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Senate

(Legislative day of Tuesday, June 17, 1997)

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

PRAYER

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

The Lord bless you and keep you; the Lord make His face to shine upon you, and be gracious to you; the Lord lift up His countenance upon you, and give you peace.—Numbers 6:24–26.

Father, we begin this day by claiming this magnificent fivefold assurance. We ask You to make this a delightful day filled with Your blessings. May we live today with the esteem of knowing You have chosen us and called us to receive Your love and to serve You. Give us the helmet of salvation to protect our thinking from any intrusion of temptation to pride, resistance to Your guidance, or negative attitudes. Smile on us as Your face, Your presence, lifts us from fear or frustration.

Thank You for Your grace to overcome the grimness that sometimes pervades our countenances. Instead, we want to reflect Your countenance of joy. May Your peace flow into us, calming our spirits, conditioning our dispositions, and controlling all that we say and do.

Help us to experience the peace of a forgiven, forgiving heart, the peace of a heart completely open to You, and the peace of a pure heart filled with Your spirit. You are the sole source of perfect peace. So help us to say to others, ''Have a blessed day,'' and to expect nothing less for ourselves. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator SESSIONS of Alabama, is recognized.

Mr. SESSIONS. Thank you, Mr. President.

SCHEDULE

Mr. SESSIONS. Mr. President, on behalf of the majority leader, I announce that the Senate will be in a period of morning business today until the hour of 12 noon. Following morning business, it is the majority leader's intention to begin consideration of the Department of Defense authorization bill. If an agreement cannot be reached to proceed to the DOD authorization bill, the Senate will, hopefully, begin consideration of the intelligence authorization bill. Therefore, Senators can expect rollcall votes throughout today's session on these matters. As always, Senators will be notified accordingly when any rollcall votes are scheduled. I thank my colleagues for their attention.

Mr. FORD addressed the Chair.

RECOGNITION OF THE ACTING DEMOCRATIC LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The assistant Democratic leader is recognized.

DOING THE BEST WE CAN WITH GOD'S GUIDANCE

Mr. FORD. Mr. President, I want to take just one moment, if I may. Yesterday, the Chaplain very eloquently asked for God's blessing on our Democratic leader in the loss of his father. It indicates that all of us are human, and we are here just attempting to do the best we can with God's guidance.

Today, the Democratic leader's father will be laid to rest in his home of South Dakota. I hope that all of us will give some thought to the leader and his family as they gather to mourn the loss of his father.

I do thank the Chair for allowing me to express my concern for our leader, and I know all of us feel basically the same way. I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12 noon, with Senators permitted to speak therein for up to 5 minutes each. The Senator from Alabama is recognized to speak for up to 60 minutes.

Mr. SESSIONS. Thank you, Mr. President.

WE SHARE IN THE PAIN

Mr. SESSIONS. Mr. President, I appreciate the remarks of the Senator from Kentucky about the death of the minority leader's father. We all share in that pain. There is a sense of sadness in this body, and as we contemplate that, maybe it helps us all reflect on the fact that we are all human beings who share the same goals for the betterment of this country. I think that is a good thing for us to contemplate.

JUVENILE CRIMINAL JUSTICE

Mr. SESSIONS. Mr. President, S. 10, the juvenile justice bill that will shortly be before this Senate, is one of the best pieces of legislation for law enforcement that I have seen in a number of years. I am absolutely convinced that it is the finest reform of criminal justice in at least 20 years.

This bill was crafted last term by Senator HATCH, who is a prime sponsor

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

of it and who is chairman of the Judiciary Committee. I have had the dual honors of serving as the chairman of the Juvenile Violence Subcommittee of the Judiciary Committee and also of working with him on this legislation. We are very proud of the bill that has been produced. We think it will do tremendous things for law enforcement. It is the kind of bill that does what it ought to do. It is not designed to get headlines; it is designed to improve the system of criminal justice in America.

Mr. President, I served for 17 years, the better part of my professional career, as a prosecutor. It has been a particular honor for me to be able to have the opportunity to participate in reforming juvenile justice in America, because I know from my firsthand personal experience, gained as a U.S. attorney and as attorney general of Alabama, that this system is not working well.

I am pleased at this time to be able to recognize Senator JOHN ASHCROFT of Missouri to speak on this issue. He is a former attorney general of Missouri, and spent two terms, 8 years, as Governor of that great State. He is a student of juvenile crime and the crime issue in general. He has spoken eloquently on it in our committee. He will be having hearings later this week in Missouri on this issue, and I will be pleased to join with him at that time.

He has some remarks that he would like to share about this bill. At this time, I am honored to recognize the Senator from Missouri, Mr. JOHN ASHCROFT.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Thank you, Mr. President, and I thank the Senator from Alabama.

I, too, am eager to express my appreciation for the reminder and the sobering thoughts expressed by the Senator from Kentucky. Each of us has a sense of loss whenever any of us suffers in our families the kind of challenge that comes when a father is deceased.

