary of the Army.

(d) BOUNDARY MODIFICATION.—The boundary of the monument is modified to include the land transferred to the Secretary of the Interior and exclude the land transferred to the Secretary of the Army by subsection (c). The boundary of the missile range is modified accordingly.

(e) ADMINISTRATION.—1

(1) MONUMENT.—The Secretary of the Interior shall administer the lands transferred to the Secretary of the Interior by subsection (c) in accordance with laws (including regulations) applicable to the monument.

(2) MISSILE RANGE.—The Secretary of the Army shall administer the lands transferred to the Secretary of the Army by subsection (c) as part of the missile range.

(3) AIRSPACE.—The Secretary of the Army shall maintain control of the airspace above the lands transferred to the Secretary of the Army by subsection (c) as part of the missile range.

(f) PUBLIC AVAILABILITY OF MAP.—The Secretary of the Interior and the Secretary of the Army shall prepare, and the Secretary of the Interior shall keep on file for public inspection in the headquarters of the monument, a map showing the boundary of the monument as modified by this Act.

(g) WAIVER OF LIMITATION UNDER PRIOR LAW.—Notwithstanding section 303(b)(1) of the National Parks and Recreation Act of 1978 (92 Stat. 3476), land or an interest in land that was deleted from the monument by section 301(19) of the Act (92 Stat. 3476) may be exchanged for land owned by the State of New Mexico within the boundaries of any unit of the National Park System in the State of New Mexico, may be transferred to the jurisdiction of any other Federal agency without monetary consideration, or may be administered as public land, as the Secretary considers appropriate.

SEC. . BANDELIER NATIONAL MONUMENT.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) under the provisions of a special use permit, sewage lagoons for Bandelier National Monument, established by Proclamation No. 1322 (16 U.S.C. 431 note) (referred to in this section as the ''monument'') are located on land administered by the Secretary of Energy that is adjacent to the monument; and

(B) modification of the boundary of the monument to include the land on which the sewage lagoons are situated—

(i) would facilitate administration of both the monument and the adjacent land that would remain under the administrative jurisdiction of the Secretary of Energy; and

(ii) can be accomplished at no cost.

(2) PURPOSE.—The purpose of this section is to modify the boundary between the monument and adjacent Department of Energy land to facilitate management of the monument and Department of Energy land.

(b) BOUNDARY MODIFICATION.—

(1) TRANSFER OF ADMINISTRATIVE JURISDICTION.—There is transferred from the Secretary of Energy to the Secretary of the Interior administrative jurisdiction over the land comprising approximately 4.47 acres depicted on he map entitled ''Boundary Map, Bandelier National Monument'', No. 315/80,051, dated March 1995.

(2) BOUNDARY MODIFICATION.—The boundary of the monument is modified to include the land transferred by paragraph (1).

(3) PUBLIC AVAILABILITY OF MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the Lands Office at the Southwest System Support Office of the National Park Service, Santa Fe, New Mexico, and in the Superintendent's Office of Bandelier National Monument.

SMITH AMENDMENT NO. 4393

Mr. MCCAIN (for Mr. SMITH) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title I add the following:

SEC. 125. RADAR MODERNIZATION.

Funds appropriated for the Navy for fiscal years before fiscal year 1997 may not be used for development and procurement of the Pulse Doppler Upgrade modification to the AN/SPS–48E radar system.

JOHNSTON (AND MURKOWSKI) AMENDMENT NO. 4394

Mr. NUNN (for Mr. JOHNSTON, for himself and Mr. MURKOWSKI) proposed an amendment to the bill, S. 1745, supra; as follows:

At the appropriate place, insert:

''SEC. . FOREIGN ENVIRONMENTAL TECHNOLOGY.

''Section 2536(b) of title 10, United States Code is amended to read as follows:

''(b) WAIVER AUTHORITY.—(1) The Secretary concerned may waive the application of subsection (a) to a contract award if—

''(A) the Secretary concerned determines that the waiver is essential to the national security interests of the United States; or

''(B) in the case of a Department of Energy contract awarded for environmental restoration, remediation, or waste management at a Department of Energy facility—

''(i) the Secretary determines that the waiver will advance the environmental restoration, remediation, or waste management objectives of the Department of Energy and will not harm the national security interests of the United States; and

''(ii) the entity to which the contract is awarded is controlled by a foreign government with which the Secretary is authorized to exchange Restricted Data under section 144(c) of the Atomic Energy Act of 1954 (42 U.S.C. 2164(c)).

''(2) The Secretary of Energy shall notify the appropriate committees of Congress of any decision to grant a waiver under paragraph (1)(B). The contract may be executed only after the end of the 45-day period beginning on the date the notification is received by the committees.

DOMENICI AMENDMENTS NOS. 4395–4396

Mr. MCCAIN (for Mr. DOMENICI) proposed two amendments to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4395

In section 103(3), strike out ''$5,880,519,000'' and insert in lieu thereof ''5,889,519,000''.

AMENDMENT NO. 4396

In section 201(3), strike out ''$14,788,356,000'' and insert in lieu thereof ''$14,791,356,000''.

HEFLIN (AND SHELBY) AMENDMENT NO. 4397

Mr. NUNN (for Mr. HEFLIN, for himself and Mr. SHELBY) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title I, add the following:

SEC. 113. BRADLEY TOW 2 TEST PROGRAM SETS.

Of the funds authorized to be appropriated under section 101(3) of the National Defense Authorization Act for Fiscal Year 1996 (110 Stat. 204), $6,000,000 is available for the procurement of Bradley TOW 2 Test Program sets.

EXON AMENDMENT NO. 4398

Mr. NUNN (for Mr. EXON) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title II add the following:

SEC. 223. NATIONAL POLAR-ORBITING OPERATIONAL ENVIRONMENTAL SATELLITE SYSTEM

(a) Of the amount authorized to be appropriated under section 201(3), $29,024,000 is

available for the National Polar-Orbiting Operational Environmental Satellite System (Space) program (PE 0603434F).

(b) Of the amount authorized to be appropriated under section 201(3), $212,895,000 is available for the Intercontinental Ballistic Missile—EMD program (PE 06048514F).

GLENN AMENDMENT NO. 4399

Mr. NUNN (for Mr. GLENN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title XXXI add the following:

SEC. . STUDY ON WORKER PROTECTION AT THE MOUND FACILITY.

(a) Not later than March 15, 1997, the Secretary of Energy shall report to the defense committees of the Congress regarding the status of projects and programs to improve worker safety and health at the Mound Facility in Miamisburg, Ohio.

(b) The report shall include the following:

(1) The status of actions completed in fiscal year 1996.

(2) The status of actions completed or proposed to be completed in fiscal years 1997 and 1998.

(3) A description of the fiscal year 1998 budget request for Mound worker safety and health protection.

(4) An accounting of expenditures for worker safety and health at Mound by year from fiscal year 1994 through and including fiscal year 1996.

THURMOND AMENDMENT NO. 4400

Mr. MCCAIN (for Mr. THURMOND) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of title XI add the following:

Subtitle B—Defense Intelligence Personnel

SEC. 1131. SHORT TITLE.

This subtitle may be cited as the ''Department of Defense Civilian Intelligence Personnel Reform Act of 1996''.

SEC. 1132. CIVILIAN INTELLIGENCE PERSONNEL MANAGEMENT.

Section 1590 of title 10, United States Code, is amended to read as follows:

''§ 1590. Management of civilian intelligence personnel of the Department of Defense

''(a) GENERAL PERSONNEL MANAGEMENT AUTHORITY.—The Secretary of Defense may, without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees—

''(1) establish—

''(A) as positions in the excepted service, such defense intelligence component positions (including Intelligence Senior Level positions) as the Secretary determines necessary to carry out the intelligence functions of the defense intelligence components, but not to exceed in number the number of the defense intelligence component positions established as of January 1, 1996; and

''(B) such Intelligence Senior Executive Service positions as the Secretary determines necessary to carry out functions referred to in subparagraph (B);

''(2) appoint individuals to such positions (after taking into consideration the availability of preference eligibles for appointment to such positions); and

''(3) fix the compensation of such individuals for service in such positions.

''(b) BASIC PAY.—(1)(A) Subject to subparagraph (B) and paragraph (2), the Secretary of Defense shall fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in subpart D of part III of title 5 for positions subject to that subpart which have corresponding levels of duties and responsibilities.

''(B) Except as otherwise provided by law, no rate of basic pay fixed under subparagraph (A) for a position established under subsection (a) may exceed—

''(i) in the case of an Intelligence Senior Executive Service position, the maximum rate provided in section 5382 of title 5;

''(ii) in the case of an Intelligence Senior Level position, the maximum rate provided in section 5382 of title 5; and

''(iii) in the case of any other defense intelligence component position, the maximum rate provided in section 5306(e) of title 5.

''(2) The Secretary of Defense may, consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to positions for civilian employees in or under which the Department of Defense may employ individuals described by section 5342(a)(2)(A) of such title.

''(c) ADDITIONAL COMPENSATION, INCENTIVES, AND ALLOWANCES.—(1) Employees in defense intelligence component positions may be paid additional compensation, including benefits, incentives, and allowances, in accordance with this subsection if, and to the extent, authorized in regulations prescribed by the Secretary of Defense.

''(2) Additional compensation under this subsection shall be consistent with, and not in excess of the levels authorized for, comparable positions authorized by title 5.

''(3)(A) Employees in defense intelligence component positions, if citizens or nationals of the United States, may be paid an allowance while stationed outside the continental United States or in Alaska.

''(B) Subject to subparagraph (C), allowances under subparagraph (A) shall be based on—

''(i) living costs substantially higher than in the District of Columbia;

''(ii) conditions of environment which differ substantially from conditions of environment in the continental United States and warrant an allowance as a recruitment incentive; or

''(iii) both of the factors described in clauses (i) and (ii).

''(C) An allowance under subparagraph (A) may not exceed an allowance authorized to be paid by section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute.

''(d) INTELLIGENCE SENIOR EXECUTIVE SERVICE.—(1) The Secretary of Defense may establish an Intelligence Senior Executive Service for defense intelligence component positions established pursuant to subsection (a) that are equivalent to Senior Executive Service positions.

''(2) The Secretary of Defense shall prescribe regulations for the Intelligence Senior Executive Service which are consistent with the requirements set forth in sections 3131, 3132(a)(2), 3396(c), 3592, 3595(a), 5384, and 6304 of title 5, subsections (a), (b), and (c) of section 7543 of such title (except that any hearing or appeal to which a member of the Intelligence Senior Executive Service is entitled shall be held or decided pursuant to the regulations), and subchapter II of chapter 43 of such title. To the extent that the Secretary determines it practicable to apply to members of, or applicants for, the Intelligence Senior Executive Service other provisions of title 5 that apply to members of, or applicants for, the Senior Executive Service, the Secretary shall also prescribe regulations to implement those sections with respect to the Intelligence Senior Executive Service.

''(e) AWARD OF RANK TO MEMBERS OF THE INTELLIGENCE SENIOR EXECUTIVE SERVICE.—The President, based on the recommendations of the Secretary of Defense, may award a rank referred to in section 4507 of title 5 to members of the Intelligence Senior Executive Service whose positions may be established pursuant to this section. The awarding of such rank shall be made in a manner consistent with the provisions of that section.

''(f) INTELLIGENCE SENIOR LEVEL POSITIONS.—The Secretary of Defense may, in accordance with regulations prescribed by the Secretary, designate as an Intelligence Senior Level position any defense intelligence component position that, as determined by the Secretary—

''(1) is classifiable above grade GS–15 of the General Schedule;

''(2) does not satisfy functional or program management criteria for being designated an Intelligence Senior Executive Service position; and

''(3) has no more than minimal supervisory responsibilities.

''(g) TIME LIMITED APPOINTMENTS.—(1) The Secretary of Defense may, in regulations, authorize appointing officials to make time limited appointments to defense intelligence component positions specified in the regulations.

''(2) The Secretary of Defense shall review each time limited appointment in a defense intelligence component position at the end of the first year of the period of the appointment and determine whether the appointment should be continued for the remainder of the period. The continuation of a time limited appointment after the first year shall be subject to the approval of the Secretary.

''(3) An employee serving in a defense intelligence component position pursuant to a time limited appointment is not eligible for a permanent appointment to an Intelligence Senior Executive Service position (including a position in which serving) unless selected for the permanent appointment on a competitive basis.

''(4) In this subsection, the term 'time limited appointment' means an appointment (subject to the condition in paragraph (2)) for a period not to exceed two years.

''(h) TERMINATION OF CIVILIAN INTELLIGENCE EMPLOYEES.—(1) Notwithstanding any other provision of law, the Secretary of Defense may terminate the employment of any employee in a defense intelligence component position if the Secretary—

''(A) considers such action to be in the interests of the United States; and

''(B) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security.

''(2) A decision by the Secretary of Defense to terminate the employment of an employee under this subsection is final and may not be appealed or reviewed outside the Department of Defense.

''(3) The Secretary of Defense shall promptly notify the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate whenever the Secretary terminates the employment of any employee under the authority of this subsection.

''(4) Any termination of employment under this subsection shall not affect the right of the employee involved to seek or accept employment with any other department or agency of the United States if that employee is declared eligible for such employment by the Director of the Office of Personnel Management.

''(5) The authority of the Secretary of Defense under this subsection may be delegated only to the Deputy Secretary of Defense and the head of a defense intelligence component (with respect to employees of that component). An action to terminate employment of such an employee by any such official may be appealed to the Secretary of Defense.

''(i) REDUCTIONS AND OTHER ADJUSTMENTS IN FORCE.—(1) The Secretary of Defense, in consultation with the Director of the Office of Personnel Management, shall prescribe regulations for the separation of employees in defense intelligence component positions, including members of the Intelligence Senior Executive Service and employees in Intelligence Senior Level positions, in a reduction in force or other adjustment in force. The regulations shall apply to such a reduction in force or other adjustment in force notwithstanding sections 3501(b) and 3502 of title 5.

''(2) The regulations shall give effect to—

''(A) tenure of employment;

''(B) military preference, subject to sections 3501(a)(3) and 3502(b) of title 5;

''(C) the veteran's preference under section 3502(b) of title 5;

''(D) performance; and

''(E) length of service computed in accordance with the second sentence of section 3502(a) of title 5.

''(2) The regulations relating to removal from the Intelligence Senior Executive Service in a reduction in force or other adjustment in force shall be consistent with section 3595(a) of title 5.

''(3)(A) The regulations shall provide a right of appeal regarding a personnel action under the regulations. The appeal shall be determined within the Department of Defense. An appeal determined at the highest level provided in the regulations shall be final and not subject to review outside the Department of Defense. A personnel action covered by the regulations is not subject to any other provision of law that provides appellate rights or procedures.

''(B) Notwithstanding subparagraph (A), a preference eligible referred to in section 7511(a)(1)(B) of title 5 may appeal to the Merit Systems Protection Board any personnel action taken under the regulations. Section 7701 of title 5 shall apply to any such appeal.

''(j) APPLICABILITY OF MERIT SYSTEM PRINCIPLES.—Section 2301 of title 5 shall apply to the exercise of authority under this section.

''(k) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this section may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an agency or office that is a successor to an agency or office covered by the agreement before the succession.

''(l) NOTIFICATION OF CONGRESS.—At least 60 days before the effective date of regulations prescribed to carry out this section, the Secretary of Defense shall submit the regulations to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

''(m) DEFINITIONS.—In this section:

''(1) The term 'defense intelligence component position' means a position of civilian employment as an intelligence officer or employee of a defense intelligence component.

''(2) The term 'defense intelligence component' means each of the following components of the Department of Defense:

''(A) The National Security Agency.

''(B) The Defense Intelligence Agency.

''(C) The Central Imagery Office.

''(D) Any component of a military department that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

''(E) Any other component of the Department of Defense that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

''(F) Any successor to a component listed in, or designated pursuant to, this paragraph.

''(3) The term 'Intelligence Senior Level position' means a defense intelligence component position designated as an Intelligence Senior Level position pursuant to subsection (f).

''(4) The term 'excepted service' has the meaning given such term in section 2103 of title 5.

''(5) The term 'preference eligible' has the meaning given such term in section 2108(3) of title 5.

''(6) The term 'Senior Executive Service position' has the meaning given such term in section 3132(a)(2) of title 5.

''(7) The term 'collective bargaining agreement' has the meaning given such term in section 7103(8) of title 5.''.

SEC. 1133. REPEALS.

(a) DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.—Sections 1601, 1603, and 1604 of title 10, United States Code, are repealed.

(b) NATIONAL SECURITY AGENCY PERSONNEL MANAGEMENT AUTHORITIES.—(1) Sections 2 and 4 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) are repealed.

(2) Section 303 of the Internal Security Act of 1950 (50 U.S.C. 833) is repealed.

SEC. 1134. CLERICAL AMENDMENTS.

(a) AMENDED SECTION HEADING.—The item relating to section 1590 in the table of sections at the beginning of chapter 81 of title 10, United States Code, is amended to read as follows:

''1590. Management of civilian intelligence personnel of the Department of Defense.''.

(b) REPEALED SECTIONS.—The table of sections at the beginning of chapter 83 of title 10, United States Code, is amended by striking out the items relating to sections 1601, 1603, and 1604.

COHEN (AND LEVIN) AMENDMENT NO. 4401

Mr. MCCAIN (for Mr. COHEN, for himself and Mr. LEVIN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of division A add the following new title:

TITLE XIII—FEDERAL EMPLOYEE TRAVEL REFORM

SEC. 1301. SHORT TITLE.

This title may be cited as the ''Travel Reform and Savings Act of 1996''.

Subtitle A—Relocation Benefits

SEC. 1311. MODIFICATION OF ALLOWANCE FOR SEEKING PERMANENT RESIDENCE QUARTERS.

Section 5724a of title 5, United States Code, is amended to read as follows:

''§ 5724a. Relocation expenses of employees transferred or reemployed

''(a) An agency shall pay to or on behalf of an employee who transfers in the interest of the Government, a per diem allowance or the actual subsistence expenses, or a combination thereof, of the immediate family of the employee for en route travel of the immediate family between the employee's old and new official stations.

''(b)(1) An agency may pay to or on behalf of an employee who transfers in the interest of the Government between official stations located within the United States—

''(A) the expenses of transportation, and either a per diem allowance or the actual subsistence expenses, or a combination thereof, of the employee and the employee's spouse for travel to seek permanent residence quarters at a new official station; or

''(B) the expenses of transportation, and an amount for subsistence expenses in lieu of a per diem allowance or the actual subsistence expenses or a combination thereof, authorized in subparagraph (A) of this paragraph.

''(2) Expenses authorized under this subsection may be allowed only for one round trip in connection with each change of station of the employee.''.

SEC. 1312. MODIFICATION OF TEMPORARY QUARTERS SUBSISTENCE EXPENSES ALLOWANCE.

Section 5724a of title 5, United States Code, is further amended by adding at the end the following new subsection:

''(c)(1) An agency may pay to or on behalf of an employee who transfers in the interest of the Government—

''(A) actual subsistence expenses of the employee and the employee's immediate family for a period of up to 60 days while occupying temporary quarters when the new official station is located within the United States as defined in subsection (d) of this section; or

''(B) an amount for subsistence expenses instead of the actual subsistence expenses authorized in subparagraph (A) of this paragraph.

''(2) The period authorized in paragraph (1) of this subsection for payment of expenses for residence in temporary quarters may be extended up to an additional 60 days if the head of the agency concerned or the designee of such head of the agency determines that there are compelling reasons for the continued occupancy of temporary quarters.

''(3) The regulations implementing paragraph (1)(A) shall prescribe daily rates and amounts for subsistence expenses per individual.''.

SEC. 1313. MODIFICATION OF RESIDENCE TRANSACTION EXPENSES ALLOWANCE.

(a) EXPENSES OF SALE.—Section 5724a of title 5, United States Code, is further amended by adding at the end the following new subsection:

''(d)(1) An agency shall pay to or on behalf of an employee who transfers in the interest of the Government, expenses of the sale of the residence (or the settlement of an unexpired lease) of the employee at the old official station and purchase of a residence at the new official station that are required to be paid by the employee, when the old and new official stations are located within the United States.

''(2) An agency shall pay to or on behalf of an employee who transfers in the interest of the Government from a post of duty located outside the United States to an official station within the United States (other than the official station within the United States from which the employee was transferred when assigned to the foreign tour of duty)—

''(A) expenses required to be paid by the employee of the sale of the residence (or the settlement of an unexpired lease) of the employee at the old official station from which the employee was transferred when the employee was assigned to the post of duty located outside the United States; and

''(B) expenses required to be paid by the employee of the purchase of a residence at the new official station within the United States.

''(3) Reimbursement of expenses under paragraph (2) of this subsection shall not be allowed for any sale (or settlement of an unexpired lease) or purchase transaction that occurs prior to official notification that

the employee's return to the United States would be to an official station other than the official station from which the employee was transferred when assigned to the post of duty outside the United States.

''(4) Reimbursement for brokerage fees on the sale of the residence and other expenses under this subsection may not exceed those customarily charged in the locality where the residence is located.

''(5) Reimbursement may not be made under this subsection for losses incurred by the employee on the sale of the residence.

''(6) This subsection applies regardless of whether title to the residence or the unexpired lease is—

''(A) in the name of the employee alone;

''(B) in the joint names of the employee and a member of the employee's immediate family; or

''(C) in the name of a member of the employee's immediate family alone.

''(7)(A) In connection with the sale of the residence at the old official station, reimbursement under this subsection shall not exceed 10 percent of the sale price.

''(B) In connection with the purchase of a residence at the new official station, reimbursement under this subsection shall not exceed 5 percent of the purchase price.

''(8) For purposes of this subsection, the term 'United States' means the several States of the United States, the District of Columbia, the territories and possessions of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979).''.

(b) RELOCATION SERVICES.—Section 5724c of title 5, United State Code, is amended to read as follows:

''§ 5724c. Relocation services

''Under regulations prescribed under section 5737, each agency may enter into contracts to provide relocation services to agencies and employees for the purpose of carrying out this subchapter. An agency may pay a fee for such services. Such services include arranging for the purchase of a transferred employee's residence.''.

SEC. 1314. AUTHORITY TO PAY FOR PROPERTY MANAGEMENT SERVICES.

Section 5724a of title 5, United States Code, is further amended—

(1) in subsection (d) (as added by section 1313 of this title)—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following new paragraph:

''(8) An agency may pay to or on behalf of an employee who transfers in the interest of the Government, expenses of property management services when the agency determines that such transfer is advantageous and cost-effective to the Government, instead of expenses under paragraph (2) or (3) of this subsection, for sale of the employee's residence.''; and

(2) by adding at the end the following new subsection:

''(e) An agency may pay to or on behalf of an employee who transfers in the interest of the Government, the expenses of property management services when the employee transfers to a post of duty outside the United States as defined in subsection (d) of this section. Such payment shall terminate upon return of the employee to an official station within the United States as defined in subsection (d) of this section.''.

SEC. 1315. AUTHORITY TO TRANSPORT A PRIVATELY OWNED MOTOR VEHICLE WITHIN THE CONTINENTAL UNITED STATES.

(a) IN GENERAL.—Section 5727 of title 5, United States Code, is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(2) by inserting after subsection (b) the following new subsection:

''(c) Under regulations prescribed under section 5737, the privately owned motor vehicle or vehicles of an employee, including a new appointee or a student trainee for whom travel and transportation expenses are authorized under section 5723, may be transported at Government expense to a new official station of the employee when the agency determines that such transport is advantageous and cost-effective to the Government.''; and

(3) in subsection (e) (as so redesignated), by striking ''subsection (b) of this section'' and by inserting ''subsection (b) or (c) of this section''.

(b) AVAILABILITY OF APPROPRIATIONS.—(1) Section 5722(a) of title 5, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(C) by adding at the end the following:

''(3) the expenses of transporting a privately owned motor vehicle to the extent authorized under section 5727(c).''.

(2) Section 5723(a) of title 5, United States Code, is amended—

(A) by striking ''and'' at the end of paragraph (1);

(B) by inserting ''and'' after the semicolon at the end of paragraph (2); and

(C) by adding at the end the following:

''(3) the expenses of transporting a privately owned motor vehicle to the extent authorized under section 5727(c);''.

SEC. 1316. AUTHORITY TO PAY LIMITED RELOCATION ALLOWANCES TO AN EMPLOYEE WHO IS PERFORMING AN EXTENDED ASSIGNMENT.

(a) IN GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 5736. Relocation expenses of an employee who is performing an extended assignment

''(a) Under regulations prescribed under section 5737, an agency may pay to or on behalf of an employee assigned from the employee's official station to a duty station for a period of no less than 6 months and no greater than 30 months, the following expenses in lieu of payment of expenses authorized under subchapter I of this chapter:

''(1) Travel expenses to and from the assignment location in accordance with section 5724.

''(2) Transportation expenses of the immediate family and household goods and personal effects to and from the assignment location in accordance with section 5724.

''(3) A per diem allowance for the employee's immediate family to and from the assignment location in accordance with section 5724a(a).

''(4) Travel and transportation expenses of the employee and spouse to seek residence quarters at the assignment location in accordance with section 5724a(b).

''(5) Subsistence expenses of the employee and the employee's immediate family while occupying temporary quarters upon commencement and termination of the assignment in accordance with section 5724a(c).

''(6) An amount, in accordance with section 5724a(g), to be used by the employee for miscellaneous expenses.

''(7) The expenses of transporting a privately owned motor vehicle or vehicles to the assignment location in accordance with section 5727.

''(8) An allowance as authorized under section 5724b of this title for Federal, State, and local income taxes incurred on reimbursement of expenses paid under this section or on services provided in kind under this section.

''(9) Expenses of nontemporary storage of household goods and personal effects as defined in section 5726(a). The weight of the household goods and personal effects stored under this subsection, together with the weight of property transported under section 5724(a), may not exceed the total maximum weight which could be transported in accordance with section 5724(a).

''(10) Expenses of property management services.

''(b) An agency shall not make payment under this section to or on behalf of the employee for expenses incurred after termination of the temporary assignment.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5735 the following new item:

''5736. Relocation expenses of an employee who is performing an extended assignment.''.

SEC. 1317. AUTHORITY TO PAY A HOME MARKETING INCENTIVE.

(a) IN GENERAL.—Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

''§ 5756. Home marketing incentive payment

''(a) Under such regulations as the Administrator of General Services may prescribe, an agency may pay to an employee who transfers in the interest of the Government an amount, not to exceed a maximum payment amount established by the Administrator in consultation with the Director of the Office of Management and Budget, to encourage the employee to aggressively market the employee's residence at the old official station when—

''(1) the residence is entered into a program established under a contract in accordance with section 5724c of this chapter, to arrange for the purchase of the residence;

''(2) the employee finds a buyer who completes the purchase of the residence through the program; and

''(3) the sale of the residence to the individual results in a reduced cost to the Government.

''(b) For fiscal years 1997 and 1998, the Administrator shall establish a maximum payment amount of 5 percent of the sales price of the residence.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting at the end the following:

''5756. Home marketing incentive payment.''.

SEC. 1318. CONFORMING AMENDMENTS.

(a) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—(1) Section 5724a of title 5, United States Code, is further amended by adding at the end the following new subsections:

''(g)(1) Subject to paragraph (2), an employee who is reimbursed under subsections (a) through (f) of this section or section 5724(a) of this title is entitled to an amount for miscellaneous expenses—

''(A) not to exceed 2 weeks' basic pay, if such employee has an immediate family; or

''(B) not to exceed 1 week's basic pay, if such employee does not have an immediate family.

''(2) Amounts paid under paragraph (1) may not exceed amounts determined at the maximum rate payable for a position at GS–13 of the General Schedule.

''(h) A former employee separated by reason of reduction in force or transfer of function who within 1 year after the separation is reemployed by a nontemporary appointment at a different geographical location from that where the separation occurred, may be allowed and paid the expenses authorized by sections 5724, 5725, 5726(b), and 5727 of this title, and may receive the benefits authorized by subsections (a) through (g) of this section, in the same manner as though such employee had been transferred in the interest of the Government without a break in service to the location of reemployment from the location where separated.

''(i) Payments for subsistence expenses, including amounts in lieu of per diem or actual subsistence expenses or a combination thereof, authorized under this section shall not exceed the maximum payment allowed under regulations which implement section 5702 of this title.

''(j) Subsections (a), (b), and (c) shall be implemented under regulations issued under section 5737.''.

(2) Section 3375 of title 5, United States Code, is amended—

(A) in subsection (a)(3), by striking ''section 5724a(a)(1) of this title'' and inserting ''section 5724a(a) of this title'';

(B) in subsection (a)(4), by striking ''section 5724a(a)(3) of this title'' and inserting ''section 5724a(c) of this title''; and

(C) in subsection (a)(5), by striking ''section 5724a(b) of this title'' and inserting ''section 5724a(g) of this title''.

(3) Section 5724(e) of title 5, United States Code, is amended by striking ''section 5724a(a), (b) of this title'' and inserting ''section 5724a(a) through (g) of this title''.

(b) MISCELLANEOUS.—(1) Section 707 of title 38, United States Code, is amended—

(A) in subsection (a)(6), by striking ''Section 5724a(a)(3)'' and inserting ''Section 5724a(c)''; and

(B) in subsection (a)(7), by striking ''Section 5724a(a)(4)'' and inserting ''section 5724a(d)''.

(2) Section 501 of the Public Health Service Act (42 U.S.C. 290aa) is amended—

(A) in subsection (g)(2)(A), by striking ''5724a(a)(1)'' and inserting ''5724a(a)''; and

(B) in subsection (g)(2)(A), by striking ''5724a(a)(3)'' and inserting ''5724a(c)''.

(3) Section 925 of the Public Health Service Act (42 U.S.C. 299c–4) is amended—

(A) in subsection (f)(2)(A), by striking ''5724a(a)(1)'' and inserting ''5724a(a)''; and

(B) in subsection (f)(2)(A), by striking ''5724a(a)(3)'' and inserting ''5724a(c)''.

Subtitle B—Miscellaneous Provisions

SEC. 1331. REPEAL OF THE LONG-DISTANCE TELEPHONE CALL CERTIFICATION REQUIREMENT.

Section 1348 of title 31, United States Code, is amended—

(1) by striking the last sentence of subsection (a)(2);

(2) by striking subsection (b); and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

SEC. 1332. TRANSFER OF AUTHORITY TO ISSUE REGULATIONS.

(a) IN GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is further amended by adding at the end the following new section:

''§ 5737. Regulations

''(a)(1) Except as specifically provided in this subchapter, the Administrator of General Services shall prescribe regulations necessary for the administration of this subchapter.

''(2) Notwithstanding any limitation of this subchapter, in promulgating regulations under paragraph (1) of this subsection, the Administrator of General Services shall include a provision authorizing the head of an agency or his designee to waive any limitation of this subchapter or in any implementing regulation for any employee relocating to or from a remote or isolated location who would otherwise suffer hardship.

''(b) The Administrator of General Services shall prescribe regulations necessary for the implementation of section 5724b of this subchapter in consultation with the Secretary of the Treasury.

''(c) The Secretary of Defense shall prescribe regulations necessary for the implementation of section 5735 of this subchapter.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is further amended by inserting after the item relating to section 5736 the following new item:

''5737. Regulations.''.

(c) CONFORMING AMENDMENTS.—(1) Section 5722 of title 5, United States Code, is amended by striking ''Under such regulations as the President may prescribe'', and inserting ''Under regulations prescribed under section 5737 of this title''.

(2) Section 5723 of title 5, United States Code, is amended by striking ''Under such regulations as the President may prescribe'', and inserting ''Under regulations prescribed under section 5737 of this title''.

(3) Section 5724 of title 5, United States Code, is amended—

(A) in subsections (a) through (c), by striking ''Under such regulations as the President may prescribe'' each place it appears and inserting ''Under regulations prescribed under section 5737 of this title'';

(B) in subsections (c) and (e), by striking ''under regulations prescribed by the President'' and inserting ''under regulations prescribed under section 5737 of this title''; and

(C) in subsection (f), by striking ''under the regulations of the President'' and inserting ''under regulations prescribed under section 5737 of this title''.

(4) Section 5724b of title 5, United States Code, is amended by striking ''Under such regulations as the President may prescribe'' and inserting ''Under regulations prescribed under section 5737 of this title''.

(5) Section 5726 of title 5, United States Code, is amended—

(A) in subsection (a), by striking ''as the President may by regulation authorize'' and inserting ''as authorized under regulations prescribed under section 5737 of this title''; and

(B) in subsections (b) and (c), by striking ''Under such regulations as the President may prescribe'' each place it appears and inserting ''under regulations prescribed under section 5737 of this title''.

(6) Section 5727(b) of title 5, United States Code, is amended by striking ''Under such regulations as the President may prescribe'' and inserting ''Under regulations prescribed under section 5737 of this title''.

(7) Section 5728 of title 5, United States Code, is amended in subsections (a), (b), and (c)(1), by striking ''Under such regulations as the President may prescribe'' each place it appears and inserting ''Under regulations prescribed under section 5737 of this title''.

(8) Section 5729 of title 5, United States Code, is amended in subsections (a) and (b), by striking ''Under such regulations as the President may prescribe'' each place it appears and inserting ''Under regulations prescribed under section 5737 of this title''.

(9) Section 5731 of title 5, United States Code, is amended by striking ''in accordance with regulations prescribed by the President'' and inserting ''in accordance with regulations prescribed under section 5737 of this title''.

SEC. 1333. REPORT ON ASSESSMENT OF COST SAVINGS.

No later than 1 year after the effective date of the final regulations issued under section 1334(b), the General Accounting Office shall submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives on an assessment of the cost savings to Federal travel administration resulting from statutory and regulatory changes under this Act.

SEC. 1334. EFFECTIVE DATE; ISSUANCE OF REGULATIONS.

(a) EFFECTIVE DATE.—The amendments made by this title shall take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act.

(b) REGULATIONS.—The Administrator of General Services shall issue final regulations implementing the amendments made by this title by not later than the expiration of the period referred to in subsection (a).

Strike section 1114(b) of the bill.

LEVIN AMENDMENT NO. 4402

Mr. NUNN (for Mr. LEVIN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the appropriate place in title VIII of the bill, add the following new section:

SEC. . TEST PROGRAMS FOR MODERNIZATION-THROUGH-SPARES.

Not later than 60 days after the date of enactment of this Act, the Secretary of the Army shall report to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives on the steps he has taken to ensure that each program included in the Army's modernization-through-spares program is conducted in accordance with—

(1) the competition requirements in section 2304 of title 10;

(2) the core logistics requirements in section 2464 of title 10; and

(3) the public-private competition requirements in section 2469 of title to; and

(4) requirements relating to contract bundling and spare parts breakout in sections 15(a) and 15(l) of the Small Business Act (15 U.S.C. 644) and implementing regulations in the Defense FAR Supplement.

STEVENS AMENDMENT NO. 4403

Mr. MCCAIN (for Mr. STEVENS) proposed an amendment to the bill, S. 1745, supra: as follows:

In the table in section 2401(a), strike out ''$18,000,000'' in the amount column in the item relating to Elmendorf Air Force Base, Alaska, and insert in lieu thereof ''$21,000,000''.

Strike out the amount set forth as the total amount at the end of the table in section 2401(a) and insert in lieu thereof ''$530,590,000''.

In section 2406(a), in the matter preceding paragraph (1), strike out ''$3,421,366,000'' and insert in lieu thereof ''$3,424,366,000''.

In section 2406(a)(1), strike out ''$364,487,000'' and insert in lieu thereof ''$367,487,000''.

DOMENICI AMENDMENT NO. 4404

Mr. MCCAIN (for Mr. DOMENICI) proposed an amendment to the bill, S. 1745, supra; as follows:

In the table in section 2101(a), insert after the item relating to Fort Polk, Louisiana, the following new item:

New Mexico.	White Sands Missile Range.	$10,000,000

Strike out the amount set forth as the total amount at the end of the table in section 2101(a) and insert in lieu thereof ''$366,450,000''.

In section 2104(a), in the matter preceding paragraph (1), strike out ''$1,894,297,000'' and insert in lieu thereof ''$1,904,297,000''.

In section 2104(a)(1), strike out ''$356,450,000'' and insert in lieu thereof ''$366,450,000''.

CHAFEE (AND WARNER) AMENDMENT NO. 4405

Mr. MCCAIN (for Mr. CHAFEE, for himself and Mr. WARNER) proposed an amendment to the bill, S. 1745, supra; as follows:

In the table in section 2201(a), insert after the item relating to Camp Lejeune Marine Corps Base, North Carolina, the following new item:

Rhode Island.	Naval Undersea Warfare Center.	$8,900,000

Strike out the amount set forth as the total amount at the end of the table in section 2201(a) and insert in lieu thereof ''$515,952,000''.

In section 2205(a), in the matter preceding paragraph (1), strike out ''$2,040,093,000'' and insert in lieu thereof ''$2,048,993,000''.

In section 2205(a)(1), strike out ''$507,052,000'' and insert in lieu thereof ''$515,952,000''.

SMITH AMENDMENT NO. 4406

Mr. MCCAIN (for Mr. SMITH) proposed an amendment to the bill, S. 1745, supra; as follows:

SEC. . SENSE OF THE SENATE CONCERNING USS LCS 102 (LSSL 102).

It is the Sense of the Senate that the Secretary of Defense should use existing authorities in law to seek the expeditious return upon completion of service, of the former USS LCS 102 (LSSL 102) from the Government of Thailand in order for the ship to be transferred to the United States Shipbuilding Museum in Quincy, Massachusetts.

ROBB AMENDMENT NO. 4407

Mr. NUNN (for Mr. ROBB) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title IX, add the following:

SEC. 908. MATTERS TO BE CONSIDERED IN NEXT ASSESSMENT OF CURRENT MISSIONS, RESPONSIBILITIES, AND FORCE STRUCTURE OF THE UNIFIED COMBATANT COMMANDS.

The Chairman of the Joint Chiefs of Staff shall consider, as part of the next periodic review of the missions, responsibilities, and force structure of the unified combatant commands under section 161(b) of title 10, United States Code, the following matters:

(1) For each Area of Responsibility of the regional unified combatant commands—

(A) the foremost threats to United States or allied securities in the near- and long-term;

(B) the total area of ocean and total area of land encompassed; and

(C) the number of countries and total populations encompassed.

(2) Whether any one Area of Responsibility encompasses a disproportionately high or low share of threats, mission requirements, land or ocean area, number of countries, or population.

(3) The other factors used to establish the current Areas of Responsibility.

(4) Whether any of the factors addressed under paragraph (3) account for any apparent imbalances indicated in the response to paragraph (2).

(5) Whether, in light of recent reductions in the overall force structure of the Armed Forces, the United States could better execute its warfighting plans with fewer unified combatant commands, including—

(A) a total of five or fewer commands, all of which are regional;

(B) an eastward-oriented command, a westward-oriented command, a central command; or

(C) a purely functional command structure, involving (for example) a first theater command, a second theater command, a logistics command, a special contingencies command, and a strategic command.

(6) Whether any missions, staff, facilities, equipment, training programs, or other assets or activities of the unified combatant commands are redundant.

(7) Whether warfighting requirements are adequate to justify the current functional commands.

(8) Whether the exclusion of Russia from a specific Area of Responsibility presents any difficulties for the unified combatant commands with respect to contingency planning for that area and its periphery.

(9) Whether the current geographic boundary between the Central Command and the European Command through the Middle East could create command conflicts in the context of fighting a major regional conflict in the Middle East.

LEVIN AMENDMENT NO. 4408

Mr. NUNN (for Mr. LEVIN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title II, add the following:

SEC. 223. SEAMLESS HIGH OFF-CHIP CONNECTIVITY.

Of the amount authorized to be appropriated by this Act, $7,000,000 shall be available for the Defense Advanced Research Projects Agency for research and development on Seamless High Off-Chip Connectivity (SHOCC) under the materials and electronic technology program (PE 0602712E).

SMITH AMENDMENT NO. 4409

Mr. MCCAIN (for Mr. SMITH) proposed an amendment to the bill, S. 1745, supra; as follows:

Beginning on page 90, strike line 1 and all that follows through page 91, line 17, and insert the following:

SEC. 346. AUTHORITY TO TRANSFER CONTAMINATED FEDERAL PROPERTY BEFORE COMPLETION OF REQUIRED REMEDIAL ACTIONS.

(a) IN GENERAL.—Section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(3)) is amended—

(1) by redesignating subparagraph (A) as clause (i) and clauses (i), (ii), and (iii) of that subparagraph as subclauses (I), (II), and (III), respectively;

(2) by striking ''After the last day'' and inserting the following:

''(A) IN GENERAL.—After the last day'';

(3) by redesignating subparagraph (B) as clause (ii) and clauses (i) and (ii) of that subparagraph as subclauses (I) and (II), respectively;

(4) by redesignating subparagraph (C) as clause (iii);

(5) by striking ''For purposes of subparagraph (B)(i)'' and inserting the following:

''(B) COVENANT REQUIREMENTS.—For purposes of subparagraphs (A)(ii)(I) and (C)(iii)'';

(6) in subparagraph (B), as designated by paragraph (5), by striking ''subparagraph (B)'' each place it appears and inserting ''subparagraph (A)(ii)''; and

(7) by adding at the end the following:

''(C) DEFERRAL.—

''(i) IN GENERAL.—The Administrator (in the case of real property at a Federal facility that is listed on the National Priorities List) or the Governor of the State in which the facility is located (in the case of real property at a Federal facility not listed on the National Priorities List) may defer the requirement of subparagraph (A)(ii)(I) with respect to the property if the Administrator or the Governor, as the case may be, determines that—

''(I) the property is suitable for transfer for the use intended by the transferee;

''(II) the deed or other agreement proposed to govern the transfer between the United States and the transferee of the property contains the assurances set forth in clause (ii); and

''(III) the Federal agency requesting deferral has provided notice, by publication in a newspaper of general circulation in the vicinity of the property, of the proposed transfer and of the opportunity for the public to submit, within a period of not less than 30 days after the date of the notice, written comments on the finding by the agency that the property is suitable for transfer.

''(ii) REMEDIAL ACTION ASSURANCES.—With regard to a release or threatened release of a hazardous substance for which a Federal agency is potentially responsible under this section, the deed or other agreement proposed to govern the transfer shall contain assurances that—

''(I) provide for any necessary restrictions to ensure the protection of human health and the environment;

''(II) provide that there will be restrictions on use necessary to ensure required remedial investigations, remedial actions, and oversight activities will not be disrupted;

''(III) provide that all appropriate remedial action will be taken and identify the schedules for investigation and completion of all necessary remedial action; and

''(IV) provide that the Federal agency responsible for the property subject to transfer will submit a budget request to the Director of the Office of Management and Budget that adequately addresses schedules, subject to congressional authorizations and appropriations.

''(iii) WARRANTY.—When all remedial action necessary to protect human health and the environment with respect to any substance remaining on the property on the date of transfer has been taken, the United States shall execute and deliver to the transferee an appropriate document containing a warranty that all such remedial action has been completed, and the making of the warranty shall be considered to satisfy the requirement of subparagraph (A)(ii)(I).

''(iv) FEDERAL RESPONSIBILITY.—A deferral under this subparagraph shall not increase, diminish, or affect in any manner any rights or obligations of a Federal agency with respect to a property transferred under this subparagraph.''.

(b) CONTINUED APPLICATION OF STATE LAW.—The first sentence of section 120(a)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(a)(4)) is amended by inserting ''or facilities that are the subject of a deferral under subsection (h)(3)(C)'' after ''United States''.

GLENN (AND HELMS) AMENDMENT NO. 4410

Mr. NUNN (for Mr. GLENN, for himself and Mr. HELMS) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X, add the following:

SEC. 1072. STRENGTHENING CERTAIN SANCTIONS AGAINST NUCLEAR PROLIFERATION ACTIVITIES.

(A) IN GENERAL.—Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended—

(1) by inserting after ''any country has willfully aided or abetted'' the following: '', or any person has knowingly aided or abetted,'';

(2) by striking ''or countries'' and inserting '', countries, person, or persons'';

(3) by inserting after ''United States exports to such country'' the following: ''or, in the case of any such person, give approval to guarantee, insure, or extend credit, or participate in the extension of credit in support of, exports to or by any such person for a 12-month period,'';

(4) by inserting ''(A)'' immediately after ''(4)'';

(5) by inserting after ''United States exports to such country'' the second place it appears the following: '', except as provided in subparagraph (B),''; and

(6) by adding at the end the following:

''(B) In the case of any country or person aiding or abetting a non-nuclear-weapon state as described in subparagraph (A), the prohibition on financing by the Bank contained in the second sentence of that subparagraph shall not apply to the country or person, as the case may be, if the President determines and certifies in writing to the Congress that—

''(i) reliable information indicates that the country or person with respect to which the determination is made has ceased to aid or abet any non-nuclear-weapon state to acquire any nuclear explosive device or to acquire unsafeguarded special nuclear material; and

''(ii) the President has received reliable assurances from the country or person that such country or person will not, in the future, aid or abet any non-nuclear-weapon state in its efforts to acquire any nuclear explosive device or any unsafeguarded special nuclear material.

''(C) For purposes of subparagraphs (A) and (B)—

''(ii) the term 'country' has the meaning given to 'foreign state' in section 1603(a) of title 28, United States Code;

''(ii) the term 'knowingly' is used within the meaning of the term 'knowing' in section 104 of the Foreign Corrupt Practices Act; and

''(iii) the term 'person' means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity.''.

(b) EFFECTIVE DATE.—(1) The amendments made by paragraphs (1) through (5) of subsection (a) shall apply to persons, and the amendment made by subsection (a)(6), shall apply to countries and persons, aiding or abetting non-nuclear weapon states on or after June 29, 1994.

(2) Nothing in this section or the amendments made by this section shall apply to obligations undertaken pursuant to guarantees, insurance, and the extension of credits (and participation in the extension of credits) made before the date of enactment of this Act.

CHAFEE AMENDMENT NO. 4411

Mr. MCCAIN (for Mr. CHAFEE) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of title VIII add the following:

SEC. 810. PILOT PROGRAM FOR TRANSFER OF DEFENSE TECHNOLOGY INFORMATION TO PRIVATE INDUSTRY.

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to demonstrate online transfers of information on defense technologies to businesses in the private sector through an interactive data network involving Small Business Development Centers of institutions of higher education.

(b) COMPUTERIZED DATA BASE OF DEFENSE TECHNOLOGIES.—(1) Under the pilot program, the Secretary shall enter into an agreement with the head of an eligible institution of higher education that provides for such institution—

(A) to develop and maintain a computerized data base of information on defense technologies;

(B) to make such information available online to—

(i) businesses; and

(ii) other institutions of higher education entering into partnerships with the Secretary under subsection (c).

(2) The online accessibility may be established by means of any of, or any combination of, the following:

(A) Digital teleconferencing.

(B) International Signal Digital Network lines.

(C) Direct modem hookup.

(c) PARTNERSHIP NETWORK.—Under the pilot program, the Secretary shall seek to enter into agreements with the heads of several eligible institutions of higher education having strong business education programs to provide for the institutions of higher education entering into such agreements—

(1) to establish interactive computer links with the data base developed and maintained under subsection (b); and

(2) to assist the Secretary in making information on defense technologies available online to the broadest practicable number types and sizes of businesses.

(d) ELIGIBLE INSTITUTIONS.—For the purposes of this section an institution of higher education is eligible to enter into an agreement under subsection (b) or (c) if the institution has a Small Business Development Center.

(e) DEFENSE TECHNOLOGIES COVERED.—(1) The Secretary shall designate the technologies to be covered by the pilot program from among the existing and experimental technologies that the Secretary determines—

(A) are useful in meeting Department of Defense needs; and

(B) should be made available under the pilot program to facilitate the satisfaction of such needs by private sector sources.

(2) Technologies covered by the program should include technologies useful for defense purposes that can also be used for nondefense purposes (with or without modification).

(f) DEFINITIONS.—In this section:

(1) The term ''Small Business Development Center'' means a small business development center established pursuant to section 21 of the Small Business Act (15 U.S.C. 648).

(2) The term ''defense technology'' means a technology designated by the Secretary of Defense under subsection (d).

(3) The term ''partnership'' means an agreement entered into under section (c).

(g) TERMINATION OF PILOT PROGRAM.—The pilot program shall terminate one year after the Secretary enters into an agreement under subsection (b).

(h) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 201(4) for university research initiatives $3000000 is available for the pilot program.

THURMOND (AND NUNN) AMENDMENT NO. 4412

Mr. MCCAIN (for Mr. THURMOND, for himself and Mr. NUNN) proposed an amendment to the bill S. 1745 supra; as follows:

In section 216, strike out the section heading and insert in lieu therefore the following:

SEC. 216. TIER III MINUS UNMANNED AERIAL VEHICLE.

In section 3131(e), in the matter preceding paragraph (1), strike out ''section 3101'' and insert in lieu thereof ''section 3101(b)(1)''.

In section 3131(e)(1), strike out ''and'' after the semicolon.

In section 3131(e)(2), strike out the period at the end and insert in lieu thereof ''; and''.

At the end of section 3131(e), add the following:

(3) not more than $100,000,000 shall be available for other tritium production research activities.

In section 3132(a), strike out ''requirement for tritium for'' and insert in lieu thereof ''tritium requirements for''.

In section 3136(a), in the matter preceding paragraph (1), strike out ''section 3102'' and insert in lieu thereof ''section 3102(b)''.

In section 3136(a)(1), strike out ''$43,000,000'' and insert in lieu thereof ''$65,700,000''.

In section 3136(a)(2), strike out ''$15,000,000'' and insert in lieu thereof ''$80,000,000''.

In section 3136(a)(2), strike out ''stainless steel'' and insert in lieu thereof ''non-aluminum clad''.

BROWN AMENDMENT NO. 4413

Mr. BROWN proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title II add the following:

SEC. 237. ANNUAL REPORT ON THREAT OF ATTACK BY BALLISTIC MISSILES CARRYING NUCLEAR, CHEMICAL, OR BIOLOGICAL WARHEADS.

(a) FINDINGS—Congress makes the following findings:

(1) The worldwide proliferation of ballistic missiles is a potential threat to the United States national interests overseas and challenges United States defense planning.

(2) In the absence of a national missile defense, the United States remains vulnerable to long-range missile threats.

(3) Russia has a ground-based missile defense system deployed around Moscow.

(4) Several countries, including Iraq, Iran, and North Korea may soon be technologically capable of threatening the United States and Russia with ballistic missile attack.

(b) REPORT REQUIRED.—(1) Each year, the President shall submit to Congress a report on the threats to the United States of attack by ballistic missiles carrying nuclear, biological, or chemical warheads.

(2) The President shall submit the first report not later than 180 days after the date of the enactment of this Act.

(c) CONTENT OF REPORT.—The report shall contain the following:

(1) A list of all countries thought to have nuclear, chemical, or biological weapons, the estimated numbers of such weapons that each country has, and the destructive potential of the weapons.

(2) A list of all countries thought to have ballistic missiles, the estimated number of

such missiles that each country has, and an assessment of the ability of those countries to integrate their ballistic missile capabilities with their nuclear, chemical, or biological weapon technologies.

(3) A comparison of the United States civil defense capabilities with the civil defense capabilities of each country that has nuclear, chemical, or biological weapons and ballistic missiles capable of delivering such weapons.

(4) An estimate of the number of American fatalities and injuries that could result, and an estimate of the value of property that could be lost, from an attack on the United States by ballistic missiles carrying nuclear, chemical, or biological weapons if the United States were left undefended by a national missile defense system covering all 50 States.

(5) Assuming the use of any existing theater ballistic missile defense system for defense of the United States, a list of the States that would be left exposed to nuclear ballistic missile attacks and the criteria used to determine which States would be left exposed.

(6) The means by which the United States is preparing to defend itself against the potential threat of ballistic missile attacks by North Korea, Iran, Iraq, and other countries obtaining ballistic missiles capable of delivering nuclear, chemical, and biological weapons in the near future.

(7) For each country that is capable of attacking the United States with ballistic missiles carrying a nuclear, biological, or chemical weapon, a comparison of—

(A) the vulnerability of the United States to such an attack if theater missile defenses were used to defend against the attack; and

(B) the vulnerability of the United States to such an attack if a national missile defense were in place to defend against the attack.

LEVIN AMENDMENT NO. 4414

Mr. LEVIN proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of title I add the following:

Subtitle E—Reserve Components

SEC. 141. RESERVE COMPONENT EQUIPMENT.

(a) APPLICABILITY OF MODERNIZATION PRIORITIES.—The selection of equipment to be procured for a reserve component with funds authorized to be appropriated under section 105 shall be made in accordance with the highest priorities established for the modernization of that reserve component.

(b) REPORTS.—(1) Not later than December 1, 1996, each officer referred to in paragraph (2) shall submit to the congressional defense committees an assessment of the modernization priorities established for the reserve component or reserve components for which that officer is responsible.

(2) The officers required to submit a report under paragraph (1) are as follows:

(A) The Chief of the National Guard Bureau.

(B) The Chief of Army Reserve.

(C) The Chief of Air Force Reserve.

(D) The Director of Naval Reserve.

(E) The Commanding General, Marine Forces Reserve.