I remember very well my father coming to this Chamber to witness my swearing in as a Senator some 2½ years ago. My father was on his ''last legs,'' and he died before he made it home. But he had the sense of knowing that I had come here to do and to support things in which both he and I believed. I think that meant a lot to my father.

I know that at this time, the minority leader, Senator DASCHLE, is very proud of his father and grateful for his father. I think he can have some sense of assurance that his father was grateful for him and appreciated a son who would devote himself in the national interest to doing what was, in his judgment, best for his country.

It is in that sense that each of us has the profound privilege of shaping public policy. Perhaps that is as great a privilege as any of us enjoys from the Creator, that He allows us literally to participate in creating the world in which we will live. We are all destined to live in some tomorrows, and our children are destined to live in some tomorrows, and we have a chance to shape those tomorrows. I believe that is what the process of developing plans involves; it is the process of developing legislation to try to build a framework in which our community respects the ability of individuals to reach the potential that God has placed within each of us.

So it is with that in mind that I think we are compelled to address a significant problem, which is a challenge to America and a threat to our future: The growing problem of violent juvenile crime.

It is not that we say that although there is a problem, there is nothing we can do about it. We believe that we can remediate this situation. We believe that we can address this challenge, and we believe that we can be successful. We believe, however, that to do so we are going to have to change some things, because the things that we have been doing in the past were designed to address a different category of circumstances, a different character of culture. What we have done in the past is not working today.

As a matter of fact, what we do will be instructive to the next generation. The way in which we view violent juvenile crime signals to the next generation how we respect life, what we intend in terms of order and responsibility. If we take crime lightly, they will take order lightly, because an infraction of order by way of criminal activity is something we don't care much about. If we take crime seriously and we impose serious consequences and we demand responsibility, the next generation will say order is something to be valued, because when it is interrupted, that order is restored as a matter of serious concern.

The truth of the matter is, perhaps more important than anything we do in any singular sense is the way in which we transmit values from one generation to the next. More important than any other responsibility of a culture is the transmission of values from one generation to the next. I think that as we have assembled our policy relating to juvenile crime, we have been transmitting the wrong values, we have been saying the wrong things, we have been doing the wrong things, unfortunately, because we tended to say juvenile crime is the equivalent of acts of mischief, that it is to be disregarded like shooting paper wads or spitballs in the hall.

You remember the Charlie Brown rock-and-roll song of the fifties, always doing those kinds of mischief things. We are not talking about mischief in juvenile crime; we are talking about assault and murder, armed robbery and rape. These are the parts of the criminal composite that are escalating; they are not declining.

At the same time that we have been effective in helping to curb a growth rate in violent adult crime, we are equally alarmed by the evidence that we are not succeeding in reducing juvenile crime. One of the reasons is that our approach to juveniles hasn't been an approach to them as criminals. It has been an approach based on some less-than-accurate understanding of what has really happened. We have thought of it as delinquency; we have thought of it as something less than crime.

If your wife is raped or if you are assaulted or if your child is murdered, you get a sense that this is not delinquency, it is not mischief. It is crime. I think as we try to send the right signal, as we try to make a commitment for the right kind of posture for our culture in the next generation, we need to say that violent crime committed by juveniles will be taken seriously.

That is one of the very important things that Senator SESSIONS has been able to make sure persists as a unifying thread of character through this S. 10 legislation—that violent crime is serious crime and it is not to be taken lightly because someone is less than 16 or less than 17 or less than 18 years of age. A murder is a murder. It involves a death. It involves a tragedy. A rape is the same. And this thread of seriousness is important.

So when we learn that violent crime arrests among juveniles in 1995 were 12 percent higher than they were in 1991, we know that we have not won the battle. And when we learn that they were 67 percent higher than they were in 1986, we know that the challenge remains for us to do something.

When you see the raw data, when you see the statistics and the carnage that happens to real families stacking up, you know that you cannot sit idly by. Although the most recent data may reflect some improvement, the problem is really destined only to get worse given the demographics. Those who tell us about the future say, given that the children who were born during the baby boom of the eighties will start to reach the potential ages for the commission of crimes, that we are in for real problems if we don't adjust the way we approach this problem.

One of the areas that I think needs our attention most radically is the area of juvenile crime records. Because we have thought of juvenile criminal activity as being mischief or inconsequential, we have decided to keep any records of juvenile activities very, very closely guarded. And we have an anomalous situation where we have juveniles who are not treated as criminals even though they have committed crimes like murder, rape, armed robbery, armed assault.

They are sent into our classrooms, and yet the teacher in the classroom has no capacity of knowing what the student has done. As a matter of fact, frequently, with the mobility that exists in the American culture now, people move from one State to another and they take their children with them, or the children move from one

State to another, and their record exists only in one State.

They go into a school room, they go into a community, and the law enforcement community does not know about the heritage of criminal activity, the history of the individual, the threatening nature, the violent proclivities of an individual. They do not have such information because the juvenile records have not been available. Juvenile records have been sealed, and law enforcement officials and school officials simply have not had access.

In the few States where they have had some access, that access is limited to students who committed the criminal activity within the State. We all know about the interstate mobility of people in our culture. As a matter of fact, those individuals who get in trouble frequently are the same individuals who are most active in crossing State lines. Our law enforcement officials need better access to juvenile records.

Our school officials need access. I talked to a teacher who said that individuals were assigned to her classroom who were wearing electronic shackles. You know, that is the new technology where you put a bracelet around someone's foot. It is very durable plastic and cannot be cut off easily. It has a transmitter so law enforcement officials can know the whereabouts of the person wearing the electronic shackle.

The teacher says that the students are capable of coming into the room and the teacher cannot know what they have done. I would be very, very reluctant as a teacher to see a student with an electronic shackle on his or her ankle reflecting the likelihood that some kind of very serious offense had taken place and still not have any ability to know what that student had done.

The student comes from another State and has been assigned to a juvenile facility in your State but the record is sealed. You are supposed to turn your back on such a student and write on the board, not knowing whether the student is a rapist or a murderer. I find that to be a very serious challenge to the kind of atmosphere we need in the classrooms. At least I think school officials have a special need.

I talked to a judge one time who was sentencing an individual for a very, very serious crime and did not have access to the records of this individual, who had lived in another State previous to the crime, and later learned that the individual had been involved in previous homicides.

I think judges, when they are issuing penalties, need to know what the history of an individual is, what kind of criminal activity has filled the past of that individual—not just the things that have happened since the person turned 18—because some of these individuals, given the violent criminal nature that pervades some components of the juvenile community, have a rap sheet that would extend from here to Cincinnati in terms of detailing violent activity that ought to be before the sentencing authority.

Juvenile records simply do not survive the juvenile's 18th birthday, and in many situations people start out with a clean slate. I think it is great to allow people to start over again in life. I think that is the marvelous part of what America has meant through the years. We let people get new starts in this country. But I think we have to protect ourselves. We should not say to anybody, ''You can do anything you want up to the time you are 18, and then you get to wipe it all clean and you'll be considered to be an Eagle Scout until your first offense, and then, even then, the judge won't be able to find what's happened to you.''

I really believe that inadequate records hamper law enforcement authorities. According to Police Chief David G. Walchak, who is the immediate past president of the International Association of Chiefs of Police, law enforcement is in desperate need of access to juvenile criminal records. The police chief said:

> Current juvenile records (both arrest and adjudication) are inconsistent across [State lines], and are usually unavailable to the various programs' staff who work with youthful offenders.

It seems to me that if we are going to try to work with young people to have them change what they have done, allowing the juvenile justice system to hide what they have done is not really a way for us to confront the past and to change it. We cannot be clouding it and concealing it if we want to change it. I think to make real change you have to confront what has happened and move forward.

Chief Walchak also notes:

> If we in [law enforcement] don't know who the youthful offenders are, we can't appropriately intervene.

Part of our ability to prevent criminal behavior by the individuals is to have the ability to identify people who have had problems in the past. He has put it very clearly. Here is a police chief who wants to do what is right. That is not just to punish crime, but to prevent it, to try to intervene to make sure we do not have these challenges over and over again. We have his hands tied because we have an outdated approach to juvenile records.

Well, Senate bill 10, which the Senator from Alabama has so appropriately noticed as a bill of monumental change and reconstruction in terms of our capacity to address these challenges, makes some serious reforms that will help us solve these problems.

The bill would provide incentive grants for States to fingerprint and photograph juveniles who are arrested for or charged with violent crimes and to send those fingerprints and photographs to the FBI and to create and maintain records of juvenile convictions and to share those with criminal courts, law enforcement agencies, and school officials.

If we really want our schools to do well, we cannot have them operating in the dark as to who is populating the classroom.

For States to qualify for these funds, States would have to maintain juvenile records that are equivalent to adult records and to make those records available to the FBI, to law enforcement officers of any jurisdiction, to school officials, and to courts for use in sentencing.

It is the kind of thing that I suppose the average American says, ''That's common sense. I wonder why we haven't been doing that.'' We ought to do it for people who are committing acts which are felonious in nature and which, if committed by an adult, would result in long-term incarceration. At a minimum, we ought to allow schoolteachers to know if individuals in their classrooms have been involved in that kind of activity.

The bill will also make records available across State lines. Given the mobility of the American population, it does not make sense to think we can compartmentalize our approach to individuals who are not going to be compartmentalized and should not be.

Senate bill 10 mandates that States send records to the FBI. It will enable State and Federal authorities to make assessments based on the juvenile's entire record. That is not only in the best interest of the culture and the best interest of the society, but, frankly, it is in the best interest of an accused juvenile. It does not serve anyone's interest to have a judgment rendered on the basis of inadequate data.

We do not make good decisions when we do not have the facts. And courts cannot make good decisions when they do not have the facts. And schools cannot make good decisions when they do not have the facts. The truth is, all we are asking is that the records be made available to individuals so that they make better decisions, and we can do a better job of curtailing a problem that threatens us sorely. This bill would help get that done.