Title	FY 1997		Authorization				Appropriation				Hollow SASC	Hollow HNSC
	Qty.	Cost	SASC change		HNSC change		SAC change		HAC change			
			Qty.	Cost	Qty.	Cost	Qty.	Cost	Qty.	Cost		
NATIONAL GUARD AND RESERVE EQUIPMENT												
RESERVE EQUIPMENT												
ARMY RESERVE												
Miscellaneous equipment				35,000		10,000		110,000		10,000		
25 ton trucks				15,000							15,000	
New procurement 2 5/5 ton trucks						15,000				15,000		
Tactical truck SLEP 2 5 ton						15,000				15,000		
Tactical truck SLEP 5 ton						10,000						10,000
Heavy truck modernization				30,000							30,000	
HEMTT bridge trans						4,000				9,000		
Dump trucks 20 tons						2,000				10,000		
Water purification units						2,000				4,000		
Portable lighting systems w/trailers						4,000				4,000		
Automatic building machines						5,000				3,000		2,000
HMMWV maintenance trucks				10,000		2,000				6,000	4,000	
All-terrain forklift 10 ton						4,000				4,000		
All-terrain crane 20 ton						4,000				4,000		
Hydraulic excavator						3,000				3,000		
HEMTT wrecker						3,000				7,000		
Mk-19 grenade launcher						3,000				3,000		
Steam cleaner						2,000				2,000		
Coolant purification system						2,000						2,000
Small arms simulator						1,000				1,000		
High mobility trailer						1,000						1,000
Unit level logistics system						2,000				2,000		
SINCGARS						2,000						2,000
Palletized load system						4,000						4,000
Palletized trailers						2,000				2,000		
HEMTT cargo chassis						4,000				4,000		
ANGRS–231										2,000		
Laser leveling system										3,000		
Subtotal—Army Reserve				90,000		106,000		110,000		113,000	49,000	21,000
NAVY RESERVE												
Miscellaneous Equipment				16,000		10,000		30,000		5,000		
F/A 18 Upgrades				24,000							24,000	
C–9 Replacement Aircraft					4	160,000			4	160,000		
MIUW Van System Upgrades						10,000						10,000
Night Vision Goggles						2,000						2,000
C–9 Mods						3,000						3,000
P–3C Simulator Upgrade						2,000						2,000
Magic Lantern Spares						5,000				5,000		
P–3 Modernization										72,000		
Subtotal—Navy Reserve				40,000		192,000		30,000		242,000	24,000	17,000
MARINE CORPS RESERVE												
Miscellaneous Equipment				10,000		10,000		40,000		10,000		
LAV Improvements						2,000				2,000		
CH–53E				50,000	2	64,000			2	64,000		
AAV7A1 Modifications						2,000				2,000		
Night Vision Equipment						1,000				1,000		
Common End User Computers						4,000				4,000		
Fork Lifts						4,000				1,000		
M1A1 Tank Mod Kits										5,000		
AN/TPS–59										11,000		
Subtotal—Marine Corps Reserve				60,000		83,000		40,000		100,000		
AIR FORCE RESERVE												
Miscellaneous Equipment				10,000		10,000		50,000		10,000		
C–20G				30,000							30,000	
F–16 Avionics Upgrades						5,000				5,000		
Night Vision Devices						3,000				3,000		
A–10 Avionics Upgrades						7,000				7,000		
C–130 Avionics Upgrades						7,000				7,000		
HC–130P Tanker Conversion						3,000				3,000		
C–130 Modular Airborne Firefighting System						1,000				1,000		
F–16 Weapons Pylon Upgrades						1,000				1,000		
KC–135R Engine Kits						104,000				96,000		8,000
KC–135 Radar Replacement						5,000				5,000		
B–52 Avionics Upgrades						1,000				1,000		

Title	FY 1997		Authorization				Appropriation				Hollow SASC	Hollow HNSC
	Qty.	Cost	SASC change		HNSC change		SAC change		HAC change			
			Qty.	Cost	Qty.	Cost	Qty.	Cost	Qty.	Cost		
Non-aircrew Training Systems						1,000				1,000		
EPLRS/SADL										8,000		
Subtotal—Air Force Reserve				40,000		148,000		50,000		148,000	30,000	8,000
Subtotal—Reserves				230,000		529,000		230,000		603,000	103,000	46,000
NATIONAL GUARD EQUIPMENT												
ARMY NATIONAL GUARD												
Miscellaneous Equipment				52,000		10,000		125,400		10,000		
MLRS				30,000							30,000	
Combat and Support Systems				23,000							23,000	
Tactical Trucks and Trailers				42,000							42,000	
Communications Electronics				13,000							13,000	
Logistics Service Support				10,000							10,000	
Night Vision Equipment				14,000		3,000				10,000	4,000	
Chem/Bio Defense Equipment				2,000							2,000	
Aircraft Equipment				21,000							21,000	
Infrastructure Equipment				17,000							17,000	
New Procurement Tactical Truck 5 Ton						4,000				4,000		
SLEP 2.5 Ton						15,000				15,000		
SLEP 5 Ton						4,000				4,000		
Crashworthy Internal Fuel Cells						5,000				5,000		
Small Arms Simulators						5,000						5,000
AH–1 Boresight devise						3,000				3,000		
Coolant Purification System						3,000				3,000		
Avenger I–COFT Simulator						4,000				4,000		
D7 Bulldozer w/Ripper						2,000						2,000
Water Purification Unit						1,000				1,000		
FADEC						10,000				10,000		
Digital System Test and Training Seminar						3,000				3,000		
Automatic Building Machines						3,000				1,000		2,000
AH–1 C–Nite						2,000				2,000		
Dump Trucks 20 Ton						3,000				3,000		
C–23 Sherpa Enhancement Program						28,000						28,000
Helicopter Simulators (ARMS)						5,000				15,000		
Dragon Modifications						2,000				2,000		
Vibration System Management Systems						3,000				3,000		
Distance Learning Equipment										29,000		
Laser Leveling Equipment										5,000		
Automatic Identification Technology										7,000		
Subtotal—Army National Guard				224,000		118,000		125,400		139,000	162,000	37,000
AIR NATIONAL GUARD												
Miscellaneous Equipment				10,000				40,000		5,000		
Sead Mission Upgrade				11,400							11,400	
F–16 HTS						10,000				10,000		
C–130J				284,400	2	105,000			2	105,000	179,400	
Theater Deployable Communications						17,000						17,000
C–26B						5,000						5,000
Automatic Building Machines						3,000				2,000		1,000
F–16 Improved Avionics Intermediate Shop						15,000				15,000		
AN/TLQ–32 Tadar Decoys						3,000				3,000		
C–130 Upgrades										5,000		
EPLRS / SADL										17,000		
Modular Medical Trauma Unit										4,000		
Subtotal—Air National Guard				305,800		158,000		40,000		166,000	190,800	23,000
Subtotal—National Guard				529,800		276,000		165,400		305,000	352,800	60,000
DOD												
MISC EQUIPMENT (Guard & Reserve Aircraft)												
C–130J								284,400				
C–9 Replacement Aircraft								80,000				
Miscellaneous												
Subtotal—Misc Equipment (Aircraft)								364,400				
Total, National Guard and Reserve Equipment				759,800		805,000		759,800		908,000	455,800	108,000

CONRAD (AND DORGAN) AMENDMENT NO. 4415

Mr. CONRAD (for himself and Mr. DORGAN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of section 1062, add the following:

(d) RETENTION OF B–52H AIRCRAFT ON ACTIVE STATUS.—(1) The Secretary of the Air Force shall maintain in active status (including the performance of standard maintenance and upgrades) the current fleet of B–52H bomber aircraft.

(2) For purposes of carrying out upgrades of B–52H bomber aircraft during fiscal year 1997, the Secretary shall treat the entire current fleet of such aircraft as aircraft expected to be maintained in active status during the five-year period beginning on October 1, 1996.

BROWN (AND OTHERS) AMENDMENT NO. 4416

Mr. MCCAIN (for Mr. BROWN, for himself, Mr. MCCAIN, Mr. SIMON, Mr. SANTORUM, Mr. ROTH, Ms. MIKULSKI, Mrs. HUTCHISON, Mr. BRADLEY, Mrs. KASSEBAUM, Mr. COHEN, Mr. LEVIN, and Mr. LIEBERMAN) proposed an amendment to amendment No. 4367 proposed by Mr. NUNN to the bill, S. 1745, supra; as follows:

Strike all after page 1, line 3, and insert in lieu thereof the following:

(a) Not later than December 1, 1996, the President shall transmit a report on NATO enlargement to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives. The report shall contain a comprehensive discussion of the following:

(1) Geopolitical and financial costs and benefits, including financial savings, associated with:

(A) enlargement of NATO;

(B) further delays in the process of NATO enlargement; and

(C) a failure to enlarge NATO.

(2) Additional NATO and U.S. military expenditures requested by prospective NATO members to facilitate their admission into NATO;

(3) Modifications necessary in NATO's military strategy and force structure required by the inclusion of new members and steps necessary to integrate new members, including the role of nuclear and conventional capabilities, reinforcement, force deployments, prepositioning of equipment, mobility, and headquarter locations;

(4) The relationship between NATO enlargement and transatlantic stability and security;

(5) The state of military preparedness and interoperability of Central and Eastern European nations as it relates to the responsibilities of NATO membership and additional security costs or benefits that may accrue to the United States from NATO enlargement;

(6) The state of democracy and free market development as it affects the preparedness of Central and Eastern European nations for the responsibilities of NATO membership, including civilian control of the military, the rule of law, human rights, and parliamentary oversight;

(7) The state of relations between prospective NATO members and their neighbors, steps taken by prospective members to reduce tensions, and mechanisms for the peaceful resolution of border disputes;

(8) The commitment of prospective NATO members to the principles of the North Atlantic Treaty and the security of the North Atlantic area;

(9) The effect of NATO enlargement on the political, economic and security conditions of European Partnership for Peace nations not among the first new NATO members;

(10) The relationship between NATO enlargement and EU enlargement and the costs and benefits of both;

(11) The relationship between NATO enlargement and treaties relevant to U.S. and European security, such as the Conventional Armed Forces in Europe Treaty; and

(12) The anticipated impact both of NATO enlargement and further delays of NATO enlargement on Russian foreign and defense policies and the costs and benefits of a security relationship between NATO and Russia.

(b) INDEPENDENT ASSESSMENT.—Not later than 15 days after enactment of this Act, the Majority Leader of the Senate and the Speaker of the House of Representatives shall appoint a chairman and two other members and the Minority Leaders of the Senate and House of Representatives shall appoint two members to serve on a bipartisan review group of non-governmental experts to conduct an independent assessment of NATO enlargement, including a comprehensive review of the issues in (a) 1 through 12 above. The report of the review group shall be completed no later than December 1, 1996. The Secretary of Defense shall furnish the review group administrative and support services requested by the review group. The expenses of the review group shall be paid out of funds available for the payment of similar expenses incurred by the Department of Defense,

(c) Nothing in this section should be interpreted or construed to affect the implementation of the NATO Participation Act of 1994, as amended (P.L. 103–447), or any other program or activity which facilitates or assists prospective NATO members.

JEFFORDS (AND PELL) AMENDMENT NO 4417

Mr. JEFFORDS (for himself and Mr. PELL) proposed an amendment to amendment No. 4112 proposed by Mr. FORD to the bill, S. 1745, supra; as follows:

On page 1, strike line 6 through line 2 on page 2, and insert the following: 7703(a)) is amended—

(1) by striking ''2000 and such number equals or exceeds 15'' and inserting ''1000 or such number equals or exceeds 10''; and

(2) by inserting '', except that notwithstanding any other provision of this title the Secretary shall not make a payment computed under this paragraph for a child described in subparagraph (F) or (G) or paragraph (1) who is associated with Federal property used for Department of Defense activities unless funds for such payment are made available to the Secretary from funds available to the Secretary of Defense'' before the period.

STEVENS AMENDMENT NO. 4418

Mr. WARNER (for Mr. STEVENS) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of title subtitle F of title X, add the following:

SEC. 1072. FACILITY FOR MILITARY DEPENDENT CHILDREN WITH DISABILITIES, LACKLAND AIR FORCE BASE, TEXAS.

(a) FUNDING.—Of the amounts authorized to be appropriated by this Act for the Department of the Air Force, $2,000,000 may be available for the construction at Lackland Air Force Base, Texas, of a facility (and supporting infrastructure) to provide comprehensive care and rehabilitation services to children with disabilities who are dependents of members of the Armed Forces.

(b) TRANSFER OF FUNDS.—Subject to subsection (c), the Secretary of the Air Force may grant the funds available under subsection (a) to the Children's Association for Maximum Potential (CAMP) for use by the association to defray the costs of designing and constructing the facility referred to in subsection (a).

(c) LEASE OF FACILITY.—The Secretary may not make a grant of funds under subsection (b) until the Secretary and the association enter into an agreement under which the Secretary leases to the association the facility to be constructed using the funds.

(2)(A) The term of the lease under paragraph (1) may not be less than 25 years.

(B) As consideration for the lease of the facility, the association shall assume responsibility for the operation and maintenance of the facility, including the costs of such operation and maintenance.

(3) The Secretary may require such additional terms and conditions in connection with the lease as the Secretary considers appropriate to protect the interests of the United States.

FORD (AND BROWN) AMENDMENT NO. 4419

Mr. FORD (for himself and Mr. BROWN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title I, add the following:

SEC. 113. DEMILITARIZATION OF ASSEMBLED CHEMICAL MUNITIONS.

(a) PILOT PROGRAM.—The Secretary of Defense shall conduct a pilot program to identify and demonstrate feasible alternatives to incineration for the demilitarization of assembled chemical munitions.

(b) PROGRAM REQUIREMENTS.—(1) The Secretary of Defense shall designate an executive agent to carry out the pilot program required to be conducted under subsection (a).

(2) The executive agent shall—

(A) be an officer or executive of the United States Government;

(B) be accountable to the Secretary of Defense; and

(C) not be, or have been, in direct or immediate control of the chemical weapon stockpile demilitarization program established by 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) or the alternative disposal process program carried out under sections 174 and 175 of the National Defense Authorization Act for Fiscal year 1993 (Public Law 102–484; 50 U.S.C. 1521 note).

(3) The executive agent may—

(A) carry out the pilot program directly;

(B) enter into a contract with a private entity to carry out the pilot program; or

(C) transfer funds to another department or agency of the Federal Government in order to provide for such department or agency to carry out the pilot program.

(4) A department or agency that carries out the pilot program under paragraph (3)(C) may not, for purposes of the pilot program, contract with or competitively select the organization within the Army that exercises direct or immediate management control over either program referred to in paragraph (2)(C).

(5) The pilot program shall terminate not later than September 30, 2000.

(c) ANNUAL REPORT.—Not later than December 15 of each year in which the Secretary carries out the pilot program, the Secretary shall submit to Congress a report on the activities under the pilot program during the preceding fiscal year.

(d) EVALUATION AND REPORT.—Not later than December 31, 2000, the Secretary of Defense shall—

(1) evaluate each demilitarization alternative identified and demonstrated under the pilot program to determine whether that alternative—

(A) is as safe and cost efficient as incineration for disposing of assembled chemical munitions; and

(B) meets the requirements of section 1412 of the Department of Defense Authorization Act, 1986; and

(2) submit to Congress a report containing the evaluation.

(e) LIMITATION ON LONG LEAD CONTRACTING.—(1) Notwithstanding any other provision of law and except as provided in paragraph (2), the Secretary may not enter into any contract for the purchase of long lead materials considered to be baseline incineration specific materials for the construction of an incinerator at any site in Kentucky or Colorado within one year of the date of enactment of this act or, thereafter, until the executive agent designated for the pilot program submits an application for such permits as are necessary under the law of the State of Kentucky or the law of the State of Colorado, as the case may be, for the construction at that site of a plant for demilitarization of assembled chemical munitions by means of an alternative to incineration.

(2) Provided, however, the Secretary may enter into a contract described in paragraph (1) beginning 60 days after the date on which the Secretary submits to Congress—

(A) the report required by subsection (d)(2); and

(B) the certification of the executive agent that—

(i) there exists no alternative technology as safe and cost efficient as incineration for demilitarizing chemical munitions at nonbulk sites

(ii) that can meet the requirements of section 1412 of the Department of Defense Authorization Act, 1986.

(f) ASSEMBLED CHEMICAL MUNITION DEFINED.—For the purpose of this section, the term ''assembled chemical munition'' means an entire chemical munition, including component parts, chemical agent, propellant, and explosive.

(g) FUNDING.—(1) Of the amount authorized to be appropriated under section 107, $60,000,000 shall be available for the pilot program under this section. Such funds may not be derived from funds to be made available under the chemical demilitarization program for the alternative technologies research and development program at bulk sites.

(2) Funds made available for the pilot program pursuant to paragraph (1) shall be made available to the executive agent for use for the pilot program.

CONRAD AMENDMENT NO. 4420

Mr. CONRAD proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title II, insert the following:

SEC. . AIR FORCE NATIONAL MISSILE DEFENSE PLAN.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Air Force proposal for a Minuteman based national missile defense system is an important national missile defense option and is worthy of serious consideration; and

(2) The Secretary of Defense should give Air Force national missile defense proposal full consideration.

(b) REPORT.—Not later than 120 days after the enactment of this act, the Secretary of Defense shall provide the Congressional Defense Committees a report on the following matters in relation to the Air Force National Missile Defense Proposal:

(1) The cost and operational effectiveness of a system that could be developed pursuant to the Air Forces' plan.

(2) The Arms Control implications of such system.

(3) Growth potential to meet future threats.

(4) The Secretary's recommendation for improvements to the Air Force's plan.

SARBANES AMENDMENT NO. 4421

(Ordered to lie on the table.)

Mr. SARBANES submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle E of title III, add the following:

SEC. 368. REPORTS ON PROVISION OF CERTAIN EMERGENCY SERVICES AT FORT MEADE, MARYLAND.

(a) IMPROVEMENT OF FIRE PROTECTION AND EMERGENCY SERVICES.—The Secretary of Defense shall submit to Congress the results of a study on means of improving the provision of fire protection services and emergency services at Fort Meade, Maryland, in order to meet the requirements of the Department of Defense for such services at Fort Meade. The study shall address consolidation of the services concerned as a means of achieving the improvement.

(b) FACILITY FOR HAZMAT PROTECTION SERVICES FOR NSA.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on plans for the construction at Fort Meade of a facility adequate to provide fire protection services and hazardous materials protection services for the National Security Agency. The report shall address the funding required for the construction of the facility.

WARNER AMENDMENT NO. 4422

Mr. WARNER proposed an amendment to amendment No. 4388 proposed by Mr. FEINGOLD to the bill, S. 1745, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 223. COST-BENEFIT ANALYSIS OF F/A–18E/F AIRCRAFT PROGRAM.

(a) REPORT ON PROGRAM.—Not later than March 30, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the F/A–18E/F aircraft program.

(b) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the F/A–18E/F aircraft program.

(2) An analysis and estimate of the production costs of the program for the total number of aircraft realistically expected to be procured at each of three annual production rates as follows:

(A) 18 aircraft.

(B) 24 aircraft.

(C) 36 aircraft.

(3) A comparison of the costs and benefits of the program with the costs and benefits of the F/A–18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.

(c) LIMITATION ON USE OF FUNDS PENDING TRANSMITTAL OF REPORT.—No more than 90 percent of the funds authorized to be appropriated by this Act may be obligated or expended for the procurement of F/A–18E/F aircraft before the date that is 30 days after the date on which the congressional defense committees receive the report required under subsection (a).

DOMENICI AMENDMENT NO. 4423

Mr. MCCAIN (for Mr. DOMENICI) proposed an amendment to the bill, S. 1745, supra; as follow:

In section 201(4), strike out ''$9,662,542,000'' and insert in lieu thereof ''$9,679,542,000''.

BUMPERS (AND PRYOR) AMENDMENT NO. 4424

Mr. NUNN (for Mr. BUMPERS, for himself and Mr. PRYOR) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title XXVIII, add the following:

SEC. 2828. LAND CONVEYANCE, PINE BLUFF ARSENAL, ARKANSAS.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Economic Development Alliance of Jefferson County, Arkansas (in this section referred to as the ''Alliance''), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 1,500 acres and comprising a portion of the Pine Bluff Arsenal, Arkansas.

(b) REQUIREMENTS RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of property authorized under subsection (a) until—

(1) the completion by the Secretary of any environmental restoration and remediation that is required with the respect to the property under applicable law;

(2) the Secretary secures all permits required under law applicable regarding the conduct of the proposed chemical demilitarization mission at the arsenal; and

(3) the Secretary of Defense submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a certification that the conveyance will not adversely affect the ability of the Departmentof Defense to conduct that chemical demilitarization mission.

(c) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the Alliance agree not to carry out any activities on the property to be conveyed that interfere with the construction, operation, and decommissioning of the chemical demilitarization facility to be constructed at Pine Bluff Arsenal. If the Alliance fails to comply with its agreement in (1) the property conveyed under this section, all right, title and interest in and to the property shall revert to the United States and the United States shall have immediate right of entry thereon.

(2) That the property be used during the 25-year period beginning on the date of the conveyance only as the site of the facility known as the ''Bioplex'', and for activities related thereto.

(d) COSTS OF CONVEYANCE.—The Alliance shall be responsible for any costs of the Army associated with the conveyance of property under this section, including administrative costs, the costs of an environmental baseline survey with respect to the property, and the cost of any protection services required by the Secretary in order to secure operations of the chemical demilitarization facility from activities on the property after the conveyance.

(e) REVERSIONARY INTERESTS.—If the Secretary determines at any time during the 25-year period referred to in subsection (c)(2) that the property conveyed under this section is not being used in accordance with that subsection, all right, title, and interest in and to the property shall revert to the United States and the United States shall have immediate right of entry thereon.

(f) SALE OF PROPERTY BY ALLIANCE.—If at any time during the 25-year period referred to in subsection (c)(2) the Alliance sells all or a portion of the property conveyed under this section, the Alliance shall pay the United States an amount equal to the lesser of—

(1) the amount of the sale of the property sold; or

(2) the fair market value of the property sold at the time of the sale, excluding the value of any improvements to the property sold that have been made by the Alliance.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Alliance.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

KYL AMENDMENT NO. 4425

Mr. MCCAIN (for Mr. KYL) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title II, add the following:

SEC. 223. SURGICAL STRIKE VEHICLE FOR USE AGAINST HARDENED AND DEEPLY BURIED TARGETS.

Of the amount authorized to be appropriated by section 201(4) for counterproliferation support program $3,000,000 shall be made available to the Air Combat Command for research and development into the near-term development of a capability to defeat hardened and deeply mined targets, including tunnels and deeply buried facilities for the production and storage of chemical, biological, and nuclear weapons and their delivery systems.

(1) Nothing in this section shall be construed as precluding the application of the requirements of the Competition in Contracting Act.

PELL AMENDMENT NO. 4426

Mr. NUNN (for Mr. PELL) proposed an amendment to the bill, S. 1745, supra; as follows:

On page 54, between lines 22 and 23, insert the following:

''(c) NATIONAL COASTAL DATA CENTER.—(1) The Secretary of the Navy shall establish a

National Coastal Data Center at each of two educational institutions that are either well-established oceanographic institutes or graduate schools of oceanography. The Secretary shall select for the center one institution located at or near the east coast of the continental United States and one institution located at or near the west coast of the continental United States.

''(2) The purpose of the center is to collect, maintain, and make available for research and educational purposes information on coastal oceanographic phenomena.

''(3) The Secretary shall complete the establishment of the National Coastal Data Center not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997.

DOMENICI AMENDMENT NO. 4427

Mr. MCCAIN (for Mr. DOMENICI) proposed an amendment to the bill, S. 1745, supra; as follows:

In section 201(4), strike out ''9,662,542,000'' and insert in lieu thereof ''$9,682,542,000''.

FEINSTEIN (AND BIDEN) AMENDMENT NO. 4428

Mr. NUNN (for Mrs. FEINSTEIN, for herself and Mr. BIDEN) proposed an amendment to the bill, S. 1745, supra; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON THE DISTRIBUTION OF INFORMATION RELATING TO EXPLOSIVE MATERIALS FOR A CRIMINAL PURPOSE.

(a) UNLAWFUL CONDUCT.—Section 842 of title 18, United States Code, is amended by adding at the end the following new subsection:

''(l) It shall be unlawful for any person to teach or demonstrate the making of explosive materials, or to distribute by any means information pertaining to, in whole or in part, the manufacture of explosive materials, if the person intends or knows, that such explosive materials or information will be used for, or in furtherance of, an activity that constitutes a Federal criminal offense or a criminal purpose affecting interstate commerce.''.

(b) PENALTY.—Section 844(a) of title 18, United States Code, is amended—

(1) by striking ''(a) Any person'' and inserting ''(a)(1) Any person''; and

(2) by adding at the end the following:

''(2) Any person who violates subsection (l) of section 842 of this chapter shall be fined under this title, imprisoned not more than 20 years, or both.''.

SHELBY (AND OTHERS) AMENDMENT NO. 4429

Mr. MCCAIN (for Mr. SHELBY, for himself, Mr. FAIRCLOTH, Mr. BRYAN, Mr. DODD, and Mr. GRAMM) proposed an amendment to the bill, S. 1745, supra; as follows:

At the appropriate place in bill add the following new section:

SEC. . EXEMPTION FOR SAVINGS INSTITUTIONS SERVING MILITARY PERSONNEL.

Section 10(m)(3)(F) of the Home Owners' Loan Act (12 U.S.C. 1467a(m)(3)(F)) is amended to read as follows:

''(F) EXEMPTION FOR SPECIALIZED SAVINGS ASSOCIATIONS SERVING CERTAIN MILITARY PERSONNEL.—Subparagraph (A) does not apply to a savings association subsidiary of a savings and loan holding company if not less than 90 percent of the customers of the savings and loan holding company and the subsidiaries and affiliates of such company are active or former officers in the United States military services or the widows, widowers, divorced spouses, or current or former dependents of such officers.''.

JOHNSTON AMENDMENT NO. 4430

Mr. NUNN (for Mr. JOHNSTON) proposed an amendment to the bill, S. 1745, supra; as follows:

On page 410, line 5, strike ''$2,000,000'' and insert ''$5,000,000''.

On page 410, line 10, strike ''$2,000,000'' and insert ''$5,000,000''.

On page 410, before line 14, add the following:

''(c) STUDY ON PERMANENT AUTHORIZATION FOR GENERAL PLANT PROJECTS.—Not later than February 1, 1997, the Secretary of Energy shall report to the appropriate congressional committees on the need for, and desirability of, a permanent authoirzation formula for defense and civilian general plant projects in the Department of Energy that includes periodic adjustments for inflation, including any legislative recommendations to enact such formula into permanent law. The report of the Secretary shall describe actions that would be taken by the Department to provide for cost control of general plant projects, taking into account the size and nature of such projects.''

On page 413, line 25, strike ''$2,000,000'' and insert ''$5,000,000''.

HEFLIN (AND SHELBY) AMENDMENT NO. 4431

Mr. NUNN (for Mr. HEFLIN, for himself and Mr. SHELBY) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title IX add the following:

SEC. 907. ACTIONS TO LIMIT ADVERSE EFFECTS OF ESTABLISHMENT OF NATIONAL MISSILE DEFENSE JOINT PROGRAM OFFICE ON PRIVATE SECTOR EMPLOYMENT.

The Director of the Ballistic Missile Defense Organization shall take such actions as are necessary in connection with the establishment of the National Missile Defense Joint Program Office to ensure that the establishment and execution of the new management structure will not include any planned reductions in Federal Government employees, or Federal Government contractors, supporting the national missile defense development program at any particular location outside the National Capitol Region (as defined in section 2674(f)(2) of Title 10, United States Code).

LOTT AMENDMENT NO. 4432

Mr. MCCAIN (for Mr. LOTT) proposed an amendment to the bill, S. 1745, supra; as follows:

At the appropriate place, insert the following:

SEC. . OCEANOGRAPHIC SHIP OPERATIONS AND DATA ANALYSIS.

(a) Of the funds provided by Section 301(2), an additional $6,200,000 may be authorized for the reduction, storage, modeling and conversion of oceanographic data for use by the Navy, consistent with Navy's requirements.

(b) Such funds identified in (a) shall be in addition to such amounts already provided for this purpose in the budget request.

THURMOND AMENDMENT NO. 4433

Mr. LOTT (for Mr. THURMOND) proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title II, add the following:

SEC 237. EXTENSION OF PROHIBITION ON USE OF FUNDS TO IMPLEMENT AN INTERNATIONAL AGREEMENT CONCERNING THEATER MISSILE DEFENSE SYSTEMS.

Section 235(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 232) is amended in the matter preceding paragraph (1) by inserting ''or 1997'' after ''fiscal year 1996''.

THE MOLLIE BEATTIE ALASKA WILDERNESS AREA ACT

MURKOWSKI (AND OTHERS) AMENDMENT NO. 4434

Mr. NICKLES (for Mr. MURKOWSKI, for himself, Mr. JEFFORDS, and Mr. GRAHAM) proposed an amendment to the bill (S. 1899) entitled the ''Mollie Beattie Alaska Wilderness Area Act''; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

''Section 702(3) of Public Law 96–487 is amended by striking 'Arctic National Wildlife Refuge Wilderness' and inserting 'Mollie Beattie Wilderness'. The Secretary of the Interior is authorized to place a monument in honor of Mollie Beattie's contributions to fish, wildlife, and waterfowl conservation and management at a suitable location that he designates within the Mollie Beattie Wilderness.''

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, June 28, 1996, at 9 a.m. to hold a hearing on White House access to FBI summaries.

ADDITIONAL STATEMENTS

REMEMBERING SGT. MICHAEL SEAN SMITH

• Mr. SANTORUM. Mr. President, I rise today to take a few minutes to remember an American soldier who lost his life while serving his country. This remembrance is appropriate given the Senate's consideration of the Department of Defense authorization bill this week. This bill sets priorities for defense spending over the course of the next fiscal year. Frequently, this annual debate becomes bogged down in a discussion of weapons systems and defense contracts. Seemingly lost in this debate are the very men and women who serve in our Armed Forces; soldiers like U.S. Army Sgt. Michael Sean Smith who have sacrificed their lives in the line of duty.

Mr. President I rise to pay tribute to Sergeant Smith. Sergeant Smith died March 12, 1991, while serving his country in the Persian Gulf war. Sergeant

Smith is survived by his wife Carmen, two children, and nine siblings, and is remembered fondly as a unique, friendly, and loving individual. As a medic with the 36th Medical Detachment, he faithfully served the United States with honor and integrity. Sergeant Smith's death represents a great loss, not only to his loved ones, but also to this Nation. It is through his ultimate sacrifice that we may all gain strength to be steadfast in our commitment, conviction, and dedication to our country as individual citizens, service men and women, and even members of the U.S. Senate.

It is with solemn respect that I ask my colleagues to remember a fallen hero—Sgt. Michael Sean Smith.