A Federal solution is critical. Only if all States participate can we ensure that critical law enforcement and judicial decisions are based on the entire record. This is a concept which has been agreed to for centuries in America. In law enforcement, crime records have been shared because of the responsibility for public safety. They are clearly matters that are of interest to every State, and they are indeed matters which have long and traditionally been understood as matters in which the States need to cooperate and coordinate.

The bill ensures that juvenile records do not disappear when juveniles turn 18. The truth of the matter is, law enforcement and other officials need to make sure that that information is still available. The bill ensures that juvenile records are made available to those who need them. Courts will be able to sentence criminals based on

their entire record, not just what has happened since their 18th birthday.

Law enforcement officials will be able to monitor the behavior of individuals in their community who are known to be violent and to have criminal predilections. Teachers and other school officials will know who they have in their classrooms.

To think that we have to do that to address this problem is a little bit of a shock to me. I would be much more at ease to say to schoolteachers, ''We're going to let you find out and know about the individuals that populate your classrooms.'' I cannot imagine that they would not want that.

Records sharing. This whole concept of helping us have an orderly culture where we send a clear message about the nature of criminal activity and the fact that it is unacceptable and we will not tolerate it. It is not something that is a partisan issue. This is something that compels all of us to unite, to send the right message to the young people of America that we take crime seriously because we view their personal integrity and safety as a serious matter and that we will not treat them lightly if they are involved in rape, murder, armed robbery, armed assault, major drug trafficking, or other felonious activity, because we care about their future and care about the future of the country in which they live.

I look forward to the debate on this measure, to continuing with this measure in committee to make sure that we shape the bill properly as it comes to the floor of the U.S. Senate. I look forward to a time when the President of the United States will sign into law this kind of bill, which would help us send a message about the kind of tomorrow that we have the privilege and prerogative of shaping by developing public policy that respects not only the future of juveniles but also the present of individuals who have been victimized as a result of juvenile crime and violence, which is far too prevalent in our society.

I commend the Senator from Alabama for his excellent work in this respect. I look forward to working with him and welcoming him to the State of Missouri this weekend where we will be conducting hearings regarding the serious challenges with youth violence which we all face.

Mr. President, I yield the floor.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. I want to express my appreciation for the exceptional remarks made by the Senator from Missouri, Senator ASHCROFT. He has talked to us as one who has authority. He has spoken from his heart. He has spoken the truth. He has identified a problem in criminal justice, and he is absolutely correct. If you had 5,000 law enforcement officers and prosecutors in here and they were listening to that, they would say, ''Yes, that is correct. He is telling the truth.''

We do not do a favor to young offenders or to the justice system or to judges or to probation officers or to mothers and fathers, if we do not allow the full truth of people's criminal backgrounds to be known. All over America, police officers—many may not know this—are denied the right to maintain fingerprints and photographs of young offenders. This information cannot be held anywhere outside of the juvenile court because of the secrecy laws.

This bill does not mandate the elimination of secrecy laws. This bill does not eliminate that great tradition that we adhere to of trying to give young offenders a chance to get their lives back in order and to live life without a criminal record held over their heads. But it does say that records ought to be made available to the criminal justice system. When a young offender at age 17 commits armed robbery, and is later arrested in another State at age 19, that police chief, that prosecutor, or the judge who sentences him for his acts in the second State, needs to know what kind of prior criminal history he has.

The National Crime Information Center houses confidential criminal records solely for law enforcement purposes. I think it is a needed tool and a tremendous step forward.

The Director of the FBI appeared before the Judiciary Committee just 2 weeks ago. I asked him this very question. He said: ''Yes, law enforcement needs that information. Yes, the FBI will receive it if it's sent to us from the States. We need it, and we do not need any additional money to process it.''

Now, some have said it will cost huge sums of money for the States to implement this. That is, in my opinion, clearly incorrect. We have had this claim studied by a professional group. Their results show that $50 million is more than enough to handle implementation, and this bill has $50 million in it for this purpose.

I doubt it will cost that much. In many areas of our Nation, it costs very little for a local juvenile court to simply report an arrest or conviction and send it off to the FBI. There is almost no cost whatsoever. Some of the cities may want to have computer terminals and dedicated personnel. The money this bill provides will be more than adequate.

Previous funding for juvenile justice in America was $170 million. Under this bill, it would go to $700 million, a more than threefold increase in expenditures because we want to do something about the crime problem.

Adult crime has been dropping for the last half-dozen years. We have made some real progress in that regard. One of the main reasons for that decrease is that we have doubled and tripled prison space for repeat adult offenders. Prison does work to reduce crime, but we have not done anything in the realm of juvenile crime to compensate for the dramatic increases that are occurring.

According to the Department of Justice's own study, juvenile crime will double by the year 2010. We need to begin to deal with that. It has already doubled in the last 10 years. Juveniles are committing serious crimes, as the Senator from Missouri said, including robbery, murders, rapes. Those are the kind of crimes we must crack down on.

One thing that is important for us, as U.S. Senators to understand, is that juvenile justice has historically been and will remain a province of the States. Mr. President, 99.99 percent of juvenile crime cases are tried in State courts. We need to improve the ability of Federal courts to prosecute certain selected juvenile crime cases. This bill will do that. Still, juvenile crime cases will remain the province of the States. So if we want to improve juvenile justice, Mr. President, we need to help these States improve their system. That is what this bill does.

Now, what is the problem with the Federal system? As a U.S. attorney for 12 years, I know the problem. If you wanted to prosecute a young offender in Federal court, an offender who appropriately should be prosecuted in Federal court, a number of things have to occur for this to happen. First, you have to get approval from the U.S. Department of Justice. Second, you have to seek certification of that young offender as an adult to be tried in the Federal system. Before you can do that, the offender has the right to appeal. Often when that appeal takes place it goes to the circuit courts of the United States and a year or more may go by before the case ever comes up for trial. As a practical matter, it is virtually impossible to effectively prosecute routine or even significant juvenile cases in Federal court. We have shut the door to Federal court.

I do not believe that the Federal courts should take over juvenile prosecutions throughout America, but they ought to be able to prosecute certain cases that are appropriate to be prosecuted in Federal court. We need to reform that system. This bill does it. It removes the appeal process. It would allow a U.S. attorney, in many circumstances, to make the decision on his own as to whether or not to prosecute and bring that case to trial, just like any other criminal case. So we are going to have some very good improvements in that regard in the Federal system.

In addition, Senator HATCH and Senator FEINSTEIN have worked hard on a proposal to crack down on the violent gang activity that is disturbing so many areas of this country. In fact, gang activity occurs in every State in America. This bill includes very good, very tough, Federal antigang legislation that will help us break up these organized activities and will help us put an end to that kind of dangerous gang activity. We are pleased this bill will do that.

The Senator from Missouri mentioned a very important thing and that

is the question of intervention. Professionals in counseling talk about it frequently. By intervention they mean that a person who is on a bad road, who is heading down the road to destruction, who is making serious mistakes either in term of drugs, alcohol, or criminality, needs something to happen to intervene in that process or that person will end up being destroyed by that problem.

That is what this bill attempts to do, both by recordkeeping, so we can identify whether or not this is a repeat offender so that the judge and the prosecutor will know that when they deal with sentencing, and also through drug testing. We know that in the District of Columbia, where drug testing of every arrestee is done today, 66 percent of the persons tested test positive for some sort of drug in their system. That is a significant statistic. Do not think, Mr. President, that this is only true of Washington. There are cities all over America that have been involved in testing programs like this, typically to determine the connection between drugs and crime, and their results consistently show that from 60 percent to 70 percent of their arrestees for criminal activity test positive for drugs in their system.

When a young offender appears before a juvenile judge, that judge needs to know, if he wants to help that child—by crafting a penalty or a sanction that will help change his lifestyle—whether or not that person is drug free or whether he is using drugs.

This bill will mandate that the States test every offender upon arrest, and it provides more than enough money to pay for that mandate. We are not doing an unfunded mandate. The bill provides more than enough money to pay for that provision. To me, drug testing is an essential aspect of any criminal justice system. When a young person is arrested, the judge needs to know, his probation officer needs to know, his parents need to know, whether or not drugs are a contributing factor to that young person's criminal activity.

Eric Holder, who just appeared before the Judiciary Committee as the nominee for Deputy Attorney General of the United States, a position which is second in command at the U.S. Department of Justice, was a former Federal judge in the District of Columbia and is the current U.S. Attorney for the District of Columbia. I asked him about drug testing, specifically whether he thought it was a good idea. He said, ''Absolutely. We did it regularly in Washington, DC. As a judge, that is the kind of information I had to have to make the right kind of decisions about whether offenders should be released, how they should be treated, and what kind of punishment they should have.''

Mr. President, drug testing is not designed to set up a situation where juvenile offenders would be prosecuted again for another crime. That is not the purpose. It does not sustain a prosecution for a crime. But what it does do is provide the judge, the probation officer, the prosecutor, and the family, with the knowledge that the young person has a problem with drugs. To me, any effective juvenile justice system that does not have regular drug testing as a part of it is an ineffective system. It fails to meet the basic requirements of what a legitimate criminal justice system is. We are trying to reach out all over America by supplying funds to help the States and the localities have the kind of resources they need to do drug testing and improve the current system.

Some have raised the question that this is a violation of civil rights; that you cannot make an arrestee be tested. Well, they are being tested all over America already upon arrest. They have been tested in the District of Columbia every day for over 20 years. Jay Carver, who just resigned from that program, had led it for 20 years. He knows how that program works and he supports it. It is not a civil rights violation. When a person is arrested for a crime, a judge has the discretion to determine whether or not to release that individual from custody. If the judge has the power to keep a person's very liberty, to deny him his right to walk out of court and be a free person, he certainly has the right to say you can be released from custody on probation or on bail but you have to maintain certain curfew hours and you have to submit to drug testing. That is a far less intrusive intervention in that person's life. Also, we find the cost of those tests are $5 to $6 for initial drug screening. We believe that is a very inexpensive way to deal with this.