Thank you, Mr. President.●

ARGONNE NATIONAL LABORATORY

● Mr. SIMON. Mr. President, I would like to thank the great State of New York and IBM Corp. for sending to Illinois the distinguished scientist and research executive, Dr. Dean Eastman, who on July 15 becomes director of Argonne National Laboratory near Chicago.

As an essential part of this Nation's science and technology research establishment, Argonne long has been a world-class research center. It is one of the Nation's nine multiple program national laboratories, and the only one in the Midwest.

Dr. Eastman comes to Argonne at an especially challenging time for America's science community. As we approach the 21st Century, a time when this Nation and the world will increasingly rely upon technological breakthroughs by a dynamic and highly motivated scientific research establishment, not all of our citizens realize how vital such research is to the preservation and enhancement of our quality of life. Leaders of our scientific community today must therefore be persuasive educators, as well as efficient managers and talented scientists.

Fortunately for Argonne, for Illinois, and for the Nation, Dr. Eastman's record suggests he is more than equal to this challenge. He is a world-renowned expert on the electronic properties of materials and spectroscopy. Prior to his current position as vice president of technical strategy and development re-engineering with the IBM server group, he also served as IBM director of hardware development re-engineering at IBM's research division. In addition, he has been involved in many national science and engineering policy and advisory activities.

Dr. Eastman is a member of the National Academy of Sciences, the National Academy of Engineering and the American Academy of Arts and Sciences. He was made an IBM Fellow in 1974 and received the Oliver E. Buckley Prize in 1980.

Mr. President, I welcome him and his family to Illinois, and wish him the very best as he undertakes the important national mission now in his charge.●

MEADOWWOOD SPRINGS SPEECH AND HEARING CAMP

Mr. HATFIELD. Mr. President, I am pleased to share with the Senate information about a very special facility in Oregon that I believe serves as a model for the nation.

Meadowwood Springs Speech and Hearing Camp was established in 1964 through the initiative of four University of Oregon students. These students saw the need for a speech and hearing development camp in the Pacific Northwest. They selected a secluded site in the Blue Mountains of Northeastern Oregon and established a camp for some of the most special children in our society—those with speech and hearing difficulties.

Only 15 children attended the camp's first session over 30 years ago. Today, the camp boasts over 100 student participants annually. There are now over 40 buildings on 143 acres in this beautiful forest setting. The buildings include cabins, an infirmary, a dinning hall, a store, a multipurpose building, and a swimming pool.

Children come to Meadowwood in order to improve their speech and hearing skills. The caring and loving environment at Meadowwood allows these children to develop skills at a significantly accelerated rate. In some cases, a child at Meadowwood may learn as much in a 2-week period as they may have learned in a span of 6 months in a traditional school setting.

The staff members at Meadowwood are a group of highly motivated and caring individuals. Many have specialized educational backgrounds in speech pathology and or audiology from acclaimed schools throughout the country. These devoted staff members are often drawn from local communities. In recent years, the staff-to-child ratio has been approximately 1-to-1. It is the care and commitment of the staff that make this unique facility what it is. They ensure that the children develop in a loving and nurturing environment.

I want to share with my colleagues one of the most remarkable elements of this venture—it receives no Federal funding. Meadowwood is a non-profit organization. It is funded through the generous donations of the Oregon Elks Association and individual contributions. In addition to financial contributions, Meadowwood also receives the very valuable gift of time from the many Oregonians who volunteer there.

The Oregon Elks Association and the other Oregonians deserve our highest praise. They have donated their time, money, and attention to Meadowwood and have made it a success. It is a place filled with growth and with the laughter of very special children. Meadowwood is a unique miracle.

As public officials, we must never lose sight of the human face that is behind nearly every issue we confront in this chamber. For this country to advance and become more prosperous in the future, we must place our highest priority on the needs of our children. I have reviewed many programs during my decades of public service. Few are better examples of the high commitment we must place on our children than the fine program at Meadowwood.●

HATTIE CARAWAY PORTRAIT

● Mr. PRYOR. Mr. President, I wish to pay a special tribute to a very important figure in the State of Arkansas and in the U.S. Senate. This past Monday, many Arkansans, congressional staffers, members of the Arkansas State Society, representatives from the U.S. Senate and Capitol historical offices, and a few of my fellow colleagues gathered just outside this Chamber for a ceremony honoring this distinguished American. We gathered to unveil the newest portrait being added to the Senate art collection—a portrait of the first woman ever elected to the U.S. Senate.

Mr. President, Hattie Caraway came to this distinguished body on November 13, 1931, following the death of her husband, Senator Thaddeus Caraway. A gubanatorial appointment and a special election allowed Senator Caraway to complete the remaining year of her husband's term. She then decided to do what no woman had done before her—win a seat in the U.S. Senate in her own right.

In the election year of 1932, Hattie Caraway, with the staunch support of Senator Huey P. Long of Louisiana, made her bid to hold her seat in this body. Hattie Caraway and Huey Long traveled across the State of Arkansas winning support and winning votes. This fascinating team spoke in over 35 communities during the first week of August 1931. Hattie Caraway won that election and became the first woman popularly elected to the U.S. Senate.

Mr. President, Senator Caraway, at first, spoke so infrequently that she became know as Silent Hattie. As she grew more accustomed to her new role, she emerged as a strong supporter of the New Deal legislation. She even had the honor of seconding the nomination of President Franklin Roosevelt at the 1936 Democratic National Convention. Hattie Caraway also served as the first woman to preside over the Senate—May 9, 1932—and the first to chair a Senate committee. Silent Hattie emerged as a respected and honored Member of this body.

Senator Caraway was re-elected in 1938 and went on to champion legislation important in the history of our country—most notably, she cosponsored the equal rights amendment in 1943. She served until the Democratic primary of 1944, when she was defeated by another political hero from Arkansas, J. William Fulbright, thus ending a historical career in the Senate.

Mr. President, Hattie Caraway has her place in history, and now she has

her place in the U.S. Capitol. She watches over the main Senate hallway, just outside these doors. This portrait shows Senator Caraway dressed in her customary color of black, a sign of mourning for her husband. She is pictured in front of a map of the great State of Arkansas. The portrait is hung across from Senator Joe T. Robinson—a fellow Arkansan.

It has been my pleasure, Mr. President, to have the opportunity to help in the completion of this project. My good friend and colleague, Senator BUMPERS, along with his wife, Betty, as well as my wife, Barbara, who were both honorary cochairs, have all been involved in the selection of the Hattie Caraway Portrait Committee and completion of the portrait project. Senator BUMPERS and I were proud to appoint Mary Ellen Jesson of Fort Smith to chair the committee, which was made up of many fine and outstanding Arkansans, including Diane Alderson, Diane Blair, Cassie Brothers, the Honorable Irma Hunter Brown, Meredith Catlett, Gwen Cupp, Ann Dawson, Dorine Deacon, Mimi Dortch, Jacqueline Douglas, Lib Dunklin, Judy Gaddy, Jane Huffman, Dr. Charlotte Jones, Chloe Kirksey, Karen Lackey, Bev Lindsey, Donna Kay Matteson, Susan Mayes, Clarice Miller, Betty Mitchell, Julia Mobley, Nancy Monroe, Sylvia Prewitt, Billie Rutherford, Irene Samuel, and Helen Walton.

Mr. President, I would like to thank the Senate Commission on Art, in particular Kelly Johnston, who serves as both the executive secretary of this commission and as Secretary of the Senate, Howard Greene, the Senate Sergeant at Arms, and Diane Skvarla, Senate Curator, for all of their hard work and advice that they so freely gave. I would also like to acknowledge Melinda Smith, Senate Registrar, Dick Baker, Senate Historian, and Jo Quatannens, Assistant Senate Historian for their dedication to this project.

J.O. Buckley, an artist from Little Rock, was chosen by the members of the U.S. Senate Commission on Art to paint the portrait of Senator Caraway. He was chosen, Mr. President, from a group of outstanding Arkansas artists to add this piece of history to the U.S. Capitol. We are so pleased with the results and congratulate J.O. Buckley on his marvelous work.

We gathered here Monday night and had the privilege of hearing Prof. Diane Blair and Dr. David Malone praise the outstanding career of Senator Caraway. We also had the privilege to be joined by my distinguished colleagues Senator STROM THURMOND and Senator NANCY KASSEBAUM, both of whom spoke about Hattie's historical and inspirational presence in this body.

Mr. President, I, as an American, an Arkansan, and a U.S. Senator, am proud to stand here today to pay tribute to Hattie Caraway—a woman dedicated to serving the citizens of my home State and this great country of ours.●

INDIANAPOLIS ATHLETIC CLUB SPORTS FOUNDATION BREAKFAST

Mr. LUGAR. Mr. President, the Indianapolis Indians professional baseball team has been an important institution in my life from the time that my dad, Marvin Lugar, took me to Indians' games in the 1940s. Those of us in Indiana who revere the Indianapolis Indians will celebrate two significant events in July when the final Indians' game is played at Bush Stadium on July 3 and the opening game at the new Victory Field takes place on July 11.

I thank the Indianapolis Athletic Club Sports Foundation for honoring the Indianapolis Indians at a breakfast on July 2, a great opportunity to assemble so many of the renowned Indians players that are still alive and active in support of baseball in our State.

The Indianapolis Athletic Club Sports Foundation has performed a vital role in bringing together and recognizing the important contributions to the Indianapolis community of the Indianapolis Indians and bringing together the people and much of the history that has meant so much to our community.

I can remember vividly, a home run hit by third baseman Joe Bestudik, the first time I had ever seen a baseball hit over the wall of a baseball park.

I can remember the thrill of attending baseball clinics given by professional players that allowed us to run the bases and gain some idea of the dimensions of the stadium.

One of my closest friends at Shortridge High School, Max Schumacher, was captain of our high school's baseball team. Following his graduation from Butler University in Indianapolis, Max joined the Indianapolis Indians' organization as ticket manager, became president in 1969, and has presided over one of the truly outstanding success stories of minor league baseball in America.

I congratulate Max, the remarkable board of directors he has assembled over the years, the Indian Hall of Fame members, and hundreds of thousands of baseball fans who have made the Indianapolis Indians such a remarkable pillar of strength.

At the time that I was elected mayor of Indianapolis in 1967, I gained a much better insight of how much the Indians mean to our city when so many civic leaders came to me and asked that the city of Indianapolis take over the ballpark and provide the funds for proper restoration and maintenance. It was a personal thrill to see the stature of the stadium rise again and a personal challenge each year to throw the first ball of the season from the pitcher's mound with hopes that it would not fly over the catcher's head or into the dirt.

Along with a large majority of Indians' fans, I will deeply miss the cool breezes and the great view of the city skyline that were a part of the summer evening at Bush Stadium, but I look forward to remarkable new opportunities for enjoyment of the Indianapolis Indians at a new stadium in the heart of a vital inner city of Indianapolis.

I thank all Hoosiers who are endeavoring to make both celebrations an important part of our Hoosier historical heritage.●

CONGRATULATIONS TO ANDY ASPIN, MINNESOTA POLICE OFFICER

● Mr. WELLSTONE. Mr. President, I rise to extend my heartiest congratulations to Andy Aspin, who has been named Minnesota Police Officer of the Year. A member of the Minneapolis Police Department, Fifth Precinct, Officer Aspin is a most deserving recipient of this high honor.

Throughout his career, Andy has shown admirable commitment and dedication to serving the police force and the entire Minneapolis community. He is especially worthy of this distinction because of the courage and confidence he exhibited in the August 22, 1995, pursuit of an armed murder suspect. Risking his life, he served his community above and beyond the call of duty.

As a strong supporter of the law enforcement community, I am always gratified when a police officer receives such richly deserved accolades. Too often, our society focuses its attention and acclaim on the famous and the infamous. Rarely do we notice the role models among us; the everyday heroes who give so much and receive so little in return.

Andy's fine work serves as a reminder of the goals to which we should all aspire: to serve others, to strengthen our communities, to live and work with honor and dignity and to help others to do the same.

It is a privilege for me to recognize this outstanding law enforcement officer who has protected in an exemplary manner the lives and property of the citizens of Minneapolis. Officer Aspin is truly a role model for our children, a source of pride for all Minnesotans, and a hero to all Americans.●

COMMEMORATING THE ST. DOMINIC REGIONAL HIGH SCHOOL STUDENTS

● Ms. SNOWE. Mr. President, I rise to recognize and congratulate 13 very special students from St. Dominic Regional High School in Lewiston, ME, whose team won honorable mention as a top-10 finalist in the ''We the People * * * the Citizen and the Constitution'' competition. Adam Feldman, Jay Fournier, Catherine Fredricks-Rehagen, Monique Gagnon, Nathan Hall, Rachel Lawrence, Carrie Luke, Jessica Morin, Peter Murray, Kathryn Piela, Paul Sheridan, Anne Theriault, and Jason Theriault have demonstrated exemplary understanding of the fundamental ideals incorporated in our Nation's most precious documents, the U.S. Constitution and the Bill of

Rights. They, along with their teacher Rosanne Ducey, can be very proud of their accomplishment.

The ''We the People * * * the Citizen and the Constitution'' challenge was established by the Center for Civic Education, which was founded in 1987, under the auspices of the Commission of the Bicentennial of the U.S. Constitution. The Center for Civic Education aims to improve civic education in elementary and secondary schools by increasing both students' and teachers' understanding of our constitutional democracy, and has served over 20 million American students during its 8-year existence.

The ''We the People * * * The Citizen and the Constitution'' challenge held its national finals on April 27–29, where the St. Dominic class finished with honorable mention. This is a remarkable accomplishment, considering that high schools from throughout America are competing in this program. An incredible amount of preparation and commitment goes with competing in this challenge, and the success of these 13 students from St. Dominic Regional High School is a direct reflection on their dedication and hard work, as well as that of their instructor.

It is so important that our young men and women have a firm understanding about the documents upon which our Nation was founded, and how those documents are as relevant to our lives today as they were when they were written. Indeed, through this challenge, students do so much more than simply learn the content of our Constitution and Bill of Rights. They come to think about the meaning of these documents, how they have been interpreted over the years, and the ways in which they are very much living documents which continue to evolve even today. As these young people grow into adulthood, and the responsibilities that come with being citizens of this great country, they will be able to analyze and approach issues of the day with a firm understanding of the underpinnings of our democracy.

I am pleased and proud to know that these outstanding students from Maine will be well prepared for their further education, and to be full participants in and contributors to their country. Again, I congratulate these young Mainers and wish them all the best for what will certainly be a bright and successful future.●

HONORING LUCILLE MAURER

● Mr. SARBANES. Mr. President, I rise today to join the citizens of Maryland in honoring a distinguished public servant, and a respected role model, Lucille Maurer, who died earlier this month.

I am proud to have served with Lucy Maurer in the Maryland House of Delegates after her appointment in 1969. While Lucy was selected to serve the people of Montgomery County, her interests and efforts extended far beyond parochial concerns, encompassing all the citizens of Maryland, especially the children. A formula that she was instrumental in devising—and in fact bears her name—the Lee-Maurer formula, is still used by the State of Maryland to determine the amount of State educational assistance that each county receives, and ensures those jurisdictions most in need received the state assistance they require to assure educational opportunities for all of Maryland's children.

In addition to her commitment to the children of our State, Lucy was gifted with a keen grasp of State finances and budgeting issues which served her well as Maryland's first female treasurer. Elected to this position in 1987 by the State legislature, Lucy brought to the treasurer's office the same commitment and competence which characterized her service in the House of Delegates.

Throughout her 35-year career in public service, as well as in her work with organizations such as the PTA and the League of Women Voters, Lucille Maurer was a person who effectively brought people together for worthy purposes and with commendable results. She was a positive and unifying force in our State and her quiet competence and pleasant demeanor will be deeply missed. She was a good friend and respected colleague in the public service, and I would like to take this opportunity to extend my deepest and heartfelt sympathies to her husband, Ely and her sons, Stephen, Russell, and Edward.

Mr. President, in testimony to Lucy's exceptional efforts on behalf of the people of Maryland, I ask that the following articles from the Baltimore Messenger, the Baltimore Sun, and the Washington Post, which pay tribute to this respected and honored individual be printed in the RECORD.

The articles follow:

[From the Baltimore Messenger, June 26, 1996]

STATE OWES MAURER DEBT OF GRATITUDE

The death of Lucille Maurer is a sad reminder of how far Maryland government has come since the days when bankers controlled the state treasurer. Or, more accurately, when you had to be a banker to become state treasurer.

Partly because of reforms instituted by Maurer and the late Billy James, her immediate predecessor as state treasurer, those days are gone.

For decades before they came along, the office was a fiefdom of Baltimore bankers favored by the General Assembly. This flowed from the quaint practice of letting the House and Senate elect the treasurer by joint ballot. Because a delegate's vote in this process is equal to a senator's vote and because delegates outnumber senators, this is one of the few situations in which the House holds the upper hand.

Until 1966, the treasurer's post paid only $2,500 a year but was still one of the most prized jobs in Maryland politics.

The reason? Banks paid little or no interest on the hundreds of millions deposited in them by the state, and the treasurer decided whose banks got this bonanza.

He—it was always a man; Maurer was the only woman elected to the job in its 221–year history—also decided which politicians or other insiders got the juicy casualty insurance business on state property—schools, office buildings, even the State House and the governor's mansion itself.

One state treasurer insisted that any qualified agent could play in this little game. When I tried to pry the list of participants from him to check this, he refused and threw me out of his office. There was no freedom of information law then, but the game began to fall apart when his refusal was reported. An indignant legislator made him cough it up.

This led to more equitable distribution of the state insurance business. Then, with James and Maurer, came reform of the no-interest bank-deposit system.

James, a highly respected former Senate president, was the first to require that banks pay interest on state accounts. Maurer refined the practice to include offsets of some banking services in exchange for interest. Both ran the office responsibly and never confused the banks' interests with the public interest.

James, and now Maurer, are gone. But because they abolished an obsolescent, putrescent practice, the state owes lasting tribute to the memory of both.

MAURER, 73, DIES OF BRAIN TUMOR

(By Thomas Waldron and Marina Sarris)

Lucille Maurer, a suburban Washington legislator who championed state aid for Baltimore and later became Maryland's first woman treasurer, died yesterday at her home in Silver Spring of complications from a benign brain tumor. She was 73.

Mrs. Maurer's health problems forced her to resign as treasurer in January, ending a career in public service that spanned more than 35 years.

Friends and elected officials yesterday recalled a determined and incisive woman who brought a personable, optimistic approach to politics and life.

''To me, she's the model of a public servant,'' said state Del. Nancy K. Kopp, a Montgomery Democrat and long-time friend and colleague. ''She was intelligent, dedicated and willing to go in and fight long, tough battles, battles that might last for years.''

''She paved the way for a lot of women in politics early on, and she proved that a woman can produce as much as any man,'' said Sen. Ida G. Ruben, also of Montgomery County Democrat.

During her 16 years as a legislator, Mrs. Maurer was scarcely known outside political circles. But inside the State House, she was respected for her keen understanding of state finances and her statewide perspective on budget issues.

Mrs. Maurer was widely appreciated around the capital for her work crafting the complicated formula that has been used for two decades to determine the amount of state education aid each county receives—a formula known as Lee-Maurer, for Mrs. Maurer and former acting Gov. Blair Lee III.

Under the formula, the richer a county was, the less state aid it received, which benefited poorer areas such as Baltimore City.

While her concern for other jurisdictions won her acclaim in Annapolis, it did not always impress the people back home. Her aversion to parochialism helped cost her a Senate seat in 1986.

In 1987, the legislature elected her to the job of treasurer, where she oversaw state investments and the sale of state bonds.

As treasurer, Mrs. Maurer also was the first woman to sit on the Maryland Board of Public Works, the three-member panel that approves all major state contracts.

As a board member, she expressed herself firmly yet quietly, at least compared with

her more outspoken and colorful colleagues, former Gov. William Donald Schaefer and Comptroller Louis L. Goldstein.

''She was a woman of passion, ability and intelligence,'' said Mr. Goldstein. ''She held her own while we had some very unusual discussions back in the governor's private office.''

Gov. Parris N. Glendening said, ''Through persistence, professionalism and quiet persuasion, she epitomized the art of good government and good politics.''

The former Lucille Darvin was born in New York City in 1922 and grew up in Rockland County, north of the city.

She received a degree in economics from the Women's College of the University of North Carolina. After working as an economist with the U.S. Tariff Commission, she received a master's degree from Yale University in 1945.

She moved to Montgomery County in 1950 and became active in community groups, particularly the League of Women Voters. That led to two terms on the county school board from 1960 to 1968.

In 1969, she was appointed to fill a vacancy in the House of Delegates representing a suburban district that took in parts of Wheaton and Silver Spring.

At that time, Mrs. Maurer was one of only a handful of women in the legislature. She won re-election to four four-year terms in the House.

As a legislator, Mrs. Maurer took on issues of concern to many mothers. bills to regulate public swimming pools and camps for children, for instance, and to strengthen laws on child abuse.

Colleagues recalled that she did her homework on the issues, took unwavering positions but remained cordial and diplomatic with her opponents.

''She never made a public display of a confrontation, but she let you know personally how she felt, in a quiet way,'' Mrs. Ruben said.

The Evening Sun wrote in a 1975 editorial, ''Without the rancorous or strident tones too often heard on the subject, she has been a persuasive, constructive leader in the movement for women's rights.''

Her career came to a crossroads in a hard-fought campaign for the state Senate in 1986. Her opponent, Idamae Garrott, accused her of caring too little about Montgomery County and worrying too much about the financial needs of Baltimore.

Senator Garrott's message resonated at home. ''Montgomery County was feeling the pinch,'' Senator Ruben said. ''Taxes were rising and people felt they were not getting the services they thought they should.''

Mrs. Maurer lost, but rebounded quickly when the General Assembly elected her treasurer in early 1987.

A private burial is planned in Rockland County, N.Y. A memorial service will be held later in Maryland.

Mrs. Maurer is survived by her husband of 51 years, Ely Maurer, an assistant legal adviser in the U.S. State Department; three sons, Stephen Maurer of Swarthmore, Pa., Russell Maurer of Pepper Pike, Ohio, and Edward Maurer of Lido Beach, N.Y.; and seven grandchildren.

[From the Washington Post, June 22, 1996]

LUCILLE MAURER

For as long as anyone can remember, Montgomery County has been a wellspring of civic and public service, famed for its concentration of highly informed, superactive citizens who revel in pursuing the essentials of good local government. Out of this grassroots tradition and on to the high office of state treasurer came Lucille Maurer, an able, knowledgeable and beloved servant of her fellow Marylanders. Mrs. Maurer, who died this week at the age of 73, rose to recognition along the classic civic-path—from PTA to the League of Women Voters, two terms on the county school board, 18 years in the Maryland state legislature and nine years as treasurer until her resignation for health reasons last January.

Never one to seek the spotlight, Mrs. Maurer won attention and respect for her hard work, fairness and gentle approach to political solutions. Early on, her keen sense of local and state finances won her acclaim and additional responsibilities. If there was any quarrel with her performance in Annapolis, it came from those in her county who did not appreciate one of her greatest strengths: the times when she would forsake parochialism in the interest of statewide concerns. She believed that the health of the state as a whole was in the interests of her constituents—and worked to that end on funding formulas aimed at helping those areas most in need, and especially Maryland's poorest children.

When she became the state's first female treasurer and the highest-ranking state official from the Washington suburbs. Mrs. Maurer transformed the office, ending old-fashioned bookkeeping techniques, consolidating operations and selling off much of the state's stock portfolio before a downtown in the market. It was this blend of hard-nosed decision-making and personal congeniality that endeared Lucy Maurer to those with whom she worked as well as the many more whom she served with dedication, integrity and fondness.●

BURLEY IRRIGATION DISTRICT TRANSFER ACT

● Mr. CRAIG. Mr. President, last evening I introduced S. 1921, a bill to authorize the Secretary of the Interior to transfer certain facilities at the Minidoka project to the Burley Irrigation District. The introduction of this legislation results from a hearing I held in the Senate Energy Committee on May 23, 1995, on S. 620, a generic bill to transfer reclamation facilities. At that hearing, it became obvious a general transfer bill would not work; each reclamation project has unique qualities, and projects should be addressed individually or in distinct groupings. S. 1291 addresses one specific project in Idaho.

The Reclamation Act of 1902 was part of the history of Federal public land laws designed to transfer lands out of Federal ownership and settle this Nation. The origins of that policy predate the Constitution and derive from the early debates that led to the Northwest Ordinance of 1787. The particular needs and circumstances of the arid and semiarid lands west of the 100th meridian led to various proposals to reclaim the lands, including the Desert Land Act and the Carey Act. In his State of the Union Message of 1901, President Theodore Roosevelt finally called for the Federal Government to intervene to develop the reservoirs and works necessary to accomplish such irrigation. The reclamation program was enormously successful. It grew from the irrigation program contemplated by one President Roosevelt to the massive works constructed four decades later by the second President Roosevelt. For those of us in the Northwest, there is a very personal meaning to a line from Woody Guthrie's song about the Columbia that goes: ''Your power is turning our darkness to dawn, so roll on Columbia, roll on.''

If what is known now had been known then, some projects may have been constructed differently. However, that is not the question we have before us. The central question is whether and to what extent the Federal Government should seek to transfer the title and responsibility for these projects. Has the Federal mission been accomplished?

As I noted in my introductory statement to S. 620, the best transfer case would be the single purpose irrigation or municipal and industrial [M&I] system that is fully repaid, operation has long since been transferred, and the water rights are held privately. That is the case with the Burley Irrigation District transfer.

The transfer of title is not a new idea. Authority to transfer title to the All American Canal is contained in section 7 of the Boulder Canyon Project Act of 1928. General authority is contained in the 1955 Distribution Systems Loan Act. Recently, Congress passed legislation dealing with Elephant Butte and Vermejo.

The Burley Irrigation District is part of the Minidoka project that was built under the authorization of the 1902 Reclamation Act. By a contract executed in 1926, the district assumed the operation and maintenance of the system.

All construction contracts and costs for the canals system, pumping plants, power house, transmission lines, and houses have been paid in full. Contracts for storage space at Minidoka Dam, Jackson Dam, American Falls, and Palisades have been paid in full, along with all maintenance fees. This project is a perfect example of the Federal Government maintaining only a bare title, and that title should now be transferred to the project recipients who have paid for the facilities and rights of the Burley Irrigation District.●

MILLION PAGES PROJECT

● Mr. ROCKEFELLER. Mr. President, I rise today to commend the students, teachers, parents, and librarian Jeannie Riley at Meadows Elementary School in Huntington, WV. This group worked together in an outstanding effort to promote literacy through the million pages reading program.

Jeannie Riley wanted to challenge students at Meadows Elementary School to read 1 million pages by the end of the school year. She worked with school administrators, teachers, and parents to provide creative incentives for the students to read, using activities such as afternoon dances and

the opportunity to throw pies at teachers. This innovative program encouraged family reading time and motivated students to read independently. The students enthusiastically accepted the challenge and worked very hard to meet their goal. They succeeded in their endeavor, a magnificent achievement by some motivated young people in my State.

Mr. President, we all know reading is an essential skill that enables children to communicate and convey ideas more effectively. Children who acquire good reading skills will be better equipped to compete in today's dynamic world that demands an education as a prerequisite for self-sufficiency and participating in a highly skilled work force. Illiteracy is a problem that plagues West Virginia as well as the Nation, and too many children reach adulthood lacking abilities they need for a secure future. Programs like the million pages project are consistent with goals set by the Department of Education. They also complement the goals of the National Commission on Children, a bipartisan group of policymakers, educators, and individuals that I led in looking for ways to strengthen families and better the lives of tomorrow's leaders.

The million pages project is a step in the right direction, going beyond basic classroom instruction to develop a love of reading and encourage the development of these vital skills. Programs such as the million pages project are helping to fight the battle of illiteracy and giving West Virginia's children a better chance for a bright future. This program serves as a fine example of what happens when people come together to promote a worthy cause, and I hope others will learn from the Meadows challenge.