Again, as I view the drug testing program, it is a diagnostic tool. It is a tool to help identify the real problem that a child might be facing and to help the justice system and the parents develop a strategy to deal with that.

There are a number of other parts of this bill that we think are extremely important and will help to actually reduce juvenile crime in America. Those things include removing unnecessary and burdensome mandates that law enforcement tells me cause young offenders to be released routinely for offenses they should never be released for. They tell me over and over that the young offenders are laughing at them because of their inability to carry out sanctions.

Mr. President, I am delighted to take this opportunity to recognize the distinguished Senator from New Mexico, Senator DOMENICI. He has had a very strong interest in juvenile justice. He has submitted legislation on that that has been made a part of this legislation. I am delighted he is here.

I am prepared to yield any time he desires to share his thoughts on this important subject.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Senator, how much time do you have?

Mr. SESSIONS. We have until the end of the hour.

The PRESIDING OFFICER. The Chair observes that the Senator has 23 minutes and 30 seconds remaining.

Mr. DOMENICI. Mr. President, I will try to use less than 10 minutes.

First of all, Mr. President, let me commend the Judiciary Committee, and in particular, the subcommittee chaired by the distinguished Senator from Alabama, Senator SESSIONS.

Frankly, I am of the opinion that it takes us too long to address issues that are obviously important to the American people. That is why I urge we not let this year pass without passing a major Federal reform of our Nation's juvenile justice system.

The Federal juvenile justice system is a very small part of the overall justice system, but it does have a very big impact on how things are going out in the States, and in many instances needs reform so it does not stand in the way of the difficult job that our cities and States have in this new evolving era of juvenile crime. I am sure some of the talks on the floor of the Senate today have indicated some of the areas we must reform. I will leave that to those who are on the committee. Those are patent. They are clear. But they will be highly controversial.

Nonetheless, we should do something to make sure that our laws are not in the way of cities, counties, and States—reasonable, rational efforts to control this major, major criminal epidemic.

Having said that, I believe we also ought to take a lead role in suggesting to our States that if they want some Federal help, then they must modernize their juvenile justice systems.

It is very strange in America, that we have had for many, many years an adult system of justice, a penal system, probation, and the like. What is new to America is that more and more of the crime is being committed by young people from 13 to 18 years of age. The proportions are exponential in terms of growth of juvenile crime of a serious nature.

I am not talking about when we were growing up, maybe shoplifting or truancy, which is probably 90 percent of what the police were concerned about with kids. Now it is murder, it is gangs, it is thievery, it is drive-by shootings, it is all kinds of violent criminal acts that are scaring the adult population for two reasons. They are fearful for their own lives, and they also wonder what will happen to this generation of teenagers if that group committing these crimes grows and grows. Where will we end up incarcerating them?

Mr. President and fellow Senators, there is no question the system is not working. Go to your States and ask how many times must a teenager commit a serious, serious crime before they are taken from society and put into some kind of penal system to try to keep them from committing more

crimes and try to help them. It is startling. In many jurisdictions they commit as many as 10 to 15 serious crimes before anything is done to them. It is amazing how ancient, archaic, and broken down the juvenile justice system is. It didn't come into being and take a long, long time to perfect itself. It was put together in little pieces and patchwork, where it actually, in many instances, just doesn't work.

Now, what we have tried to do—Senator JOHN ASHCROFT and I have introduced a bill that does a lot of things. But after participating in a series of hearings in New Mexico and talking to victims, it was absolutely something that, as long as you are a Senator, you won't hear anything worse than hearing from the victim of teenage violence. I heard from a beautiful young girl who is a dancer, who for no reason was just stabbed in the throat. She was doing nothing, not causing any commotion at all. We heard about the trauma that beset that young woman and her family and the way the juvenile justice system treated her and the family. It is as if the only thing that counted was the accommodation of the criminal, not the victim.

But what we would like to do is to set up a $500 million program that is essentially an incentive grant program. Part of it will go to the States just to help them with juvenile justice, and the other part will go to States who choose certain options to modernize their system and make it work better. What we heard over and over again is that we wait too long before we do anything to correct the situation among teenagers.

Now, anybody that has been a parent—and I have, and I note the occupant of the chair has, my dear friend, because I hear about them often. If you let them get away with little things and more little things and more little things, and you do nothing, when they do something a little worse, it is too late. If you wait long enough, without some corrective measures, you will find yourself engulfed in serious misbehavior. Kids learn by receiving some kind of punishment for every misdeed and wrong act they do. Even if it is a tiny punishment, to know that they are not getting away with it and they must shape up is obvious to everyone who has raised children. The justice system must do that also. No misdeed must go unattended, regardless of how small, even though the punishment would be small. We call this graduated sanctions, and it is an important part of our bill.

We have set out in our bill, which we hope will be incorporated, a number of things like that. And many, many other important reforms that we found out there in our hearings would have to be adopted by our States if they desire to receive additional money to help them in this, what must be a war on teenage crime.

If we wait too much longer, we are going to, once again, be a joke as the Federal Government. We are going to come along and society is hit with this pending disaster. They are will wonder where the Federal Government was. Some Senators are going to come to the floor—I hope not many—and say it is none of our business. The States ought to take care of crime.

I will tell you, I have learned that there is no easy way to draw a line about what is our business as a Nation and what is a State's business as a State. But we can all say that the one thing that is not getting any better in America is juvenile crime. It is getting worse. As statistics show, some of the adult crimes are coming down a bit. The Senator has been part of these hearings. But, juvenile crime continues to go up and up.

So I am very hopeful, and I challenge our leadership—I already know what our distinguished leader TRENT LOTT thinks about this. But I think at the first opportunity we have we ought to get this bill reported out and get it to the floor. The public would be very excited about a debate on this issue. We debate many things they aren't interested in. But they would be interested in this and in the philosophy, and perhaps the difference in philosophy between the two parties on this, too.

I thank the Senator for yielding time and for arranging this morning's discussion on this very, very important issue.

I yield the floor.

Mr. SESSIONS. Mr. President, I appreciate very much the comments of the Senator from New Mexico. People are angry. We need to do better. There was a case in Alabama 2 years ago where three juveniles murdered a man. Those 3 offenders had 7, 8 and 15 prior arrests each and yet they were out on the streets murdering somebody. He is exactly correct. We need a system of increased sanctions, and this bill calls for graduated sanctions. That means increasing the punishment for each offense to send a message that juvenile offenders are not going to walk free.

Mr. President, I am delighted to have Senator DEWINE from Ohio here. He is a former prosecutor, former Lieutenant Governor of the State of Ohio, who has great knowledge in these law enforcement matters. He is a leader on the Judiciary Committee, a leader on our committee to reform juvenile justice. I am pleased to yield to him at this time.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I thank my colleague from Alabama for the great work he has done as the subcommittee chairman. Let me also compliment my colleague from New Mexico, as well as my colleague from Missouri, for the great work that they have done to call the attention of the Senate to an issue that is certainly on the minds of the American people, and that is the issue of juvenile crime.

We always have the question, as my colleague from New Mexico has pointed out, of what is the proper role of the Federal Government in what has historically been a matter that has been dealt with by the States. I think there is a role. I think what is important, as we look at Senate bill 10, which is currently in the Judiciary Committee, awaiting markup—as we look at that draft, it's important for us, with the finite amount of money that we do have to spend, that we spend that money wisely, and that we spend it with an understanding that the criminal justice system, particularly the juvenile justice system, is inherently a local system. So what we need to do in Congress is to do those things that matter, to do those things that maybe only the Federal Government can do to try to give assistance to the local communities. So we need to sit back, I think, and think about what that is, what can be our unique contribution.

I want to talk this morning about one particular area that we have been able to get in the draft of the bill, which the chairman of the subcommittee, Senator SESSIONS, has been very much supportive of. It is an area that I have worked on for a number of years, going back to the time when I was a county prosecutor, and that is the sorry state—if I can use that term—of our criminal records system in this country. I have worked long and hard to try to improve that system. It is an area where the Federal Government can be of assistance because the reality is that what happens in Ohio affects what happens in New Mexico and what happens in Alabama, as far as the keeping of criminal records. If Ohio doesn't put our records in the system and someone from Ohio goes to New Mexico and commits a crime, then New Mexico is the loser because the local law enforcement does not have that information. So this is an area where we have a national system, administered by the FBI—a criminal records system for adults, administered by the FBI. But if we don't get the local input and information, then it doesn't do any good.

That same principle applies to juveniles. The only difference is, historically, we have not shared records of juvenile offenders. We have proceeded under the assumption that a person who commits a crime in Ohio before the age of 18 is a juvenile. Their records are sealed. They are not available to anyone. In fact, they may not even be available outside the county in which the individual committed the crime, or with the individual in Ohio, where that person resides. That is where the records are kept.

I think we now understand that, with violent crime increasing among 15-year-olds, 16-year-olds, 17-year-olds, even 13- and 14-year-olds, it makes absolutely no sense and is very counterproductive and dangerous for us to continue that old mindset that says we are going to protect the record of this juvenile, even if this juvenile has committed murder, even if this juvenile has committed rape, or a whole series of

what would be felonies if committed by an adult.

What this bill does is it says enough is enough. We have to change the policy in this country that says we protect these records, and we have to make these records available to law enforcement for legitimate law enforcement purposes—which means prosecutors, police, sheriff departments—so that when a 16-year-old commits a crime in Greene County, OH, and they show up a year later in New Mexico and commit another crime, there is a national database, and that there has been information put in that database so the officials in New Mexico know that this is not a first-time offender, that this person has a bad track record, and they have committed whatever they have committed in the State of Ohio.