Achieving this goal of 1 million pages is a great honor, and again, Mr. President, I sincerely congratulate the Meadows Elementary community. I applaud Jeannie Riley for working so hard to initiate the million pages project, the teachers of Meadows Elementary for embracing it with enthusiasm, the parents for reading to their children and supporting this initiative, and the students for their tremendous effort and persistence in reaching their goal.●

SALUTING THE MICHIGAN PARTICIPANTS IN THE 1996 SUMMER OLYMPIC GAMES

● Mr. ABRAHAM. Mr. President, every 4 years, for 2 weeks the collective attention of the world falls upon those exceptional men and women who possess the drive, ability, and character to compete as Olympians. From July 19 to August 4, 1996, the centennial anniversary of the Modern Olympic Games will be held in Atlanta, GA. On this occasion, America's greatest athletes will face their counterparts from 197 countries.

All of our Nation's citizens have a vested personal interest, and deservedly so, in the accomplishments of our athletes and coaches. However, it is the families, friends, and neighbors of these individuals who are especially qualified in their pride. Olympic talent cannot be attained overnight, it takes years to hone and develop; undoubtedly an impossibility without the support and encouragement provided by local communities.

At least 30 individuals with distinct ties to my State of Michigan will take part in the upcoming centennial Games. Whether native born and raised, to attend school, to train, or to coach, they all share some sort of affiliation to the Great Lakes State. While the following men and women will participate in the Olympics first and foremost as Americans, I would like to take a moment to recognize them also as Michiganians:

Bob Allshouse, Birmingham, team leader, table tennis.

Frankie Andreu, Dearborn, men's road, cycling.

Thomas Carlton Bruner, Ann Arbor, 1,500m free, swimming.

Pam Bustin, Haslett, defender, field hockey.

David DeGraaf, Lansing, circle runner, team handball.

Tom Dolan, Ann Arbor, 400m free, 200m, 400m IM, swimming.

Greg Giovanazzi, Ann Arbor, assistant coach, volleyball.

Charlie Greene, East Lansing, assistant team leader, track and field.

Grant Hill, Detroit, forward, basketball.

Mora Kanim, Ann Arbor, assistant coach, volleyball.

Al Kastl, Mount Clemens, team leader, Greco-Roman wrestling.

Mike King, Grand Rapids, head coach, archery.

Charles Karch'' Kiraly, Jackson, beach volleyball.

Tom Malchow, Ann Arbor, 200m fly, swimming.

Ann Marsh, Royal Oak, women's foil, Fencing.

Floyd Mayweather, Grand Rapids, featherweight, boxing.

Al Mitchell, Marquette, head coach, boxing.

Eric Namesnik, Ann Arbor, 400m IM, swimming.

Connie Paraskevin-Young, Detroit, women's track, cycling.

Suzanne Paxton, East Lansing, women's foil, fencing.

Jeffrey Pfaendtner, Detroit, men's lightweight four, rowing.

John Piersma, Ann Arbor, 200m, 400m free, 800m FR, swimming.

Annette Salmeen, Ann Arbor, 200m Fly, 800m FR, swimming.

Kent Steffes, Ann Arbor, beach volleyball.

Todd Sweeris, Grand Rapids, men's doubles, table tennis.

Sheila Taormina, Livonia, 800m FR, swimming.

Kirk Trost, Ann Arbor, assistant coach, wrestling.

Jon Urbanchek, Ann Arbor, assistant coach, swimming.

MaliVai Washington, Ann Arbor, men's doubles, tennis.

Eric Wunderlich, Ann Arbor, 200m breast, swimming.

The founder of the modern Olympic games, Baron Pierre de Coubertin, is credited with having written the Olympic Creed, which is as follows: ''The most important thing in the Olympic Games is not to win but to take part, just as the most important thing in life is not the triumph but the struggle. The essential thing is not to have conquered but to have fought well.''

It is inevitable that next month in Atlanta records will be broken, heroes will be born, and Olympic legends will be created. However, before the first event gets underway and the medal counts begin, each and every athlete and coach deserves our respect and admiration. For in the spirit of the Olympic Creed, the dedication to undergo the years of intense training and preparation necessary to become an Olympian, is a significant victory in itself.

To be chosen to represent one's country, and State, is an awesome responsibility; and I have full faith and confidence our athletes and coaches will perform with distinction. I salute these extraordinary men and women for their achievements thus far, and look forward to news of even greater successes on their part in the days ahead.●

RECOGNIZING THE CENTERS FOR DISEASE CONTROL AND PREVENTION FOR 50 YEARS OF LEADERSHIP AND ACHIEVEMENT IN SUPPORT OF PUBLIC HEALTH

● Mr. SIMON. Mr. President, today I have the distinct honor of recognizing the Centers for Disease Control and Prevention [CDC] for 50 years of activities dedicated to protecting the public health of the people of the United States. What began on July 1, 1946, as the Communicable Disease Center has expanded its purview to include a wide range of efforts in research and prevention of disease, disability, and injury. In service to humankind, our Nation and the world, CDC employees have distinguished the agency and themselves through their efforts in the laboratory, the office and the field at the Atlanta headquarters, several sites nationwide and locations spotting the globe.

In 1996, the activities of the CDC reflect the wide range of issues and activities necessary to promote the public health. The CDC is still a center of activity to combat infectious disease, but today, it is much more. The CDC's Epidemic Intelligence Service, established in 1951, continues to train doctors to solve the most complex medical mysteries and as the original focus of the CDC has expanded, new divisions devoted to occupational safety and health, chronic disease prevention and health promotion, injury prevention, health statistics, and environmental health have been established. The components of the CDC also reflect the diversity of society; currently there are

offices dedicated to women's and minority health.

As we know, threats to the public health recognize no national boundaries. So today, the CDC also plays an important role in worldwide efforts to promote health, overcome global health threats, eradicate disease, and prevent illness, disability, and premature death. There is a small number of CDC staff members working around the world. During its first half century, the CDC has responded to health emergencies in such diverse locales as Love Canal, Philadelphia, New Mexico, Washington State, Southeast Asia, India, and Zaire.

CDC activities have paralleled the revolutionary advances in medical sciences made during the second half of the 20th century. Throughout the first 50 years of the CDC, we can point to events which represent significant milestones in the mission to promote a healthy nation. The litany of achievements is too long to list here, but includes a primary role in the eradication of smallpox; the identification of the linkage between smoking and cancer; the publication of public health statistics; the immunization of children; the tracking of health trends; and the surveillance and investigation of threats to health including polio, tuberculosis, HIV/AIDS, Legionnaires' disease, Ebola, and exposure to hazardous substances.

Promoting health is more than merely controlling the spread of microorganisms. Promoting health involves research and education. As early as 1947, the CDC established programs to communicate information to the public concerning specific health problems or illnesses. Through the years, there have been many topics covered including rabies, measles, gonorrhea, diabetes, nutrition for women of child-bearing age, breast cancer, and HIV/AIDS. Promoting health also demands that we focus on changing behavior which is clearly unsafe or potentially dangerous. To that end, the CDC has launched efforts concerning tobacco use and violence in our society.

During its 50 year history, the CDC has been in the forefront of efforts to combat more recent threats to health such as HIV/AIDS, as well as afflictions which have menaced us in the longer term, like cardiovascular disease. The CDC is also looking ahead by targeting more prevention efforts to youth; enhancing the capabilities of communities to detect, monitor, and overcome health problems; and developing partnerships which will enhance efforts to change unhealthy behavior. The CDC enters its sixth decade focused on priorities designed to detect, meet, and overcome threats to the health of the people of our Nation and the world.

Today, the CDC provides leadership and direction in the prevention and control of diseases and other health conditions. I commend the CDC for its past efforts and I am confident that as new menaces to the public health emerge and new priorities evolve, the CDC will remain vigilant, proactive, and poised to take action to protect the people of our Nation and the world.●

CONDOLENCES TO THE KING FAMILY OF BATTLE CREEK, MI, ON THE DEATH OF S. SGT. RONALD LEWIS KING, USAF

● Mr. ABRAHAM. Mr. President, I rise today to express my deep condolences to the King family of Battle Creek, MI, who lost S. Sgt. Ronald Lewis King due to the terrorist act which took place at the Khobar Towers housing facility in Dhahran, Saudi Arabia. My prayers and thoughts are with his mother, Mrs. Beatrice Robinson of Battle Creek, MI, and his wife, Mrs. Melvia Y. King of Bellevue, NE.

Staff Sergeant King was a contracting journeyman with the 55th Contracting Squadron from Offutt Air Force Base, NE. He was proudly serving our country in Saudi Arabia, and know I speak for many in the State of Michigan who feel this tragedy very deeply.

We must do everything we rightfully can to prevent future tragedies of this sort and to see to it that the perpetrators of this terrible act are brought to justice. I reiterate my support for the cooperative efforts between the United States and Saudi Arabia to ensure that those terrorists who committed this crime will be apprehended and prosecuted to the fullest extent of the law.●

SECURITIES INVESTMENT PROMOTIONS ACT

The text of the bill (H.R. 3005) to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation, as passed by the Senate on June 27, 1996, is as follows:

Resolved, That the bill from the House of Representatives (H.R. 3005) entitled ''An Act to amend the Federal securities laws in order to promote efficiency and capital formation in the financial markets, and to amend the Investment Company Act of 1940 to promote more efficient management of mutual funds, protect investors, and provide more effective and less burdensome regulation.'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Securities Investment Promotion Act of 1996''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Severability.
TITLE I—INVESTMENT ADVISERS SUPERVISION COORDINATION ACT
Sec. 101. Short title.
Sec. 102. Funding for enhanced enforcement priority.
Sec. 103. Improved supervision through State and Federal cooperation.
Sec. 104. Interstate cooperation.
Sec. 105. Disqualification of convicted felons.
Sec. 106. Continued State authority.
Sec. 107. Effective date.
TITLE II—FACILITATING INVESTMENT IN MUTUAL FUNDS
Sec. 201. Short title.
Sec. 202. Funds of funds.
Sec. 203. Flexible registration of securities.
Sec. 204. Facilitating use of current information in advertising.
Sec. 205. Variable insurance contracts.
Sec. 206. Prohibition on deceptive investment company names.
Sec. 207. Excepted investment companies.
Sec. 208. Performance fees exemptions.
Sec. 209. Reports to the Commission and shareholders.
Sec. 210. Books, records, and inspections.
TITLE III—REDUCING THE COST OF SAVING AND INVESTMENT
Sec. 301. Exemption for economic, business, and industrial development companies.
Sec. 302. Intrastate closed-end investment company exemption.
Sec. 303. Definition of eligible portfolio company.
Sec. 304. Definition of business development company.
Sec. 305. Acquisition of assets by business development companies.
Sec. 306. Capital structure amendments.
Sec. 307. Filing of written statements.
Sec. 308. Facilitating national securities markets.
Sec. 309. Regulatory flexibility.
Sec. 310. Analysis of economic effects of regulation.
Sec. 311. Privatization of EDGAR.
Sec. 312. Improving coordination of supervision.
Sec. 313. Increased access to foreign business information.
Sec. 314. Short-form registration.
Sec. 315. Church employee pension plans.
Sec. 316. Promoting global preeminence of American securities markets.
Sec. 317. Broker-dealer exemption from State law for certain de minimis transactions.
Sec. 318. Studies and reports.

SEC. 2. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

TITLE I—INVESTMENT ADVISERS SUPERVISION COORDINATION ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''Investment Advisers Supervision Coordination Act''.

SEC. 102. FUNDING FOR ENHANCED ENFORCEMENT PRIORITY.

There are authorized to be appropriated to the Securities and Exchange Commission, for the enforcement of the Investment Advisers Act of 1940, not more than $16,000,000 in each of fiscal years 1997 and 1998.

SEC. 103. IMPROVED SUPERVISION THROUGH STATE AND FEDERAL COOPERATION.

(a) STATE AND FEDERAL RESPONSIBILITIES.—The Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) is amended by inserting after section 203 the following new section:

''SEC. 203A. STATE AND FEDERAL RESPONSIBILITIES.

''(a) ADVISERS SUBJECT TO STATE AUTHORITIES.—

''(1) IN GENERAL.—No investment adviser that is regulated or required to be regulated as an investment adviser in the State in which it maintains its principal office and place of business shall register under section 203, unless the investment adviser—

''(A) has assets under management of not less than $25,000,000, or such higher amount as the Commission may, by rule, deem appropriate in accordance with the purposes of this title; or

''(B) is an adviser to an investment company registered under title I of this Act, or a company that has elected to be a business development company pursuant to section 54 of title I of this Act.

''(2) DEFINITION.—For purposes of this subsection, the term 'assets under management' means the securities portfolios with respect to which an investment adviser provides continuous and regular supervisory or management services.

''(b) ADVISERS SUBJECT TO COMMISSION AUTHORITY.—

''(1) IN GENERAL.—No law of any State or political subdivision thereof requiring the registration, licensing, or qualification as an investment adviser or supervised person of an investment adviser shall apply to any person—

''(A) that is registered under section 203 as an investment adviser, or that is a supervised person of such a person; or

''(B) that is not registered under section 203 because that person is excepted from the definition of an investment adviser under section 202(a)(11).

''(2) LIMITATION.—Nothing in this subsection shall prohibit the securities commission (or any agency or office performing like functions) of any State from—

''(A) requiring the filing with such commission, agency, or office of any document filed with the Commission by an investment adviser, together with a consent to service of process and requisite fees; or

''(B) investigating and bringing enforcement actions with respect to fraud or deceit against an investment adviser or person associated with an investment adviser.

''(c) EXEMPTIONS.—Notwithstanding subsection (a), the Commission, by rule or regulation upon its own motion, or by order upon application, may permit the registration with the Commission of any person or class of persons to which the application of subsection (a) would be unfair, a burden on interstate commerce, or otherwise inconsistent with the purposes of this section.

''(d) FILING DEPOSITORIES.—The Commission may, by rule, require an investment adviser—

''(1) to file with the Commission any fee, application, report, or notice required by this title or by the rules issued under this title through any entity designated by the Commission for that purpose; and

''(2) to pay the reasonable costs associated with such filing.

''(e) STATE ASSISTANCE.—Upon request of the securities commissioner (or any agency or officer performing like functions) of any State, the Commission may provide such training, technical assistance, or other reasonable assistance in connection with the regulation of investment advisers by the State.''.

(b) ADVISERS NOT ELIGIBLE TO REGISTER.—Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3) is amended—

(1) in subsection (c), in the matter immediately following paragraph (2), by inserting ''and that the applicant is not prohibited from registering as an investment adviser under section 203A'' after ''satisfied''; and

(2) in subsection (h), in the second sentence—

(A) by striking ''existence or'' and inserting ''existence,''; and

(B) by inserting ''or is prohibited from registering as an investment adviser under section 203A,'' after ''adviser,''.

(c) DEFINITION OF ''SUPERVISED PERSON''.—Section 202(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)) is amended—

(1) by striking ''requires—'' and inserting ''requires, the following definitions shall apply:''; and

(2) by adding at the end the following new paragraph:

''(25) 'Supervised person' means any partner, officer, director (or other person occupying a similar status or performing similar functions), or employee of an investment adviser, or other person who provides investment advice on behalf of the investment adviser and is subject to the supervision and control of the investment adviser.''.

(d) CONFORMING AMENDMENT.—Section 203(a) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(a)) is amended by striking ''subsection (b) of this section'' and inserting ''subsection (b) and section 203A''.

SEC. 104. INTERSTATE COOPERATION.

Section 222 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–18a) is amended to read as follows:

''SEC. 222. STATE REGULATION OF INVESTMENT ADVISERS.

''(a) JURISDICTION OF STATE REGULATORS.—Nothing in this title shall affect the jurisdiction of the securities commissioner (or any agency or officer performing like functions) of any State over any security or any person insofar as it does not conflict with the provisions of this title or the rules and regulations thereunder.

''(b) DUAL COMPLIANCE PURPOSES.—No State may enforce any law or regulation that would require an investment adviser to maintain any books or records in addition to those required under the laws of the State in which it maintains its principal place of business, if the investment adviser—

''(1) is registered or licensed as such in the State in which it maintains its principal place of business; and

''(2) is in compliance with the applicable books and records requirements of the State in which it maintains its principle place of business.

''(c) LIMITATION ON CAPITAL AND BOND REQUIREMENTS.—No State may enforce any law or regulation that would require an investment adviser to maintain a higher minimum net capital or to post any bond in addition to any that is required under the laws of the State in which it maintains its principal place of business, if the investment adviser—

''(1) is registered or licensed as such in the State in which it maintains its principal place of business; and

''(2) is in compliance with the applicable net capital or bonding requirements of the State in which it maintains its principal place of business.''.

SEC. 105. DISQUALIFICATION OF CONVICTED FELONS.

(a) AMENDMENT.—Section 203(e) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(e)) is amended—

(1) by redesignating paragraphs (3) through (7) as paragraphs (4) through (8), respectively; and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) has been convicted during the 10-year period preceding the date of filing of any application for registration, or at any time thereafter, of—

''(A) any crime that is punishable by imprisonment for 1 or more years, and that is not described in paragraph (2); or

''(B) a substantially equivalent crime by a foreign court of competent jurisdiction.''.

(b) CONFORMING AMENDMENTS.—Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3) is amended—

(1) in subsection (e)(6) (as redesignated by subsection (a) of this section), by striking ''this paragraph (5)'' and inserting ''this paragraph'';

(2) in subsection (f)—

(A) by striking ''paragraph (1), (4), (5), or (7) of subsection (e) of this section'' and inserting ''paragraph (1), (5), (6), or (8) of subsection (e)'';

(B) by striking ''paragraph (3)'' and inserting ''paragraph (4)''; and

(C) by striking ''said subsection'' each place that term appears and inserting ''subsection''; and

(3) in subsection (i)(1)(D), by striking ''section 203(e)(5) of this title'' and inserting ''subsection (e)(6)''.

SEC. 106. CONTINUED STATE AUTHORITY.

Notwithstanding any other provision of this title, or any amendment made by this title, a State or Territory of the United States, or the District of Columbia may continue to collect filing, registration, or licensing fees in amounts determined pursuant to State law as in effect on the day before the date of enactment of this Act, until otherwise specifically provided under a State law enacted on or after that date of enactment.

SEC. 107. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 180 days after the date of enactment of this Act.

TITLE II—FACILITATING INVESTMENT IN MUTUAL FUNDS

SEC. 201. SHORT TITLE.

This title may be cited as the ''Investment Company Amendments Act of 1996''.

SEC. 202. FUNDS OF FUNDS.

Section 12(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–12(d)(1)) is amended—

(1) in subparagraph (E)(iii)—

(A) by striking ''in the event such investment company is not a registered investment company,''; and

(B) by inserting ''in the event that such investment company is not a registered investment company,'' after ''(bb)'';

(2) by redesignating subparagraphs (G) and (H) as subparagraphs (H) and (I), respectively;

(3) by striking ''this paragraph (1)'' each place that term appears and inserting ''this paragraph'';

(4) by inserting after subparagraph (F) the following new subparagraph:

''(G)(i) This paragraph does not apply to securities of a registered open-end investment company or a registered unit investment trust (hereafter in this subparagraph referred to as the 'acquired company') purchased or otherwise acquired by a registered open-end investment company or a registered unit investment trust (hereafter in this subparagraph referred to as the 'acquiring company') if—

''(I) the acquired company and the acquiring company are part of the same group of investment companies;

''(II) the securities of the acquired company, securities of other registered open-end investment companies and registered unit investment trusts that are part of the same group of investment companies, Government securities, and short-term paper are the only investments held by the acquiring company;

''(III)(aa) the acquiring company does not pay and is not assessed any charges or fees for distribution-related activities with respect to securities of the acquired company, unless the acquiring company does not charge a sales load or other fees or charges for distribution-related activities; or

''(bb) any sales loads and other distribution-related fees charged with respect to securities of the acquiring company, when aggregated with any sales load and distribution-related fees paid by the acquiring company with respect to securities of the acquired fund, are not excessive under rules adopted pursuant to section 22(b) or section 22(c) by a securities association registered under section 15A of the Securities Exchange Act of 1934 or the Commission;

''(IV) the acquired company has a policy that prohibits it from acquiring any securities of registered open-end investment companies or registered unit investment trusts in reliance on this subparagraph or subparagraph (F); and

''(V) such acquisition is not in contravention of such rules and regulations as the Commission may from time to time prescribe with respect to acquisitions in accordance with this subparagraph, as necessary and appropriate for the protection of investors.

''(ii) For purposes of this subparagraph, the term 'group of investment companies' means any 2 or more registered investment companies that hold themselves out to investors as related companies for purposes of investment and investor services.''; and

(5) by adding at the end the following new subparagraph:

''(J) The Commission, by rules and regulations, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of this subsection, if and to the extent that such exemption is consistent with the public interest and the protection of investors.''.

SEC. 203. FLEXIBLE REGISTRATION OF SECURITIES.

(a) AMENDMENTS TO REGISTRATION STATEMENTS.—Section 24(e) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(e)) is amended—

(1) by striking paragraphs (1) and (2);

(2) by striking ''(3) For'' and inserting ''For''; and

(3) by striking ''pursuant to this subsection or otherwise''.

(b) REGISTRATION OF INDEFINITE AMOUNT OF SECURITIES.—Section 24(f) of the Investment Company Act of 1940 (15 U.S.C. 80a–24(f)) is amended to read as follows:

''(f) REGISTRATION OF INDEFINITE AMOUNT OF SECURITIES.—

''(1) REGISTRATION OF SECURITIES.—Upon the effective date of its registration statement, as provided by section 8 of the Securities Act of 1933, a face-amount certificate company, open-end management company, or unit investment trust, shall be deemed to have registered an indefinite amount of securities.

''(2) PAYMENT OF REGISTRATION FEES.—Not later than 90 days after the end of the fiscal year of an entity referred to in paragraph (1), the entity shall pay a registration fee to the Commission, calculated in the manner specified in section 6(b) of the Securities Act of 1933, based on the aggregate sales price for which its securities (including, for purposes of this paragraph, all securities issued pursuant to a dividend reinvestment plan) were sold pursuant to a registration of an indefinite amount of securities under this subsection during the previous fiscal year of the entity, reduced by—

''(A) the aggregate redemption or repurchase price of the securities of the entity during that year; and

''(B) the aggregate redemption or repurchase price of the securities of the entity during any prior fiscal year ending not more than 1 year before the date of enactment of the Investment Company Amendments Act of 1996, that were not used previously by the entity to reduce fees payable under this section.

''(3) INTEREST DUE ON LATE PAYMENT.—An entity paying the fee required by this subsection or any portion thereof more than 90 days after the end of the fiscal year of the entity shall pay to the Commission interest on unpaid amounts, compounded daily, at the underpayment rate established by the Secretary of the Treasury pursuant to section 3717 of title 31, United States Code. The payment of interest pursuant to this paragraph shall not preclude the Commission from bringing an action to enforce the requirements of paragraph (2).

''(4) RULEMAKING AUTHORITY.—The Commission may adopt rules and regulations to implement this subsection.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall become effective on the earlier of—

(1) 1 year after the date of enactment of this Act; or

(2) the effective date of final rules or regulations issued in accordance with section 24(f) of the Investment Company Act of 1940, as amended by this section.

SEC. 204. FACILITATING USE OF CURRENT INFORMATION IN ADVERTISING.

Section 24 of the Investment Company Act of 1940 (15 U.S.C. 80a–24) is amended by adding at the end the following new subsection:

''(g) ADDITIONAL PROSPECTUSES.—In addition to any prospectus permitted or required by section 10(a) of the Securities Act of 1933, the Commission shall permit, by rules or regulations deemed necessary or appropriate in the public interest or for the protection of investors, the use of a prospectus for the purposes of section 5(b)(1) of that Act with respect to securities issued by a registered investment company. Such a prospectus, which may include information the substance of which is not included in the prospectus specified in section 10(a) of the Securities Act of 1933, shall be deemed to be permitted by section 10(b) of that Act.''.

SEC. 205. VARIABLE INSURANCE CONTRACTS.

(a) UNIT INVESTMENT TRUST TREATMENT.—Section 26 of the Investment Company Act of 1940 (15 U.S.C. 80a–26) is amended by adding at the end the following new subsection:

''(e) EXEMPTION.—

''(1) IN GENERAL.—Subsection (a) does not apply to any registered separate account funding variable insurance contracts, or to the sponsoring insurance company and principal underwriter of such account.

''(2) LIMITATION ON SALES.—It shall be unlawful for any registered separate account funding variable insurance contracts, or for the sponsoring insurance company of such account, to sell any such contract, unless—

''(A) the fees and charges deducted under the contract, in the aggregate, are reasonable in relation to the services rendered, the expenses expected to be incurred, and the risks assumed by the insurance company, and the insurance company so represents in the registration statement for the contract; and

''(B) the insurance company—

''(i) complies with all other applicable provisions of this section, as if it were a trustee or custodian of the registered separate account;

''(ii) files with the insurance regulatory authority of the State or territory of the United States or of the District of Columbia in which is located the principal place of business of the insurance company, an annual statement of its financial condition, which most recent statement indicates that the insurance company has a combined capital and surplus, if a stock company, or an unassigned surplus, if a mutual company, of not less than $1,000,000, or such other amount as the Commission may from time to time prescribe by rule, as necessary or appropriate in the public interest or for the protection of investors; and

''(iii) together with its registered separate accounts, is supervised and examined periodically by the insurance authority of such State, territory, or the District of Columbia.

''(3) FEES AND CHARGES.—For purposes of paragraph (2), the fees and charges deducted under the contract shall include all fees and charges imposed for any purpose and in any manner.

''(4) REGULATORY AUTHORITY.—The Commission may issue such rules and regulations to carry out paragraph (2)(A) as it determines are necessary or appropriate in the public interest or for the protection of investors.''.

(b) PERIODIC PAYMENT PLAN TREATMENT.—Section 27 of the Investment Company Act of 1940 (15 U.S.C. 80a–27) is amended by adding at the end the following new subsection:

''(i)(1) This section does not apply to any registered separate account funding variable insurance contracts, or to the sponsoring insurance company and principal underwriter of such account, except as provided in paragraph (2).

''(2) It shall be unlawful for any registered separate account funding variable insurance contracts, or for the sponsoring insurance company of such account, to sell any such contract unless—

''(A) such contract is a redeemable security; and

''(B) the insurance company complies with section 26(e) and any rules or regulations issued by the Commission under section 26(e).''.

SEC. 206. PROHIBITION ON DECEPTIVE INVESTMENT COMPANY NAMES.

Section 35(d) of the Investment Company Act of 1940 (15 U.S.C. 80a–34(d)) is amended to read as follows:

''(d) It shall be unlawful for any registered investment company to adopt as a part of the name or title of such company, or of any securities of which it is the issuer, any word or words that the Commission finds are materially deceptive or misleading. The Commission is authorized, by rule, regulation, or order, to define such names or titles as are materially deceptive or misleading.''.

SEC. 207. EXCEPTED INVESTMENT COMPANIES.

(a) AMENDMENTS.—Section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)) is amended—

(1) in paragraph (1), by inserting after the first sentence the following: ''Such issuer shall be deemed to be an investment company for purposes of the limitations set forth in subparagraphs (A)(i) and (B)(i) of section 12(d)(1) governing the purchase or other acquisition by such issuer of any security issued by any registered investment company and the sale of any security issued by any registered open-end investment company to any such issuer.'';

(2) in subparagraph (A) of paragraph (1)—

(A) by inserting after ''issuer,'' the first place that term appears, the following: ''and is or, but for the exception provided for in this paragraph or paragraph (7), would be an investment company,''; and

(B) by striking ''unless, as of'' and all that follows through the end of the subparagraph and inserting a period;

(3) in paragraph (2)—

(A) by striking ''and acting as broker,'' and inserting ''acting as broker, and acting as market intermediary,'';

(B) by inserting ''(A)'' after ''(2)''; and

(C) by adding at the end the following new subparagraph:

''(B) For purposes of this paragraph—

''(i) the term 'market intermediary' means any person that regularly holds itself out as being willing contemporaneously to engage in, and that is regularly engaged in, the business of entering into transactions on both sides of the market for a financial contract or one or more such financial contracts; and

''(ii) the term 'financial contract' means any arrangement that—

''(I) takes the form of an individually negotiated contract, agreement, or option to buy, sell, lend, swap, or repurchase, or other similar individually negotiated transaction commonly entered into by participants in the financial markets;

''(II) is in respect of securities, commodities, currencies, interest or other rates, other measures of value, or any other financial or economic interest similar in purpose or function to any of the foregoing; and

''(III) is entered into in response to a request from a counter party for a quotation, or is otherwise entered into and structured to accommodate the objectives of the counter party to such arrangement.''; and

(4) by striking paragraph (7) and inserting the following:

''(7)(A) Any issuer, the outstanding securities of which are owned exclusively by persons who, at the time of acquisition of such securities, are

qualified purchasers, and which is not making and does not at that time propose to make a public offering of such securities. Securities that are owned by persons who received the securities from a qualified purchaser as a gift or bequest, or in a case in which the transfer was caused by legal separation, divorce, death, or other involuntary event, shall be deemed to be owned by a qualified purchaser, subject to such rules, regulations, and orders as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

''(B) Notwithstanding subparagraph (A), an issuer is within the exception provided by this paragraph if—

''(i) in addition to qualified purchasers, outstanding securities of that issuer are beneficially owned by not more than 100 persons who are not qualified purchasers, if—

''(I) such persons acquired such securities on or before April 30, 1996; and

''(II) at the time such securities were acquired by such persons, the issuer was excepted by paragraph (1); and

''(ii) prior to availing itself of the exception provided by this paragraph—

''(I) such issuer has disclosed to each beneficial owner that future investors will be limited to qualified purchasers, and that ownership in such issuer is no longer limited to not more than 100 persons; and

''(II) concurrently with or after such disclosure, such issuer has provided each beneficial owner with a reasonable opportunity to redeem any part or all of their interests in the issuer, notwithstanding any agreement to the contrary between the issuer and such persons, for that person's proportionate share of the issuer's net assets.

''(C) Each person that elects to redeem under subparagraph (B)(ii)(II) shall receive an amount in cash equal to that person's proportionate share of the issuer's net assets, unless the issuer elects to provide such person with the option of receiving, and such person agrees to receive, all or a portion of such person's share in assets of the issuer. If the issuer elects to provide such persons with such an opportunity, disclosure concerning such opportunity shall be made in the disclosure required by subparagraph (B)(ii)(I).

''(D) An issuer that is excepted under this paragraph shall nonetheless be deemed to be an investment company for purposes of the limitations set forth in subparagraphs (A)(i) and (B)(i) of section 12(d)(1) relating to the purchase or other acquisition by such issuer of any security issued by any registered investment company and the sale of any security issued by any registered open-end investment company to any such issuer.

''(E) For purposes of determining compliance with this paragraph and paragraph (1), an issuer that is otherwise excepted under this paragraph and an issuer that is otherwise excepted under paragraph (1) shall not be treated by the Commission as being a single issuer for purposes of determining whether the outstanding securities of the issuer excepted under paragraph (1) are beneficially owned by not more than 100 persons or whether the outstanding securities of the issuer excepted under this paragraph are owned by persons that are not qualified purchasers. Nothing in this subparagraph shall be construed to establish that a person is a bona fide qualified purchaser for purposes of this paragraph or a bona fide beneficial owner for purposes of paragraph (1).''.

(b) DEFINITION OF QUALIFIED PURCHASER.—Section 2(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)) is amended by adding at the end the following new paragraph:

''(51)(A) 'Qualified purchaser' means—

''(i) any natural person (including any person who holds a joint, community property, or other similar shared ownership interest in an issuer that is excepted under section 3(c)(7) with that person's qualified purchaser spouse) who owns not less than $5,000,000 in investments, as defined by the Commission;

''(ii) any company that owns not less than $5,000,000 in investments and that is owned directly or indirectly by or for 2 or more natural persons who are related as siblings or spouse (including former spouses), or direct lineal descendants by birth or adoption, spouses of such persons, the estates of such persons, or foundations, charitable organizations, or trusts established by or for the benefit of such persons;

''(iii) any trust that is not covered by subparagraph (B) and that was not formed for the specific purpose of acquiring the securities offered, as to which the trustee or other person authorized to make decisions with respect to the trust, and each settlor or other person who has contributed assets to the trust, is a person described in clause (i), (ii), or (iv);

''(iv) any person, acting for its own account or the accounts of other qualified purchasers, who in the aggregate owns and invests on a discretionary basis, not less than $25,000,000 in investments; or

''(v) any person that the Commission, by rule or regulation, has determined does not need the protections of this title, after consideration of factors such as—

''(I) a high degree of financial sophistication, including extensive knowledge of and experience in financial matters;

''(II) a substantial amount of assets owned or under management;

''(III) relationship with an issuer; and

''(IV) such other factors as the Commission may determine to be consistent with the purposes of this paragraph.

''(B) The Commission may adopt such rules and regulations applicable to the persons and trusts specified in clauses (i) through (v) of subparagraph (A) as it determines are necessary or appropriate in the public interest or for the protection of investors.

''(C) The term 'qualified purchaser' does not include a company that, but for the exceptions provided for in paragraph (1) or (7) of section 3(c), would be an investment company (hereafter in this paragraph referred to as an 'excepted investment company'), unless all beneficial owners of its outstanding securities (other than short-term paper), determined in accordance with section 3(c)(1)(A), that acquired such securities on or before April 30, 1996 (hereafter in this paragraph referred to as 'pre-amendment beneficial owners'), and all pre-amendment beneficial owners of the outstanding securities (other than short-term paper) of any excepted investment company that, directly or indirectly, owns any outstanding securities of such excepted investment company, have consented to its treatment as a qualified purchaser. Unanimous consent of all trustees, directors, or general partners of a company or trust referred to in clause (ii) or (iii) of subparagraph (A) shall constitute consent for purposes of this subparagraph.''.

(c) CONFORMING AMENDMENTS.—Section 3(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(a)) is amended—

(1) by striking ''(1)'' and inserting ''(A)'';

(2) by striking ''(2)'' and inserting ''(B)'';

(3) by striking ''(3)'' and inserting ''(C)'';

(4) by inserting ''(1)'' after ''(a)'';

(5) by striking ''As used'' and inserting ''(2) As used''; and

(6) in paragraph (2)(C), as designated by paragraph (5) of this subsection—

(A) by striking ''which are'' and inserting the following: ''which (i) are''; and

(B) by inserting before the period at the end, the following: '', and (ii) are not relying on the exception from the definition of investment company in paragraph (1) or (7) of subsection (c)''.

(d) RULEMAKING REQUIRED.—

(1) IMPLEMENTATION OF SECTION 3(C)(1)(B).—Not later than 1 year after the date of enactment of this Act, the Commission shall prescribe rules to implement the requirements of section 3(c)(1)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)(1)(B)).

(2) IDENTIFICATION OF INVESTMENTS.—Not later than 180 days after the date of enactment of this Act, the Commission shall prescribe rules defining the term, or otherwise identifying, ''investments'' for purposes of section 2(a)(51) of the Investment Company Act of 1940, as added by this Act.

(3) EMPLOYEE EXCEPTION.—Not later than 1 year after the date of enactment of this Act, the Commission shall prescribe rules pursuant to its authority under section 6 of the Investment Company Act of 1940 to permit the ownership of securities by knowledgeable employees of the issuer of the securities or an affiliated person without loss of the exception of the issuer under paragraph (1) or (7) of section 3(c) of that Act from treatment as an investment company under that Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the earlier of—

(1) 180 days after the date of enactment of this Act; or

(2) the date on which the rulemaking required under subsection (d)(2) is completed.

SEC. 208. PERFORMANCE FEES EXEMPTIONS.

Section 205 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–5) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''or'' at the end;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

''(4) apply to an investment advisory contract with a company excepted from the definition of an investment company under section 3(c)(7) of title I of this Act; or

''(5) apply to an investment advisory contract with a person who is not a resident of the United States.''; and

(2) by adding at the end the following new subsection:

''(e) The Commission, by rule or regulation, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons or transactions, from subsection (a)(1), if and to the extent that the exemption relates to an investment advisory contract with any person that the Commission determines does not need the protections of subsection (a)(1), on the basis of such factors as financial sophistication, net worth, knowledge of and experience in financial matters, amount of assets under management, relationship with a registered investment adviser, and such other factors as the Commission determines are consistent with this section.''.

SEC. 209. REPORTS TO THE COMMISSION AND SHAREHOLDERS.

Section 30 of the Investment Company Act of 1940 (15 U.S.C. 80a–29) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

''(1) such information, documents, and reports (other than financial statements), as the Commission may require to keep reasonably current the information and documents contained in the registration statement of such company filed under this title;'';

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (g), and (h), respectively;

(3) by inserting after subsection (b) the following new subsection:

''(c)(1) The Commission shall take such action as it deems necessary or appropriate, consistent with the public interest and the protection of investors, to avoid unnecessary reporting by, and minimize the compliance burdens on, registered investment companies and their affiliated persons in exercising its authority—

''(A) under subsection (f); and

''(B) under subsection (b)(1), if the Commission requires the filing of information, documents, and reports under that subsection on a basis more frequently than semiannually.

''(2) Action taken by the Commission under paragraph (1) shall include considering, and requesting public comment on—

''(A) feasible alternatives that minimize the reporting burdens on registered investment companies; and

''(B) the utility of such information, documents, and reports to the Commission in relation to the costs to registered investment companies and their affiliated persons of providing such information, documents, and reports.'';

(4) by inserting after subsection (e) (as redesignated by paragraph (2) of this section), the following new subsection:

''(f) The Commission may, by rule, require that semi-annual reports containing the information set forth in subsection (e) include such other information as the Commission deems necessary or appropriate in the public interest or for the protection of investors.''; and

(5) in subsection (g) (as redesignated by paragraph (2) of this section), by striking ''subsections (a) and (d)'' and inserting ''subsections (a) and (e)''.

SEC. 210. BOOKS, RECORDS, AND INSPECTIONS.

Section 31 of the Investment Company Act of 1940 (15 U.S.C. 80a–30) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

''(a)(1) Each registered investment company, and each underwriter, broker, dealer, or investment adviser that is a majority-owned subsidiary of such a company, shall maintain and preserve such records (as defined in section 3(a)(37) of the Securities Exchange Act of 1934) for such period or periods as the Commission, by rules and regulations, may prescribe as necessary or appropriate in the public interest or for the protection of investors. Each investment adviser that is not a majority-owned subsidiary of, and each depositor of any registered investment company, and each principal underwriter for any registered investment company other than a closed-end company, shall maintain and preserve for such period or periods as the Commission shall prescribe by rules and regulations, such records as are necessary or appropriate to record such person's transactions with such registered company.

''(2) In exercising its authority under this subsection, the Commission shall take such steps as it deems necessary or appropriate, consistent with the public interest and for the protection of investors, to avoid unnecessary recordkeeping by, and minimize the compliance burden on, persons required to maintain records under this subsection (hereafter in this section referred to as 'subject persons'). Such steps shall include considering, and requesting public comment on—

''(A) feasible alternatives that minimize the recordkeeping burdens on subject persons;

''(B) the necessity of such records in view of the public benefits derived from the independent scrutiny of such records through Commission examination;

''(C) the costs associated with maintaining the information that would be required to be reflected in such records; and

''(D) the effects that a proposed recordkeeping requirement would have on internal compliance policies and procedures.

''(b) All records required to be maintained and preserved in accordance with subsection (a) shall be subject at any time and from time to time to such reasonable periodic, special, and other examinations by the Commission, or any member or representative thereof, as the Commission may prescribe. For purposes of such examinations, any subject person shall make available to the Commission or its representatives any copies or extracts from such records as may be prepared without undue effort, expense, or delay as the Commission or its representatives may reasonably request. The Commission shall exercise its authority under this subsection with due regard for the benefits of internal compliance policies and procedures and the effective implementation and operation thereof.'';

(2) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (b) the following new subsections:

''(c) Notwithstanding any other provision of law, the Commission shall not be compelled to disclose any internal compliance or audit records, or information contained therein, provided to the Commission under this section. Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of the jurisdiction of that department or agency, or complying with an order of a court of the United States in an action brought by the United States or the Commission. For purposes of section 552 of title 5, United States Code, this section shall be considered a statute described in subsection (b)(3)(B) of such section 552.

''(d) For purposes of this section—

''(1) the term 'internal compliance policies and procedures' means policies and procedures designed by subject persons to promote compliance with the Federal securities laws; and

''(2) the term 'internal compliance and audit record' means any record prepared by a subject person in accordance with internal compliance policies and procedures.''.

TITLE III—REDUCING THE COST OF SAVING AND INVESTMENT

SEC. 301. EXEMPTION FOR ECONOMIC, BUSINESS, AND INDUSTRIAL DEVELOPMENT COMPANIES.

Section 6(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–6(a)) is amended by adding at the end the following new paragraph:

''(5)(A) Any company that is not engaged in the business of issuing redeemable securities, the operations of which are subject to regulation by the State in which the company is organized under a statute governing entities that provide financial or managerial assistance to enterprises doing business, or proposing to do business, in that State if—

''(i) the organizational documents of the company state that the activities of the company are limited to the promotion of economic, business, or industrial development in the State through the provision of financial or managerial assistance to enterprises doing business, or proposing to do business, in that State, and such other activities that are incidental or necessary to carry out that purpose;

''(ii) immediately following each sale of the securities of the company by the company or any underwriter for the company, not less than 80 percent of the securities of the company being offered in such sale, on a class-by-class basis, are held by persons who reside or who have a substantial business presence in that State;

''(iii) the securities of the company are sold, or proposed to be sold, by the company or by any underwriter for the company, solely to accredited investors, as that term is defined in section 2(15) of the Securities Act of 1933, or to such other persons that the Commission, as necessary or appropriate in the public interest and consistent with the protection of investors, may permit by rule, regulation, or order; and

''(iv) the company does not purchase any security issued by an investment company or by any company that would be an investment company except for the exclusions from the definition of the term 'investment company' under paragraph (1) or (7) of section 3(c), other than—

''(I) any debt security that is rated investment grade by not less than 1 nationally recognized statistical rating organization; or

''(II) any security issued by a registered open-end investment company that is required by its investment policies to invest not less than 65 percent of its total assets in securities described in subclause (I) or securities that are determined by such registered open-end investment company to be comparable in quality to securities described in subclause (I).

''(B) Notwithstanding the exemption provided by this paragraph, section 9 (and, to the extent necessary to enforce section 9, sections 38 through 51) shall apply to a company described in this paragraph as if the company were an investment company registered under this title.

''(C) Any company proposing to rely on the exemption provided by this paragraph shall file with the Commission a notification stating that the company intends to do so, in such form and manner as the Commission may prescribe by rule.

''(D) Any company meeting the requirements of this paragraph may rely on the exemption provided by this paragraph upon filing with the Commission the notification required by subparagraph (C), until such time as the Commission determines by order that such reliance is not in the public interest or is not consistent with the protection of investors.

''(E) The exemption provided by this paragraph may be subject to such additional terms and conditions as the Commission may by rule, regulation, or order determine are necessary or appropriate in the public interest or for the protection of investors.''.

SEC. 302. INTRASTATE CLOSED-END INVESTMENT COMPANY EXEMPTION.

Section 6(d)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–6(d)(1)) is amended by striking ''$100,000'' and inserting ''$10,000,000, or such other amount as the Commission may set by rule, regulation, or order''.

SEC. 303. DEFINITION OF ELIGIBLE PORTFOLIO COMPANY.

Section 2(a)(46)(C) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(46)(C)) is amended—

(1) in clause (ii), by striking ''or'' at the end;

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following:

''(iii) it has total assets of not more than $4,000,000, and capital and surplus (shareholders' equity less retained earnings) of not less than $2,000,000, except that the Commission may adjust such amounts by rule, regulation, or order to reflect changes in 1 or more generally accepted indices or other indicators for small businesses; or''.

SEC. 304. DEFINITION OF BUSINESS DEVELOPMENT COMPANY.

Section 2(a)(48)(B) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(48)(B)) is amended by adding at the end the following: ''provided further that a business development company need not make available significant managerial assistance with respect to any company described in paragraph (46)(C)(iii), or with respect to any

other company that meets such criteria as the Commission may by rule, regulation, or order permit, as consistent with the public interest, the protection of investors, and the purposes of this title; and''.

SEC. 305. ACQUISITION OF ASSETS BY BUSINESS DEVELOPMENT COMPANIES.

Section 55(a)(1)(A) of the Investment Company Act of 1940 (15 U.S.C. 80a–54(a)(1)(A)) is amended—

(1) by striking ''or from any person'' and inserting ''from any person''; and

(2) by inserting before the semicolon '', or from any other person, subject to such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors''.

SEC. 306. CAPITAL STRUCTURE AMENDMENTS.

Section 61(a) of the Investment Company Act of 1940 (15 U.S.C. 80a–60(a)) is amended—

(1) in paragraph (2), by striking ''if such business development company'' and all that follows through the end of the paragraph and inserting a period;

(2) in paragraph (3)(A)—

(A) by striking ''senior securities representing indebtedness accompanied by'';

(B) by inserting ''accompanied by securities,'' after ''of such company,''; and

(C) in clause (ii), by striking ''senior''; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by striking the period at the end of clause (iv) and inserting ''; and''; and

(C) by inserting immediately after subparagraph (B) the following new subparagraph:

''(C) a business development company may issue warrants, options, or rights to subscribe to, convert to, or purchase voting securities not accompanied by securities, if—

''(i) such warrants, options, or rights satisfy the conditions in clauses (i) and (iii) of subparagraph (A); and

''(ii) the proposal to issue such warrants, options, or rights is authorized by the shareholders or partners of such business development company, and such issuance is approved by the required majority (as defined in section 57(o)) of the directors of or general partners in such company on the basis that such issuance is in the best interests of the company and its shareholders or partners.''.

SEC. 307. FILING OF WRITTEN STATEMENTS.

Section 64(b)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–63(b)(1)) is amended by inserting ''and capital structure'' after ''portfolio''.

SEC. 308. FACILITATING NATIONAL SECURITIES MARKETS.

Section 18 of the Securities Act of 1933 (15 U.S.C. 77r) is amended to read as follows:

''SEC. 18. EXEMPTION FROM STATE CONTROL OF SECURITIES OFFERINGS.

''(a) EXEMPTION FROM STATE LAW FOR REGISTERED SECURITIES.—Except with respect to offerings described in subsection (b) and as otherwise specifically provided in this section, no law, rule, regulation, order, or other administrative action of any State or Territory of the United States, or the District of Columbia, or any political subdivision thereof—

''(1) requiring, or with respect to, registration or qualification of securities or securities transactions shall directly or indirectly apply to an offering subject to a registration statement filed pursuant to this title;

''(2) shall directly or indirectly prohibit, limit, or impose conditions upon the use of any offering document, including any prospectus contained in a registration statement that has been filed with the Commission; or

''(3) shall directly or indirectly prohibit, limit, or impose conditions upon the offer or sale of any security registered with the Commission under this title based on the merits of such offering or issuer.

''(b) SPECIAL RULES FOR CERTAIN OFFERINGS.—Except with respect to a security of an investment company that is registered under the Investment Company Act of 1940, the provisions of subsection (a) shall not apply to—

''(1) an offering—

''(A) by an issuer that is a blank check company, as defined in section 7(b), or a direct participation investment program;

''(B) of penny stock; or

''(C) giving effect to a limited partnership rollup transaction;

''(2) an offering of a security, if a person associated with the offering is subject to a statutory disqualification, as defined in section 3(a)(39) of the Securities Exchange Act of 1934, or any substantially equivalent State law; or

''(3) an offering of a security that—

''(A) is not listed on the New York Stock Exchange, the American Stock Exchange, or the National Market Segment of the National Association of Securities Dealers Automated Quotation System Stock Market;

''(B) is not listed, authorized for listing, or authorized for trading on a national securities exchange (or tier or segment thereof) that has standards for listing or for trading authorization that the Commission determines, by rule (on its own initiative or on the basis of a petition), are substantially similar to the standards for listing or for trading authorization that are applicable to securities described in subparagraph (A); or

''(C) will not be listed or authorized for trading as described in subparagraph (A) or (B) upon completion of the transaction.

''(c) EXEMPTION FROM STATE LAW FOR TRANSACTIONS IN SECURITIES WITH QUALIFIED PURCHASERS.—Notwithstanding subsection (b), subsection (a) shall apply with respect to offers and sales to qualified purchasers, as defined by the Commission.

''(d) PRESERVATION OF FILING REQUIREMENTS.—

''(1) IN GENERAL.—Nothing in this section shall prohibit the securities commission (or any agency or office performing like functions) of any State or Territory of the United States, or the District of Columbia, from requiring the filing of any documents filed with the Commission pursuant to this title solely for notice purposes, along with a consent to service of process and requisite fee, except that no such filing, consent, or fee may be required with respect to securities, or transactions relating to securities that are of the same class, or are senior to such a class, as securities described in subsection (b)(3).

''(2) CONTINUED STATE AUTHORITY.—Notwithstanding paragraph (1), a State or Territory of the United States, or the District of Columbia may continue to collect filing or registration fees with respect to securities or securities transactions in amounts determined pursuant to State law as in effect on the day before the date of enactment of the Securities Investment Promotion Act of 1996, until otherwise specifically provided under a State law enacted on or after that date of enactment.

''(e) PRESERVATION OF STATE AUTHORITY.—Nothing in this section shall affect the jurisdiction of the securities commission (or any agency or office performing like functions) of any State or Territory of the United States, or the District of Columbia pursuant to the laws of such State or Territory, with respect to any fraud or broker-dealer conduct in connection with securities or securities transactions.''.

SEC. 309. REGULATORY FLEXIBILITY.

(a) UNDER THE SECURITIES ACT OF 1933.—Title I of the Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by adding at the end the following new section:

''SEC. 28. GENERAL EXEMPTIVE AUTHORITY.

''The Commission, by rule or regulation, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of this title or of any rule or regulation issued under this title, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.''.

(b) UNDER THE SECURITIES EXCHANGE ACT OF 1934.—Title I of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by adding at the end the following new section:

''SEC. 36. GENERAL EXEMPTIVE AUTHORITY.

''(a) IN GENERAL.—Except as provided in subsection (b), the Commission, by rule, regulation, or order, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of this title or of any rule or regulation issued under this title, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors. The Commission shall, by rule or regulation, determine the procedures under which an exemptive order under this section shall be granted and may, in its sole discretion, decline to entertain any application for an order of exemption under this section.

''(b) LIMITATION.—The Commission may not, under this section, exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from section 15C or the rules or regulations issued thereunder or (for purposes of section 15C and the rules and regulations issued thereunder) from the definitions in paragraphs (42), (43), (44), or (45) of section 3(a).''.

SEC. 310. ANALYSIS OF ECONOMIC EFFECTS OF REGULATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the Economic Analysis Program, including funding for the Office of Economic Analysis of the Securities and Exchange Commission, $6,000,000 for fiscal year 1997, and $6,000,000 for fiscal year 1998.

(b) ANALYSIS OF ECONOMIC EFFECTS OF REGULATION.—

(1) IN GENERAL.—The Chief Economist of the Commission shall prepare a report on each proposed regulation of the Commission. Such report shall be provided to each Commissioner and shall be published in the Federal Register before any such regulation of the Commission may become effective.

(2) REPORT CONTENTS.—The report required by this subsection shall include—

(A) an analysis of the likely effects of the proposed regulation on the economy of the United States, and particularly upon the securities markets and the participants in those markets; and

(B) the estimated impact of the proposed regulation upon economic and market behavior, including any impact on market liquidity, the costs of investment, and the financial risks of investment.

SEC. 311. PRIVATIZATION OF EDGAR.

Not later than 180 days after the date of enactment of this Act, the Commission shall submit to the Congress a report on the Electronic Data Gathering Analysis and Retrieval System consisting of the Commission's plan for promoting competition and

innovation of the system through privatization of all or any part of the system. Such plan shall include such recommendations for action as may be necessary to implement the plan.

SEC. 312. IMPROVING COORDINATION OF SUPERVISION.

Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended by adding at the end the following new subsection:

''(i) COORDINATION OF EXAMINING AUTHORITIES.—

''(1) OBJECTIVE.—The Commission and the examining authorities shall promote effective and efficient oversight of the activities of brokers and dealers, avoiding redundancy, while maintaining the highest level of examination and oversight quality.

''(2) ELIMINATION OF DUPLICATION.—The Commission and the examining authorities, through cooperation and coordination of examination and oversight activities, shall eliminate any unnecessary and burdensome duplication in the examination process.

''(3) COORDINATION OF EXAMINATIONS.—The Commission and the examining authorities shall share such information, including reports of examinations, customer complaint information, and other nonpublic regulatory information, as appropriate to foster a coordinated approach to regulatory oversight of brokers and dealers that are subject to examination by more than one examining authority.

''(4) EXAMINATIONS FOR CAUSE.—At any time, any examining authority may conduct an examination for cause of any broker or dealer subject to its jurisdiction.

''(5) CONFIDENTIALITY.—

''(A) IN GENERAL.—The provisions of section 24 shall apply to the sharing of information in accordance with this subsection. The Commission shall take appropriate action under section 24(c) to assure that such information is not inappropriately disclosed.

''(B) APPROPRIATE DISCLOSURE NOT PROHIBITED.—Nothing in this paragraph shall authorize the Commission or any examining authority to withhold information from the Congress, or prevent the Commission or any examining authority from complying with a request for information from any other Federal department or agency requesting the information for purposes within the scope of its jurisdiction, or complying with an order of a court of the United States in an action brought by the United States or the Commission.

''(6) DEFINITION.—For purposes of this subsection, the term 'examining authority' means the self-regulatory organizations registered with the Commission under this title (other than registered clearing agencies) with the authority to examine, inspect, and otherwise oversee the activities of a registered broker or dealer.''.

SEC. 313. INCREASED ACCESS TO FOREIGN BUSINESS INFORMATION.

(a) THE SECURITIES ACT OF 1993.—Section 2(3) of the Securities Act of 1933 (15 U.S.C. 77b(3)) is amended in the third sentence—

(1) by striking ''not include preliminary'' and inserting ''not include (A) preliminary''; and

(2) by inserting before the period ''; or (B) solely for purposes of section 5, press conferences held outside of the United States, public meetings with issuer representatives conducted outside of the United States, or press related materials released outside of the United States in which an offshore offering is discussed, irrespective of whether journalists from the United States or journalists for publications (including on-line services) with circulation in the United States attend such press conferences or meetings or receive such press related materials.''.

(b) THE SECURITIES EXCHANGE ACT OF 1934.—Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end the following new subsection:

''(i) TREATMENT OF PRESS RELATED MATERIALS.—

''(1) IN GENERAL.—Any person making a tender offer for, or a request or invitation for tenders of, the securities of a foreign issuer may grant journalists from the United States or journalists for publications (including on-line services) with circulation in the United States access to press conferences occurring outside of the United States, meetings with its representatives conducted outside of the United States, or press related materials released outside of the United States in which an offshore tender offer is discussed, without being deemed to have used the jurisdictional means specified in subsection (d)(1) or becoming subject to any regulations promulgated by the Commission, pursuant to subsection (e) of this section or section 13(e), or otherwise, that relate to tender offers or requests or invitations for tenders.

''(2) DEFINITION.—For purposes of this subsection, the term 'foreign issuer' means any corporation or other organization—

''(A) that is incorporated or organized under the laws of any foreign country; or

''(B) the principal place of business of which is located in a foreign country.''.

SEC. 314. SHORT-FORM REGISTRATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall amend Form S–3 (17 C.F.R. 239.13, relating to registration under the Securities Act of 1933, of securities of certain issuers offered pursuant to certain types of transactions) to allow such form, or its equivalent, to be used for primary offerings by a registrant if—

(1) the outstanding stock of the registrant held by nonaffiliates of the registrant has an adequate aggregate market value, as determined by the Commission; and

(2) such registrant otherwise meets the eligibility requirements for registration using such form, or its equivalent.

(b) ADJUSTMENTS.—Any adjustment to the adequate aggregate market value threshold referred to in subsection (a)(1) by the Commission following the date of enactment of this Act shall apply equally to voting and nonvoting common shares and such other securities as the Commission shall establish.

(c) DEFINITION.—For purposes of this section, the term ''stock'' includes voting and nonvoting common shares, and such other securities as the Commission shall establish.

SEC. 315. CHURCH EMPLOYEE PENSION PLANS.

(a) AMENDMENT TO THE INVESTMENT COMPANY ACT OF 1940.—Section 3(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–3(c)) is amended by adding at the end the following new paragraph:

''(14) Any church plan described in section 414(e) of the Internal Revenue Code of 1986, if, under any such plan, no part of the assets may be used for, or diverted to, purposes other than the exclusive benefit of plan participants or beneficiaries, or any company or account that is—

''(A) established by a person that is eligible to establish and maintain such a plan under section 414(e) of the Internal Revenue Code of 1986; and

''(B) substantially all of the activities of which consist of—

''(i) managing or holding assets contributed to such church plans or other assets which are permitted to be commingled with the assets of church plans under the Internal Revenue Code of 1986; or

''(ii) administering or providing benefits pursuant to church plans.''.

(b) AMENDMENT TO THE SECURITIES ACT OF 1933.—Section 3(a) of the Securities Act of 1933 (15 U.S.C. 77c(a)) is amended by adding at the end the following new paragraph:

''(13) Any security issued by or any interest or participation in any church plan, company or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940.''.

(c) AMENDMENTS TO THE SECURITIES EXCHANGE ACT OF 1934.—

(1) EXEMPTED SECURITIES.—Section 3(a)(12)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(12)(A)) is amended—

(A) in clause (v), by striking ''and'' at the end;

(B) by redesignating clause (vi) as clause (vii); and

(C) by inserting after clause (v) the following new clause:

''(vi) solely for purposes of sections 12, 13, 14, and 16 of this title, any security issued by or any interest or participation in any church plan, company, or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940; and''.

(2) EXEMPTION FROM BROKER-DEALER PROVISIONS.—Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following new subsection:

''(f) CHURCH PLANS.—No church plan described in section 414(e) of the Internal Revenue Code of 1986, no person or entity eligible to establish and maintain such a plan under the Internal Revenue Code of 1986, no company or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940, and no trustee, director, officer or employee of or volunteer for such plan, company, account person, or entity, acting within the scope of that person's employment or activities with respect to such plan, shall be deemed to be a 'broker', 'dealer', 'municipal securities broker', 'municipal securities dealer', 'government securities broker', 'government securities dealer', 'clearing agency', or 'transfer agent' for purposes of this title—

''(1) solely because such plan, company, person, or entity buys, holds, sells, trades in, or transfers securities or acts as an intermediary in making payments in connection with transactions in securities for its own account in its capacity as trustee or administrator of, or otherwise on behalf of, or for the account of, any church plan, company, or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940; and

''(2) if no such person or entity receives a commission or other transaction-related sales compensation in connection with any activities conducted in reliance on the exemption provided by this subsection.''.

(d) AMENDMENT TO THE INVESTMENT ADVISERS ACT OF 1940.—Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(b)) is amended—

(1) in paragraph (3), by striking ''or'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(5) any plan described in section 414(e) of the Internal Revenue Code of 1986, any person or entity eligible to establish and maintain such a plan under the Internal Revenue Code of 1986, or any trustee, director, officer, or employee of or volunteer for any such plan or person, if such person or entity provides investment advice exclusively to any plan, person, or entity or any company,

account, or fund that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940.''.

(e) AMENDMENT TO THE TRUST INDENTURE ACT OF 1939.—Section 304(a)(4)(A) of the Trust Indenture Act of 1939 (15 U.S.C. 77ddd(4)(A)) is amended by striking ''or (11)'' and inserting ''(11), or (14)''.

(f) PROTECTION OF CHURCH EMPLOYEE BENEFIT PLANS UNDER STATE LAW.—

(1) REGISTRATION REQUIREMENTS.—Any security issued by or any interest or participation in any church plan, company, or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940, as added by subsection (a) of this section, and any offer, sale, or purchase thereof, shall be exempt from any law of a State that requires registration or qualification of securities.

(2) TREATMENT OF CHURCH PLANS.—No church plan described in section 414(e) of the Internal Revenue Code of 1986, no person or entity eligible to establish and maintain such a plan under the Internal Revenue Code of 1986, no company or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940, as added by subsection (a) of this section, and no trustee, director, officer, or employee of or volunteer for any such plan, person, entity, company, or account shall be required to qualify, register, or be subject to regulation as an investment company or as a broker, dealer, investment adviser, or agent under the laws of any State solely because such plan, person, entity, company, or account buys, holds, sells, or trades in securities for its own account or in its capacity as a trustee or administrator of or otherwise on behalf of, or for the account of, or provides investment advice to, for, or on behalf of, any such plan, person, or entity or any company or account that is excluded from the definition of an investment company under section 3(c)(14) of the Investment Company Act of 1940, as added by subsection (a) of this section.

(g) AMENDMENT TO THE INVESTMENT COMPANY ACT OF 1940.—Section 30 of the Investment Company Act of 1940 (15 U.S.C. 80a–29) is amended by adding at the end the following new subsections:

''(g) DISCLOSURE TO CHURCH PLAN PARTICIPANTS.—A person that maintains a church plan that is excluded from the definition of an investment company solely by reason of section 3(c)(14) shall provide disclosure to plan participants, in writing, and not less frequently than annually, and for new participants joining such a plan after May 31, 1996, prior to joining such plan, that—

''(1) the plan, or any company or account maintained to manage or hold plan assets and interests in such plan, company, or account, are not subject to registration, regulation, or reporting under this title, the Securities Act of 1933, the Securities Exchange Act of 1934, or State securities laws; and

''(2) plan participants and beneficiaries therefore will not be afforded the protections of those provisions.

''(h) NOTICE TO COMMISSION.—The Commission may issue rules and regulations to require any person that maintains a church plan that is excluded from the definition of an investment company solely by reason of section 3(c)(14) to file a notice with the Commission containing such information and in such form as the Commission may prescribe as necessary or appropriate in the public interest or consistent with the protection of investors.''.

SEC. 316. PROMOTING GLOBAL PREEMINENCE OF AMERICAN SECURITIES MARKETS.

It is the sense of the Congress that—

(1) the United States and foreign securities markets are increasingly becoming international securities markets, as issuers and investors seek the benefits of new capital and secondary market opportunities without regard to national borders;

(2) as issuers seek to raise capital across national borders, they confront differing accounting requirements in the various regulatory jurisdictions;

(3) the establishment of a high-quality comprehensive set of generally accepted international accounting standards in cross-border securities offerings would greatly facilitate international financing activities and, most significantly, would enhance the ability of foreign corporations to access and list in United States markets;

(4) in addition to the efforts made before the date of enactment of this Act by the Commission to respond to the growing internationalization of securities markets, the Commission should enhance its vigorous support for the development of high-quality international accounting standards as soon as practicable; and

(5) the Commission, in view of its clear authority under law to facilitate the access of foreign corporations to list their securities in United States markets, should report to the Congress, not later than 1 year after the date of enactment of this Act, on progress in the development of international accounting standards and the outlook for successful completion of a set of international standards that would be acceptable to the Commission for offerings and listings by foreign corporations in United States markets.

SEC. 317. BROKER-DEALER EXEMPTION FROM STATE LAW FOR CERTAIN DE MINIMIS TRANSACTIONS.

(a) IN GENERAL.—Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended by adding at the end the following new subsection:

''(h) EXEMPTION FROM STATE LAW FOR CERTAIN DE MINIMIS TRANSACTIONS.—

''(1) IN GENERAL.—No law, rule, regulation, or order, or other administrative action of any State or political subdivision thereof may prohibit an associated person of a broker or dealer from affecting a transaction described in paragraph (2) for a customer in such State if—

''(A) such associated person is not ineligible to register with such State for any reason other than such a transaction;

''(B) such associated person is registered with a registered securities association and at least one State; and

''(C) the broker or dealer with which such person is associated is registered with such State.

''(2) DESCRIBED TRANSACTIONS.—

''(A) IN GENERAL.—A transaction is described in this paragraph if—

''(i) such transaction is effected—

''(I) on behalf of a customer that, for 30 days prior to the day of the transaction, maintained an account with the broker or dealer; and

''(II) by an associated person of the broker or dealer—

''(aa) to which the customer was assigned for 14 days prior to the day of the transaction; and

''(bb) who is registered with a State in which the customer was a resident or was present for at least 30 consecutive days during the one-year period prior to the day of the transaction;

''(ii) the transaction is effected—

''(I) on behalf of a customer that, for 30 days prior to the day of the transaction, maintains an account with the broker or dealer; and

''(II) within the period beginning on the date on which such associated person files an application for registration with the State in which the transaction is effected and ending on the earlier of—

''(aa) 60 days after the date on which the application is filed; or

''(bb) the date on which such State notifies the associated person that it has denied the application for registration or has stayed the pendency of the application for cause.

''(B) RULES OF CONSTRUCTION.—For purposes of subparagraph (A)(i)(II)—

''(i) each of up to 3 associated persons of a broker or dealer who are designated to effect transactions during the absence or unavailability of the principal associated person for a customer may be treated as an associated person to which such customer is assigned; and

''(ii) if the customer is present in another State for 30 or more consecutive days or has permanently changed his or her residence to another State, a transaction is not described in this paragraph, unless the association person of the broker or dealer files an application for registration with such State not later than 10 business days after the later of the date of the transaction, or the date of the discovery of the presence of the customer in the other State for 30 or more consecutive days or the change in the customer's residence.''.

(b) TECHNICAL AMENDMENT.—Section 28(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78bb(a)) is amended by striking ''Nothing'' and inserting ''Except as otherwise specifically provided in this title, nothing''.

SEC. 318. STUDIES AND REPORTS.

(a) IMPACT OF TECHNOLOGICAL ADVANCES.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a study of—

(i) the impact of technological advances and the use of on-line information systems on the securities markets;

(ii) how such technologies have changed the way in which the securities markets operate; and

(iii) any steps taken by the Commission to address such changes.

(B) CONSIDERATIONS.—In conducting the study under subparagraph (A), the Commission shall consider how the Commission has adapted its enforcement policies and practices in response to technological developments with regard to—

(i) disclosure, prospectus delivery, and other customer protection regulations;

(ii) intermediaries and exchanges in the domestic and international financial services industry;

(iii) reporting by issuers, including communications with holders of securities;

(iv) the relationship of the Commission with other national regulatory authorities and organizations to improve coordination and cooperation; and

(v) the relationship of the Commission with State regulatory authorities and organizations to improve coordination and cooperation.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to the Congress on the results of the study conducted under paragraph (1).

(b) SHAREHOLDER PROPOSALS.—

(1) STUDY.—The Commission shall conduct a study of—

(A) whether shareholder access to proxy statements pursuant to section 14 of the Securities Exchange Act of 1934 has been impaired by recent statutory, judicial, or regulatory changes; and

(B) the ability of shareholders to have proposals relating to corporate practices and social issues included as part of proxy statements.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit a report to the Congress on the results of the study conducted under paragraph (1), together with any recommendations for regulatory or legislative changes that it considers necessary to improve shareholder access to proxy statements.

(c) PREFERENCING.—

(1) STUDY.—The Commission shall conduct a study of the impact on investors and the national market system of the practice known as ''preferencing'' on one or more registered securities exchanges, including consideration of—

(A) how preferencing impacts—

(i) the execution prices received by retail securities customers whose orders are preferenced; and

(ii) the ability of retail securities customers in all markets to obtain executions of their limit orders in preferenced securities; and

(B) the costs of preferencing to such customers.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Commission shall submit a report to the Congress on the results of the study conducted under paragraph (1).

(3) DEFINITION.—For purposes of this subsection, the term ''preferencing'' refers to the practice of a broker acting as a dealer on a national securities exchange, directing the orders of customers to buy or sell securities to itself for execution under rules that permit the broker to take priority in execution over same-priced orders or quotations entered prior in time.

MARK O. HATFIELD UNITED STATES COURTHOUSE

The text of the bill (S. 1636) to designate the United States Courthouse under construction at 1030 Southwest 3d Avenue, Portland, OR, as the ''Mark O. Hatfield United States Courthouse,'' and for other purposes, as passed by the Senate on June 27, 1996, is as follows:

S. 1636

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF MARK O. HATFIELD UNITED STATES COURTHOUSE.

The United States Courthouse under construction at 1030 Southwest 3rd Avenue in Portland, Oregon, shall be known and designated as the ''Mark O. Hatfield United States Courthouse''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the courthouse referred to in section 1 shall be deemed to be a reference to the ''Mark O. Hatfield United States Courthouse''.

SEC. 3. EXTENSION OF FDR MEMORIAL MEMBER TERMS.

The first section of the Act entitled ''An Act to establish a commission to formulate plans for a memorial to Franklin Delano Roosevelt'', approved August 11, 1955 (69 Stat. 694) is amended by adding at the end thereof the following: ''A Commissioner who ceases to be a Member of the Senate or the House of Representatives may, with the approval of the appointing authority, continue to serve as a Commissioner for a period of up to one year after he or she ceases to be a Member of the Senate or the House of Representatives.''.

SEC. 4. EFFECTIVE DATE.

This Act shall take effect on January 3, 1997.

COMPLIMENTS TO THE MAJORITY LEADER AND MANAGERS OF THE BILL

Mr. NICKLES. Mr. President, at the conclusion of this week, I compliment the majority leader, Senator LOTT, for his leadership and tireless efforts to get a lot of things moving. After a long week, a lot of work was done to complete, for all practical purposes, the Department of Defense bill, which we will be voting on early when we return.

Also, I wish to compliment Senator DASCHLE and Senator NUNN, as well as Senator THURMOND, Senator MCCAIN, and Senator WARNER for their leadership in passing this very important bill. They have put in a lot of effort and time in the last couple of days. Some were wondering whether or not we would be able to pass the bill.

In addition, I compliment the majority leader, because during the process this week, he was able to break the logjam on the minimum wage bill. Again, that was one that we have been wrestling with for a long time, and we will be voting on that when we return for debate on July 8 and a vote on the July 9, as well as action on the TEAM bill. I compliment him on that.

It is a little disappointing that we have not yet made greater progress on the so-called health bill, the Kassebaum-Kennedy bill. As a matter of fact, there has been an objection placed by Democrat Members on appointing conferees. That is very unusual. It has been 40 some days now that they have opposed appointing conferees on that piece of legislation. I hope they will reconsider. I heard Senator KENNEDY speaking on that earlier today. He was critical of the medical savings accounts provisions. I think we made a very generous offer on medical savings accounts. Hopefully, that will be resolved and we can complete action on that bill which will solve a lot of problems for preexisting illnesses and coverage for small business, allowing deductibility. That is important legislation that is broadly supported by Congress. Hopefully, we will have appointees and go to conference.

By and large, I compliment the majority leader. He has had a very active and successful week.

EXECUTIVE SESSION

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate go into executive session to consider calendar No. 563, the nomination of Christopher Hill; that the Senate proceed to a vote on the nomination, and following the vote, the President be immediately notified of the Senate's action, and the Senate immediately return to legislative session.

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

The nomination was considered and confirmed, as follows:

Christopher Robert Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the former Yugoslav Republic of Macedonia.

Mr. NICKLES. Mr. President, I announce for the benefit of the Senate that the Senator from Kentucky, Senator MCCONNELL, votes in the negative on the confirmation of Mr. Hill, and I ask that his statement be placed in the RECORD at this point as if read.

Mr. MCCONNELL. Mr. President, for several months, I have tried to get a straight answer from the administration on the legal justification for the deployment of United States troops under United Nations' command in Macedonia. While the soldiers have a mission, I do not believe they have a clear, legal mandate.

The question of our involvement in Macedonia was first brought to my attention by Ron Ray, a constituent of mine who is representing Michael New. Apparently, Michael New asked his commanding officer to provide some explanation as to why an American Army specialist was being asked to wear a U.N. uniform and deploy to Macedonia under the U.N. flag.

In a recent hearing with Ambassador Madeliene Albright, usually one of the more plain spoken members of the President's foreign policy team, we reviewed the procedures for deploying American troops under the U.N. flag. She offered the view that while there were clear guidelines defining chapter VII deployments, using chapter VI to justify a mission had evolved as a matter of U.N. custom and tradition.

Since 1948, 27 peace operations have been authorized by the U.N. Security Council. In addition to being authorized by a specific chapter of the U.N. Charter, U.S. troop deployments must be authorized consistent with U.S. legal requirements spelled out in the United Nations Participation Act.

In July 1993, President Clinton wrote the Congress stating,

U.N. Security Council Resolution 795 established the UNPROFOR Macedonia mission under a chapter VI of the U.N. Charter and UNPROFOR Macedonia is a peacekeeking force under chapter VI of the Charter.

But this assertion is not substantiated by the record of resolutions and reports passed by the United Nations.

Between 1991 and the end of 1995, the United Nations passed 97 Security Council resolutions related to the former Yugoslavia. In addition, 13 reports were issued by to U.N. Secretary General relative to the mandate of the UNPROFOR Macedonia operation. None of these resolutions or reports mention a chapter VI mandate for Macedonia. In fact, there are 27 resolutions which specifically refer to UNPROFOR, which includes Macedonia, as chapter

VII. It is worth pointing to just one of these resolutions which states that the U.N. Security Council was:

Determined to ensure the security of UNPROFOR and its freedom of movement for all its missions (i.e. Macedonia) and to these ends was acting under chapter VII of the charter of the United Nations.

In spite of the record, the administration continues to insist that Macedonia is a chapter VI operation. When I asked them to document this determination, I was provided the following guidance by the Acting Assistant Secretary of State:

The U.N. Charter authority underlying the mandate of a U.N. peace operation depends on an interpretation of the relevant resolutions of the U.N. Security Council. As a matter of tradition, the Security Council explicitly refers to a ''chapter VII'' when it authorizes an enforcement operation under that chapter. The absence of a reference to chapter VII in a resolution authorizing or establishing a peacekeeping operation thus indicates that the operation is not considered by the Security Council to be an enforcement operation. Neither does the Security Council refer explicitly to ''chapter VI'' in its resolutions pertaining to peacekeeping operations. This practice evolved over time as a means for the Security Council to develop practical responses to problems without unnecessarily invoking the full panoply of provisions regarding the use of force under chapter VII, and without triggering other Charter provisions that might impede Member States on the Security Council if chapter VI were referenced.

In essence, what this explanation means is U.S. troops can be deployed in harm's way as a matter of U.N. tradition rather than U.S. law. It means U.S. soldiers are deployed in a combat zone with an absence of reference to the actual legal mandate because the U.N. Security Council does not want to refer explicitly to chapter VI due to a reluctance to inconvenience Member states on the Security Council.

Mr. President, let me try to add a little clarity to just what the Acting Assistant Secretary means when stating the administration does not want to invoke a panoply of provisions regarding the use of force. In simple English, when a chapter VII mission is authorized by the United Nations, U.S. law requires the operation to be approved by the Congress. In simple terms, the State Department is using a chapter VI designation to avoid having to come to the Congress to justify the financial and military burden the United States has assumed in Macedonia.

What the State Department calls a panoply of provisions problem, I call surrendering U.S. interests to U.N. command. This is not the first time Congress has been circumvented. I had hoped the administration had learned from our experience in Somalia. I had hoped the tragic loss of life would help the President understand the value and importance of a full congressional debate and approval of the merits of deploying American soldiers overseas into hostile conditions. Apparently, the lesson is lost on this administration. When the United Nations calls, we send our young men and women to serve.

Mr. President, I have taken the time to review the circumstances of our military involvement in Macedonia, in order to explain my vote against Chris Hill, the President's nominee to be our Ambassador. While I have no objection to Mr. Hill personally, I intend to vote against his nomination as a matter of principle—to express my strong opposition to what I view as an unjustified U.N. mission with a questionable legal mandate that is risking the lives of American soldiers.

I understand that a majority of members expressed their desire to move forward with this and several other nominations, and that the majority leader would like to accommodate these requests. I very much appreciate his offering those of us who oppose the administration's continued blind pursuit of a misguided U.N. agenda the opportunity to express our opposition through this vote.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

MOLLIE BEATTIE WILDERNESS AREA ACT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of S. 1899, and further that the Senate proceed to its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 1899) entitled the Mollie Beattie Wilderness Area Act.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4434

(Purpose: To amend S. 1899)

Mr. NICKLES. Mr. President, I send an amendment to the desk on behalf of Mr. MURKOWSKI and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. NICKLES], for Mr. MURKOWSKI, for himself, Mr. JEFFORDS, and Mr. GRAHAM, proposes an amendment numbered 4434.

Mr. NICKLES. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

''Section 702(3) of Public Law 94–487 is amended by striking ''Arctic National Wildlife Refuge Wilderness'' and inserting ''Mollie Beattie Wilderness''. The Secretary of the Interior is authorized to place a monument in honor of Mollie Beattie's contributions to fish, wildlife, and waterfowl conservation and management at a suitable location that he designates within the Mollie Beattie Wilderness.''

Mr. JOHNSTON. Mr. President, like many of my colleagues, I rise to express my profound sadness concerning the death last night of Mollie Beattie. Until a few weeks ago, Mollie had served the Nation as the Director of the U.S. Fish and Wildlife Service. Ms. Beattie, who was the Service's first female Director, was a very warm and talented public servant. She had a gift for working with people an was interested in solving problems; two traits that are all too rare in these days of partisanship and confrontation. She was also a knowledgeable and hard working professional who put her considerable training and expertise to work every day in dealing with the many complex issues facing the Fish and Wildlife Service.

Ms. Beattie's dedication to her work went beyond the norm, as evidenced by her willingness to support new and exciting concepts for fish and wildlife protection. Just last year, she traveled to Louisiana for a ground-breaking ceremony on the research center for endangered species, the ACRES facility, which was dedicated earlier this month at the Audubon Institute in New Orleans. The facility is dedicated to using the latest reproductive technology to help stem the rising tide of extinction among the world's most threatened animals. Her support was essential to making this effort a reality.

Mollie was well liked by all who knew her, even those who did not always agree with her on policy matters or her efforts to promote the views of the Department of the Interior, because she reminded us that people in public service can disagree without being disagreeable. That is a good lesson for all of us to think about, Mr. President, as we remember Mollie and mourn her loss.

My thoughts and prayers, and those of my colleagues, are with Mollie's family and friends.

Mr. KEMPTHORNE. Mr. President, I am saddened to hear that Mollie Beattie died last night after a yearlong battle against brain cancer. Mollie was the first female Director of the U.S. Fish and Wildlife Service and served in that position until earlier this month. I wish to offer my condolences to her husband Rick Schwolsky of Grafton, VT, and to her mother, Patricia Beattie and sister, Jane Beattie, both of Ketchum, ID.

I appreciated Mollie's honesty and candor with me and my staff, whether in public hearings before a committee or in a private meeting in my office. All of my experiences with Mollie were positive. While we didn't always approach a situation from the same perspective, we shared the common goal of doing what is right for species and people.

When Mollie testified on the role of recovery in the Endangered Species Act before my Drinking Water, Fisheries and Wildlife Subcommittee last year, we found that the goals we envisioned for endangered species were very much in harmony.

I agreed with her testimony that, ''Recovery is the soul and the purpose of the Endangered Species Act.'' In fact, one of my principles of ESA reform is to return to the original intent of the act, which was to recover species. And on our watch, we have been making progress toward that purpose.

Director Beattie was active in negotiations with Senators CHAFEE, BAUCUS, REID and me on a number of bipartisan changes to the Endangered Species Act. Prominent among these improvements is a new, more rigorous recovery section. If made a part of the law, the new recovery planning process will actually recover species and make them once again a part of a healthy biologically diverse habitat.

I want to recognize the firmness and clarity of purpose that Mollie Beattie brought to the process of negotiating a reformed Endangered Species Act. Now it is up to the rest of us to get this reform passed and implemented. I can't think of a better tribute to her than to make real progress toward recovery of the species that she clearly cared about very much.

Mr. BAUCUS. Mr. President, it is with great sadness and regret that I rise today in support of S. 1899, a bill to name the Arctic National Wildlife Refuge Wilderness for Mollie Beattie, the former Director of the U.S. Fish and Wildlife Service. As most of you now know, Mollie passed away last night after a long battle with brain cancer.

She fought that battle gallantly with great courage and dignity, just as she had fought so hard for this Nation's fish and wildlife resources during her recent tenure as the first woman Director of the U.S. Fish and Wildlife Service. I extend my heartfelt condolences to her husband Rick Schwolsky, and the rest of her family.

Mr. President, the Nation owes Mollie a deep debt of gratitude. In a time of unprecedented challenge to some of this Nation's most important environmental laws, Mollie stepped forward to remind us that threatened and endangered species, and the national wildlife refuges on which many of those species depend, must be protected for future generations of Americans to treasure and enjoy. It is therefore fitting that one of the most magnificent wilderness areas in the United States, the Arctic National Wildlife Refuge Wilderness, be named for her.

I hope my colleagues, on both sides of the aisle, will join me and the sponsors of this bill in ensuring its quick passage for signature by President Clinton. It is a small tribute to a truly outstanding individual who has made an invaluable contribution during her lifetime to the benefit of the entire country.

Mr. REID. Mr. President, last night Mollie Beattie passed away after a hard battle with cancer throughout which she continued to show her dedication to the Fish and Wildlife Service and her public duty.

Those who serve in government are often maligned and denigrated in today's press. But Mollie's example will shine as one who committed her life and career to the public good. Her life was an example of courage and purpose. The U.S. Fish and Wildlife Service, Department of the Interior, and the Nation have lost a dedicated public servant.

When Mollie joined the Department of the Interior in 1993, she faced serious threats by those who wanted to turn the clock back on endangered species preservation. Mollie persevered and initiated necessary administrative reform of the Endangered Species Act. Her work on habitat and species stewardship is a foundation for future conservation efforts.

I am honored to have known her and recognize the service that she bestowed the Nation by her energy and focus.

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to Mollie Beattie, who embodied the best of government service—diplomatic, creative, dedicated and thoughtful.

Mollie, who recently stepped down as Director of the Fish and Wildlife Service, passed away last night, after a courageous fight with brain cancer.

When Mollie joined the national political fray as Director about 3 years ago, no doubt she knew what she was in for. She knew she was jumping into a portfolio of among the most contentious national issues—administration and reauthorization of the Endangered Species Act, the Pacific Northwest forest issue, and wetlands and habitat protection, to name a few. She didn't back down. Instead, she charged ahead, viewing her role as a consensus builder, a communicator, an advocate, and a pioneer towards a new way of doing business.

She cared deeply about our Nation's fish, our wildlife, our open spaces, our forests, indeed, all our natural resources. Her depth of feeling and dedication gave her the strength to approach her role as Director with vitality and optimism, even in the face of increased budget cuts and intensified public scrutiny. And, as is rare in public service, she found more admirers and accorded more respect every day she was on the job.

She recognized the importance of our ecosystem and the species upon which it depends, including our own. She recognized the importance of jobs and the economy, upon which we depend as well. She sought to work within this structure and needs, with the optimism and faith that it could be done.

Mr. President, Mollie said it best when she testified to the Senate Environment and Public Works Committee almost 3 years ago, on July 28, 1993:

I would ask the Service to deliver this broad message about the conservation of fish and wildlife: that the choice between people and animals is not a real one because nature binds us to a common fate. We must have jobs and development that maintain all species, including our own. The public must be given faith that this is possible given some new ways of thinking and doing business.

Perhaps the most telling indication of Mollie's extraordinary ability to bridge the gap is a survey of the laudatory comments that we are hearing today. The Defenders of Wildlife said, ''Whatever success society ultimately achieves in the crucial fight to protect endangered species and conserve our precious but deteriorating biological diversity, it will be due in part to the conservation advances for which she was directly responsible and to the commitment to responsible stewardship she inspired in literally thousands of friends and admirers.''

And, from the Chairman of the House Resources Committee, Congressman DON YOUNG: ''She was able to bring all sides of an issue to the table in order to reach common sense agreements. Because of this she was respected by all of those who knew and worked with her.''

These two comments embody Mollie's spirit and effectiveness as a leader.

Today the Senate will pass a bill, sponsored by Senators MURKOWSKI, STEVENS, LEAHY, and JEFFORDS, to designate 8 million acres of wilderness in the Arctic National Wildlife Refuge, the Mollie Beattie Alaska Wilderness Area. This bill is a fitting tribute to a respected professional and government servant.

Mr. President, Mollie Beattie—conservationist, academic, communicator, and leader—will be missed.

Mr. LIEBERMAN. Mr. President, I know all of my colleagues in the Senate are saddened to hear of the passing last night of Mollie Beattie who, until her very recent resignation for medical reasons, was Director of the U.S. Fish and Wildlife Service.

She has been a good friend, a devoted citizen and public servant, and a champion for God's creatures when others did not always have the courage and grace to step forward. It is my sincere hope that her vision of a brighter and more abundant future for our Nation's wildlife heritage will become a reality for us, and for the many generations of Americans that follow. I would like her family and her husband, Rick, to know that our thoughts and prayers are with him, and Mollie, always.

I am reminded of the quote by Admiral Rickover that: ''the more you sweat in peace, the less you bleed in war.'' I think Mollie's professional life is a testament to this great truth. She toiled as a public servant not just in Federal Government, but in State government and academia, to ensure that democracy represented our deep concern for our wildlife heritage, and that we avoided senseless losses that might otherwise occur in the heat of conflict.

She worked to ensure that our scientific knowledge, education, and public awareness recognize the values and

complexities of our relationship with fish and wildlife, and with our broader natural heritage.

It is the real human sacrifice of people like Mollie, working day in and day out with honesty, integrity, intelligence, and sensitivity, that spares us the crisis of mismanagement and neglect that all too often has avoidable, irreversible consequences. Much of the peace and abundant life we enjoy as Americans is founded on such devotion.

On Monday of this week my good friend, Senator STEVENS, honored a last request of Mollie's by introducing a bill to name 8 million acres of the 19 million acre Arctic National Wildlife Refuge as the Mollie Beattie Wilderness Area. Senator STEVENS is to be commended for such a decent and honorable act, and I am pleased to offer my support.

I understand Mollie had a special connection with this part of the Brooks Range after visiting it a few years ago, and that she wished to have her ashes spread there. Of all the many special natural areas in this Nation Mollie visited, this pristine landscape on the North Slope of Alaska must have made the greatest impression on her.

It is no secret that other parts of this refuge have been the source of discord in the Senate. But I think it is entirely fitting that we might join hands to bless one special part of it in Mollie's name. By doing so, we can remember that this land was saved in peace and remembrance, and not in conflict.

Mollie will be missed, but not forgotten.

Mr. NICKLES. Mr. President, I ask unanimous consent that the amendment be considered agreed to, the bill be deemed read the third time, passed, as amended, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The amendment (No. 4434) was agreed to.

The bill (S. 1899), as amended, was deemed read the third time, and passed, as follows:

S. 1899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 702(3) of Public Law 96–487 is amended by striking ''Arctic National Wildlife Refuge Wilderness'' and inserting ''Mollie Beattie Wilderness''. The Secretary of the Interior is authorized to place a monument in honor of Mollie Beattie's contributions to fish, wildlife, and waterfowl conservation and management at a suitable location that he designates within the Mollie Beattie Wilderness.

HOUSE OF REPRESENTATIVES ADMINISTRATIVE REFORM TECHNICAL CORRECTIONS ACT

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of Calendar order No. 441, H.R. 2739.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2739) to provide for a representational allowance for Members of the House of Representatives to make technical and conforming changes and sundry provisions of law in consequence of administrative reforms in the House of Representatives, and for other purposes.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be deemed read the third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The committee amendments were agreed to.

The bill (H.R. 2739), as amended, was deemed read the third time, and passed.

ORDER FOR STAR PRINT

Mr. NICKLES. Mr. President, I ask unanimous consent that the report 104–80 to accompany S. 141 be star printed with the changes that I understand are at the desk.

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

PEOPLE'S REPUBLIC OF CHINA TO ALLOW AN ELECTED LEGISLATURE

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 463, Senate Resolution 271.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 271) expressing the sense of the Senate with respect to the international obligation of the People's Republic of China to allow an elected legislature in Hong Kong after June 30, 1996.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. NICKLES. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 271) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 271

Whereas under the Sino-British Joint Declaration on the Question of Hong Kong of 1984, the People's Republic of China will assume sovereignty over Hong Kong on July 1, 1997.

Whereas both the People's Republic of China and Great Britain committed themselves to the Joint Declaration's explicit provisions for Hong Kong's future;

Whereas the Joint Declaration is a binding international agreement registered at the United Nations that guarantees Hong Kong a ''high degree of autonomy'' except in defense and foreign affairs, an elected legislature, an executive accountable to the elected legislature, and an independent judiciary with final power of adjudication over Hong Kong law;

Whereas the United States-Hong Kong Policy Act of 1992 expresses the support of the United States Congress for full implementation of the Joint Declaration and declared that—

(1) the United States has a ''strong interest in the continued vitality, prosperity, and stability of Hong King'';

(2) ''the human rights of the people of Hong Kong are of great importance to the United States and are directly relevant to United States interests in Hong Kong'';

(3) ''a fully successful transition in the exercise of sovereignty over Hong Kong must safeguard human rights in and of themselves''; and

(4) ''human rights also serve as a basis for Hong Kong's continued economic prosperity'';

Whereas on September 17, 1995, the Legislative Council was elected for a 4-year term expiring in 1999;

Whereas the election of Hong Kong's legislature is the cornerstone of the principle that the people of Hong Kong shall enjoy ''one country, two systems'' after the Government of the People's Republic of China assumes sovereignty over Hong Kong; and

Whereas the Government of the People's Republic of China and its appointed Preparatory Committee have announced their intention to abolish the elected Legislative Council and appoint a provisional legislature: Now, therefore, be it

Resolved, That (a) the Senate finds that—

(1) respect for Hong Kong's autonomy and preservation of its institutions will contribute to the stability and economic prosperity of the region; and

(2) the United States has an interest in compliance with treaty obligations.

(b) It is the sense of the Senate that—

(1) the People's Republic of China and the United Kingdom should uphold their international obligations specified in the Joint Declaration, including the commitment to an elected legislature in Hong Kong after June 30, 1997;

(2) the establishment of an appointed legislature would be a violation of the Joint Declaration, and the People's Republic of China should allow the Legislative Council elected in September 1995 to serve its full elected term; and

(3) the President and the Secretary of State should communicate to the People's Republic of China and to the Hong Kong government and Legislative Council the full support of the United States Government and the people of the United States for Hong Kong's autonomy and the interest of the United States in full compliance by both the People's Republic of China and Great Britain with the Joint Declaration as a matter of international law.

SEC. 2. As used in this resolution, the term ''Joint Declaration'' means the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong, done at Beijing on December 19, 1984.

SEC. 3. The Secretary of State shall transmit a copy of this resolution to the President and the Secretary of State.

PROVIDING FOR THE DISTRIBUTION OF THE FILM ''FRAGILE RING OF LIFE''

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar order No. 464, H.R. 2070.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2070) to provide for the distribution within the United States of the United States Information Agency film entitled ''Fragile Ring of Life.''

Mr. NICKLES. I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed in the appropriate place in the RECORD.

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

The bill (H.R. 2070) was deemed read the third time, and passed.

CONGRATULATIONS TO THE PEOPLE OF THE REPUBLIC OF SIERRA LEONE

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar Order No. 465, House Concurrent Resolution 160.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 160) congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. NICKLES. Mr. President, I ask unanimous consent that the concurrent resolution be considered and agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements related to the resolution appear at the appropriate place in the RECORD.

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

The concurrent resolution (H. Con. Res. 160) was agreed to.

NATIONAL CHILDREN'S ISLAND ACT OF 1995

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar Order No. 469, H.R. 1508.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1508) to require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, there are several letters that I would like to submit for the RECORD as the Senate considers H.R. 1508, the National Children's Island Act. The letters are addressed to me as chairman of the Governmental Affairs Committee and express support of both former and current elected officials in the District of Columbia for this bill.

I ask unanimous consent to print in the RECORD the following letters:

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 17, 1996.

Sen. TED STEVENS,
Senate Hart Building,
Washington, DC.

DEAR CHAIRMAN STEVENS: The National Children's Island Act of 1995, passed the House on October 30, 1995 by a unanimous voice vote, and I understand that the bill will come before your Senate Government Affairs Committee tomorrow. I urge passage of the bill, which was overwhelmingly passed by the D.C. City Council and has the support of the city administration.

H.R. 1508 calls for the transfer of ownership of Heritage and portions of Kingman Island, located within the Anacostia River, from the National Park Service to the District of Columbia for the purposes of creating a cultural, educational and family oriented-park.

The National Children's Island project will transform a wasteland area into an educational park featuring pavilions designed to expand awareness in such areas as communications and computers, medicine, science and the environment. It will offer area youth a badly needed recreational facility. Furthermore, a share of the park's revenues have been earmarked to provide educational opportunities through grants and scholarships for our neighborhood children.

When the House of Representatives first considered this legislation, I met on several occasions with residents who were supporters and opponents of the bill, and all have contributed to its final version. Over the course of several months and countless meetings, several valid concerns were raised and addressed in the Chairman's Mark at my request:

A provision specifying that the District of Columbia's review of the project must be in full compliance with all provisions of the National Environmental Policy Act of 1969;

A requirement that the National Capital Planning Commission review and approve the project;

A prohibition against public parking on the Islands;

A provision requiring National Children's Island to comply with previously agreed upon design parameters. Specifically, buildings cannot exceed fifty feet in height, and no more than five acres can be under roof and no more than 23% of the surface can be paved; and

A requirement that National Children's Island establish an escrow fund to restore the lands in the event they are returned to the National Park Service. Specifically, they must remove any buildings and landscape the area.

National Children's Island will offer the District of Columbia significant economic opportunities at a time when, as you know, the city is in dire financial condition. For example, over 1,700 new, full and part-time jobs and an estimated $8.9 million in annual sales tax revenues will result. In light of the District's current state of financial crisis, the City Council and he city administrators have strongly supported the project, and I believe that on a home rule basis, it should proceed.

Thank you for your consideration.

Sincerely,

ELEANOR HOLMES NORTON.

WALTER E. WASHINGTON,
ATTORNEY AT LAW,
Washington, DC, May 30, 1996.

Hon. TED STEVENS,
Chairman, Senate Governmental Affairs Committee, Washington, DC.

DEAR SENATOR STEVENS: During my term as the first elected mayor of the District of Columbia, it was my pleasure to organize the City's Bicentennial Commission to help the United States' 200th birthdate during that year-long national celebration. One of the projects that the citizens on that commission strongly recommended was the National Children's Island project. prior to the citizens of the District supporting this project, the National Park Service had been trying to develop these islands as a part of its overall plan for the development of the Anacostia River basin for ten years.

When I heard that your committee was about to take up H.R. 1508, the National Children's Island Act of 1995, I was overjoyed as it has been a long hard struggle for a very worthy project to take so long to become a reality. I want to convey my strongest support for H.R. 1508, and urge your committee to move this legislation through the Senate as early as is practical.

As an elected official, you must know how frustrating it can be to devote your time and energy to worthwhile projects that never see the light of day. I held a ground breaking ceremony and started initial construction and sought major financing for this project in 1976 and since that time the project has for the most part been tied up in red tape. I would very much like to be able to attend the opening of the project, which I am assured, only needs this legislation to speed into the planning, design and construction process. This can only happen with your help.

This project means a great deal to our citizens, as well as to the District's economic base. Please help us get rid of a dump site and help us create an environmentally safe, attractive, fun-filled learning place for our children and their families.

Sincerely,

WALTER E. WASHINGTON.

THE DISTRICT OF COLUMBIA,
Washington, DC, June 18, 1996.

Hon. TED STEVENS,
U.S. Senate,
Washington, DC.

DEAR SENATOR STEVENS: I am writing to emphasize the District of Columbia's support for H.R. 1508, the National Children's Island Act of 1995.

I strongly urge passage of this legislation exactly as it is written. The current language of the bill is a result of months and even years of discussion, compromise and fine-tuning, with input from various sectors: the National Park Service, the National Capital Planning Commission, environmentalists, community advocates, the District government and residents of the neighborhoods bordering the Children's Island project. All of these entities have had an opportunity to

weigh in, and I strongly believe that H.R. 1508 represents the absolute best compromise language possible. H.R. 1508, exactly as it is written, protects the environment and the interests of the community. It also provides the District of Columbia with the ability to efficiently take this project to completion.

National Children's Island (NCI), is not a new concept. In fact, the District has worked for more than 20 years with the National Children's Island Inc., a local non-profit organization, to move this project forward. Unfortunately, the National Children's Island project has been paralyzed by overlapping layers of Federal and District government laws, rules and regulations. H.R. 1508 is designed to eliminate this bureaucratic gridlock and simplify a process that has become extremely cumbersome and has taken far too long to complete.

The thrust of H.R. 1508 is to make the National Children's Island project, a home-rule, District project by transferring legal title of Heritage Island and a portion of Kingman Island to the District and by subjecting Children's Island to the laws and regulations of the District. In addition, a variety of other protective provisions designed to ensure that this project moves forward in a responsible manner are included in the bill. Some of these protections include:

A provision calling for title to the Islands to revert back to the Federal government in the event the Islands are converted to a use other than as specified. (page 6, lines 13–17).

Subjecting the National Children's Island, Inc., to the ''Children's Island Development Plan Act of 1993,'' D.C. Act 10–110, which requires that the National Children's Island project be subject to the review and approval of the District Council. (page 2, lines 20–22 and page 8, lines 17–18).

Calling for final design plans for National Children's Island to be approved by the National Capital Planning Commission, (NCPC), and to be in full compliance with the National Environmental Policy Act of 1969, (NEPA), before construction can commence. (page 8, lines 12–21).

I would like to point out that the National Children's Island project enjoys the overwhelming support of the Council of the District of Columbia, and more than 70 community organizations have sent letters in support of the project. The project is also in full compliance with the District of Columbia's Comprehensive Plan. Specifically, DCMR Title 10, Section 1735(h) guides the District to avoid commercial development that would adversely affect the neighborhoods adjacent to Kingman Island (Children's Island) and explicitly dictates that the parcels be used for community and city-wide recreation. In fact, the public planning process has advised this project from the beginning, and will continue as a key requirement of the Master Planning process.

For all of these reasons, I therefore ask you to support H.R. 1508 in its present form and support the District's effort to bring a worthwhile, viable project to our beloved District of Columbia and to our children.

Sincerely yours,

MARION BARRY, Jr.,
Mayor.

COUNCIL OF THE DISTRICT OF COLUMBIA,
Washington, DC, June 18, 1996.

Hon. TED STEVENS, Chairman,
Hon. JOHN GLENN, Ranking Member,
Senate Governmental Affairs Committee, Washington, DC.

DEAR CHAIRMAN STEVENS AND SENATOR GLENN: I am writing to request your support for H.R. 1508, the National Children's Island Act of 1995, which was introduced by Congresswoman Eleanor Holmes Norton and approved by the House of Representatives, and which is currently pending in the Senate Governmental Affairs Committee. This legislation, which provides for the transfer of the ownership of Heritage Island and a portion of Kingman Island (''Children's Island'') located on the Anacostia River from the National Park Service to the District of Columbia, will facilitate an environmentally sensitive development of Children's Island which will provide significant recreational, educational and economic benefits for the District of Columbia.

A transfer of jurisdiction over this property was previously approved by the Council of the District of Columbia on July 13, 1993, and by the National Capital Planning Commission (''NCPC'') on January 7, 1993. The NCPC found that the proposed use of Children's Island—as a family-oriented recreational and educational park on 32 acres and a free children's playground on 13.5 acres—would serve to enhance the recreational potential of both the parkland and the river, and that the proposed use is consistent with both the Comprehensive Plan for the National Capital and the previously approved concept plans for this portion of the Anacostia park system.

Although I was not on the Council at the time, the Children's Island Development Plan Act of 1993 (D.C. Law 10–57, effective November 20, 1993) was unanimously approved by the Council three years ago. Enclosed for your information is a copy of the law, along with the accompanying Report by the Council's Committee of the Whole (''Report''), which stated:

The Children's Island project envisions a development which will transform an inaccessible, man-made, trash-filled property with little redeeming value into an expertly designed and beautifully landscaped park which has recreational, educational and cultural activities and exhibits for residents and tourists of all ages.

The Report also estimated that the Children's Island project would generate approximately 1,700 permanent part-time and full-time jobs and millions of dollars in desperately needed new tax revenues to the District.

As you may know, D.C. Law 10–57 requires that, in addition to all other requirements for approvals, permits and procedures which are necessary to allow the development of Children's Island, a development plan for Children's Island must be prepared and submitted to the D.C. Council for review and approval. The law requires this development plan to include, among other information, an environmental impact statement (''EIS'') which would identify all measures necessary to mitigate or eliminate any adverse impacts from the proposed development. The EIS process will ensure that the Children's Island development proposal will be subject to full community and governmental participation in a comprehensive assessment of its impacts.

In summary, I urge your favorable consideration of legislation to facilitate the development of Children's Island as a recreational and educational park that will be accessible to and enjoyed by millions of area residents and visitors to our nation's capital each year. The project offers the opportunity to provide the public with an amenity in the eastern part of the District that would be similar in landscaping, density and cultural value as that provided by the National Zoo in the western part of our city. Moreover, the Children's Island project—like the proposed arena, convention center and municipal parking projects in the District each of which has required Congressional legislation to move forward—is an important component in the ongoing effort to revitalize the District's traditional position as the economic and cultural heart of this region.

Sincerely,

DAVID A. CLARKE,
Chairman.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 1508) was deemed read for the third time and passed.

MOST-FAVORED-NATION TREATMENT FOR BULGARIA

Mr. NICKLES. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar Order No. 399, H.R. 2853.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows.

A bill (H.R. 2853) to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. NICKLES. Mr. President, I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (H.R. 2853) was deemed read for the third time, and passed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. NICKLES. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar en bloc: Executive Calendar Nos. 608, 665 through 674, and all nominations on the Secretary's desk in the Air Force, the Army, and Marine Corps.

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 the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations were considered and confirmed as follows:

ARMY

The following-named officer for reappointment to the grade of general in the U.S.

Army while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be general

Gen. John H. Tilelli, Jr., 000–00–0000. U.S. Army.

The following-named officer for appointment to the grade of lieutenant general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. Dennis L. Benchoff, 000–00–0000

The following-named officer for appointment to the grade of lieutenant general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code, section 601(a):

To be lieutenant general

Maj. Gen. William M. Steele, 000–00–0000.

The following-named officer for appointment to the grade of lieutenant general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Joseph W. Kinzer, 000–00–0000.

The following-named officer for appointment to the grade of lieutenant general in the U.S. Army while assigned to a position of importance and responsibility under title 10, United States Code, Section 601(a):

To be lieutenant general

Maj. Gen. Joseph E. DeFrancisco, 000–00–0000.

MARINE CORPS

The following-named officer for appointment to the grade of lieutenant general in the U.S. Marine Corps while assigned to a position of importance and responsibility under the provisions of section 601(a), title 10, United States Code:

To be lieutenant general

Maj. Gen. Peter Pace, 000–00–0000.

NAVY

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10 United States Code, sections 601 and 5141:

CHIEF OF NAVAL PERSONNEL

To be vice admiral

Rear Adm. Daniel T. Oliver, 000–00–0000.

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10 United States Code, section 601:

To be vice admiral

Rear Adm. (Selectee) Charles S. Abbott, 000–00–0000.

The following-named officer for appointment to the grade of admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10 United States Code, section 601:

To be admiral

Vice Adm. Thomas J. Lopez, 000–00–0000.

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10 United States Code, section 601:

To be vice admiral

Vice Adm. Donald L. Pilling, 000–00–0000.

The following-named officer for appointment to the grade of vice admiral in the U.S. Navy while assigned to a position of importance and responsibility under title 10 United States Code, section 601:

To be vice admiral

Vice Adm. John S. Redd, 000–00–0000.

IN THE AIR FORCE, ARMY, MARINE CORPS

Air Force nominations beginning Brian K. Bakshas, and ending Stephen D. White, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 1996.

Air Force nominations beginning Daniel A. Babine, and ending William J. Weigel, Jr., which nominations were received by the Senate and appeared in the Congressional Record of June 18, 1996.

Air Force nominations beginning Justin L. Abold, and ending Kathleen M. Zendejas, which nominations were received by the Senate and appeared in the Congressional Record of June 18, 1996.

Air Force nominations beginning Larry D. Biggers, and ending John J. McGraw, which nominations were received by the Senate and appeared in the Congressional Record of June 21, 1996.

Army nominations beginning Gregory K. Austin, and ending Robert M. Traynor, which nominations were received by the Senate and appeared in the Congressional Record of June 21, 1996.

Army nominations beginning Gregory B. Baxter, and ending Mary F. Sippell, which nominations were received by the Senate and appeared in the Congressional Record of June 21, 1996.

Marine Corps nominations beginning Mark D. Abelson, and ending Peter D. Zoretic, which nominations were received by the Senate and appeared in the Congressional Record of June 21, 1996.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, JULY 8, 1996

Mr. NICKLES. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment under the provisions of House Concurrent Resolution 192 until the hour of 12:30 p.m. on Monday, July 8; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period for morning business until the hour of 3:30 p.m. with Senators permitted to speak for up to 5 minutes each with the following Senators in control of the stated time: Senator KENNEDY, or his designee, from 12:30 p.m. to 2 p.m.; Senator COVERDELL, or his designee, from 2 p.m. until 2:30 p.m.

I further ask unanimous consent that at 3:30 p.m. the Senate begin consideration of H.R. 3448, the small business tax package, as under a previous consent agreement.

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

PROGRAM

Mr. NICKLES. Mr. President, for the information of all Senators, under the previous order the Senate will be debating the small business tax package when the Senate reconvenes from the Independence Day break. When the Senate completes all debate on Monday, July 8, we will recess over until Tuesday at 9:30 a.m., at which time the Senate will resume consideration of the small business tax package. Under the order, the Senate will begin voting at 2:15 p.m. on Tuesday on amendments offered to H.R. 3448. I now ask unanimous consent that the votes occur in the order in which the amendments were offered.

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

Mr. NICKLES. I further ask unanimous consent that following the votes scheduled to begin at 2:15 on Tuesday, the Senate begin consideration of the TEAM Act under a previous consent agreement.

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

Mr. NICKLES. Also, as a reminder to all Senators, there will be a cloture vote on the motion to proceed to S. 1788, the right-to-work bill, at the hour of 12 noon on Wednesday, July 10.

Finally, I remind Senators that the vote on passage of the DOD authorization bill will occur at 9:30 a.m. on Wednesday, July 10.

I further ask unanimous consent that following the vote on the right-to-work bill, the Senate proceed to vote on amendments and passage with respect to the TEAM Act in the order in which they were offered and debated on Tuesday.

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

The PRESIDING OFFICER. The Democratic leader.

THE EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, regrettably, we are not going to be able to confirm a number of judges that I had hoped would be confirmed this afternoon. We were presented with a list of 10. Somebody on the other side objected to one of those 10. But hours after our last vote, after everybody had left and were on airplanes and in places where they could not be contacted, we were not in the position to be able to contact a number of Senators who also had judges. There are 23 judges that are currently on the calendar; 23 nominations. There are 68 vacancies.

Not one judge has been confirmed in this session of Congress—not one. This to our knowledge is unprecedented. So late in the day, after we cooperated all day long—yesterday, today—working as diligently as we could to accommodate the other side in getting the legislation to the point where we were able to call now for third reading and then a final vote next week, we find that on our list of judges to be considered we could not even get up 10—not 10 out of the 23. Those nine we did call up were given to us about an hour ago, after everybody was gone.

Mr. President, I have to say this is increasingly a matter that is of great concern to our colleagues and will be a factor in our cooperation as we consider other issues in the coming weeks.

We have to resolve this matter. It is just unacceptable that that number of judges would not be given their opportunity to be considered. Careers, families, futures are all at stake here. They are all on the line. It is one thing to deal with a bill—I understand that—but to deal with somebody's life, to deal with somebody's future and career and to deal with it so cavalierly is unacceptable.

So we are going to have to deal with this when we get back, and I must say it is going to be a long, hot summer if we cannot deal with it more successfully than we have so far. I am disappointed, very disappointed that we could not even do those 23 on the calendar today. But I look forward to working with the majority leader with an expectation we will when we get back.

I yield the floor.

Mr. NICKLES. Mr. President, just a comment to follow up on the minority leader's comment on the judges, as the minority leader is aware, we have a new leadership team on this side. And to say the least, we have had our hands full the last couple weeks—not even 2 weeks yet, I think. We have made some progress, but it has not been easy. We made progress as I mentioned earlier, and I complimented the minority leader for his assistance in making this happen. We finally were able to bring to closure the Department of Defense authorization bill. After long, difficult negotiations, it looks as if we are on our way towards finalizing action on the minimum wage.

Some of us are very frustrated on this side, though, that Members on the Democrat side of the aisle have objected to appointing conferees on the health bill. That is unprecedented. It is 40-some-odd days, I think about 45 days since we requested conferees be appointed. We would like to have that resolved.

And so my point being, there are frustrations maybe on both sides. This side was prepared and willing to move on several judges, and I am sure that this will still be pending when we return early in July. I will look forward to working with the minority leader to see if we cannot come up to a successful resolution.

The new leadership team, though, I will tell you, because we spent so much time in working on the DOD authorization bill, working on the health bill, working on the minimum wage agreement, which included the TEAM Act and other provisions, we really have not had time to focus on these nominations.

So I just mention that.

ADJOURNMENT UNTIL MONDAY, JULY 8, 1996, AT 12:30 P.M.

Mr. NICKLES. Mr. President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the provisions of House Concurrent Resolution 192, the adjournment resolution.

Thereupon, the Senate, at 5:58 p.m., adjourned until Monday, July 8, 1996, at 12:30 p.m.

NOMINATIONS

Executive nominations received by the Senate June 28, 1996:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

BARBARA BLUM, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2002. (REAPPOINTMENT)

STATE JUSTICE INSTITUTE

SOPHIA H. HALL, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE STATE JUSTICE INSTITUTE FOR A TERM EXPIRING SEPTEMBER 17, 1997, VICE JOHN F. DAFFRON, JR., TERM EXPIRED.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 28, 1996:

DEPARTMENT OF STATE

ALFRED C. DECOTIIS, OF NEW JERSEY, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE FIFTIETH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

CHRISTOPHER ROBERT HILL, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be general

GEN. JOHN H. TILELLI, JR., 000–00–0000, U.S. ARMY.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. DENNIS L. BENCHOFF, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. WILLIAM M. STEELE, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOSEPH W. KINZER, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. JOSEPH E. DEFRANCISCO, 000–00–0000.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER THE PROVISIONS OF SECTION 601(A), TITLE 10, UNITED STATES CODE:

To be lieutenant general

MAJ. GEN. PETER PACE, 000–00–0000.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5141:

CHIEF OF NAVAL PERSONNEL

To be vice admiral

REAR ADM. DANIEL T. OLIVER, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601:

To be vice admiral

REAR ADM. (SELECTEE) CHARLES S. ABBOTT, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601:

To be admiral

VICE ADM. THOMAS J. LOPEZ, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601:

To be vice admiral

VICE ADM. DONALD L. PILLING, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE UNITED STATES NAVY ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE TO UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. JOHN S. REDD, 000–00–0000.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING BRIAN K. BAKSHAS, AND ENDING STEPHEN D. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 1996.

AIR FORCE NOMINATIONS BEGINNING DANIEL A. BABINE, AND ENDING WILLIAM J. WEIGEL, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 1996.

AIR FORCE NOMINATIONS BEGINNING JUSTIN L. ABOLD, AND ENDING KATHLEEN M. ZENDEJAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 18, 1996.

AIR FORCE NOMINATIONS BEGINNING LARRY D. BIGGERS, AND ENDING JOHN J. MCGRAW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 21, 1996.

IN THE ARMY

ARMY NOMINATIONS BEGINNING GREGORY K. AUSTIN, AND ENDING ROBERT M. TRAYNOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 21, 1996.

ARMY NOMINATIONS BEGINNING *GREGORY B. BAXTER, AND ENDING MARY F. SIPPELL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 21, 1996.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING MARK D. ABELSON, AND ENDING PETER D. ZORETIC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JUNE 21, 1996.