We live in a very mobile society. We live in a society where families are broken down, which means, tragically, young children move from community to community. For our own self-protection, it is vitally important that this information follow that individual. This is what this bill addresses. We will have the opportunity on the floor later to talk in much greater detail about what this does.

I want to use a real life example, if I could, which I think illustrates the need for this type of tracking and for the money that this bill provides for the local communities to have this kind of tracking.

Let me tell the story about ''Jack.'' That is not his real name. What he did was very, very real. When Jack was 12 years old, he was arrested for vandalizing a neighbor's house, wrecking the furniture and drowning the neighbor's pet bird in the bathtub. When Jack was 14, he was burglarizing another apartment. The elderly man who owned the apartment came home and found Jack there and confronted him. Jack and the elderly man struggled, as a result of which the elderly man broke his hip, and, tragically, this man then died a few days later of pneumonia. Jack was convicted of involuntary manslaughter.

Let's go forward, Mr. President, 5 more years. Jack is now 19. He breaks into a house and severely beats a 45-year-old woman who lives there. Jack is arrested for this. It is his first adult crime because now he is 19. A Cleveland judge has to sentence Jack, and because all his juvenile offenses aren't available to the court, the judge is dealing with a person who he thinks is a first-time offender. Jack got probation. This is a true story. Two months later, he burglarized another home and killed the 81-year-old man who lived there. The judge had to make a crucial decision in this particular case where we are talking about Jack, a decision vitally affecting the public safety of the judge's community. But he had to make that decision, which turned out to be a decision which cost someone their life; he had to make it in a state of legally enforced mandatory ignorance. It wasn't the judge's fault, it was the system's fault.

What we intend to do by this legislation is to help change that culture, change that system, so that a judge who is faced with making a life-or-death decision will know whether or not this person is a first offender or whether, as in the case of Jack, he had a long record of not just scrapes with the law but a long record of violence. If a judge knew that, the judge's decision would be very different than if he did not know that fact.

I see that my time is about up. Again, I thank the Chair. I thank my colleague from Alabama for the great work he has done on this piece of legislation. I have taken a few minutes to talk about just one of the aspects of the legislation. There are many other parts that have been discussed. I look forward to working with him and the other Members of the Senate as we bring this bill to the floor this year, as we pass it, as we send it on to the President.

Mr. SESSIONS. If the Senator will yield a moment, I think it would be instructive if he would share, from his personal experience as Lieutenant Governor and working in this area, the importance of records. He, more than any Member of this body, has firsthand experience in that area.

Mr. DEWINE. I will do this very briefly in the time we have. When I was Lieutenant Governor of Ohio, I was in charge of the seven different agencies in our administration that had anything to do with law enforcement. One of the things that we tried to do is to improve our criminal records. This was, as I said, a longstanding interest of mine that went back to the time when I was a county prosecutor. When I first started looking at this as Lieutenant Governor, I was shocked by what I found. What I found is that the accuracy of the adult criminal records system in Ohio left a lot to be desired, and that is a nice way of saying it.

I was even further shocked when I found that Ohio was pretty typical. It is pretty much the same as we find in most other States.

When I first started looking at it, I asked the question to our State employees: How accurate are criminal records? I got something back like, ''Well, we think they are about 40 percent accurate.'' Six months later, after they really look into this, they found they were about 12 percent totally accurate.

What happens is, as people are arrested it goes into the system but you don't get the final disposition going in. You don't get the information, if the person is convicted, or, in some cases, if the person is acquitted. So you try to determine how totally accurate the records are.

What we find in most States is that clearly less than 50 percent of the criminal records are accurate. That is the adult system. But what we are dealing with here is the juvenile system. And in most States we are just barely beginning to establish the juvenile recordkeeping system.

The money in this bill will help the States establish that system, help put it online, and help make it accurate.

Mr. SESSIONS. I thank the Senator from Ohio very much.

Mr. President, I believe our time has about expired. I ask unanimous consent for 2 minutes to wrap up.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Chair observes that the Senator from Alabama still has approximately 4 minutes remaining.

Mr. SESSIONS. Very good.

Mr. President, first I would again like to thank the Senator from Ohio for his support and for his insight, certainly shared by the Director of the FBI, on the importance of having a national crime information center for the criminal history of violent young offenders.

Mr. President, Senator HATCH, the chairman of the Judiciary Committee, is today in the Finance Committee markup—a very, very important meeting. He could not be with us. But we are both proud of this bill. The Hatch-Sessions bill has the potential to really reduce crime.

One of the things that has been talked about and that we have heard a lot about is prevention money. I will assert with absolute confidence that the certainty of swift punishment is a necessary tool in the prevention of crime.

As other Senators have said, our juvenile justice system in this Nation is broken. Ask your local police officer anywhere in this Nation, and they will tell you that it is not working effectively. We cannot allow that to continue.

This legislation will mandate certain reforms. It will help fund other reforms. And it will do one thing that we have to do, and that is to increase bed space and detention space for violent juvenile offenders. We have not spent that kind of money in the past. We have increased adult detention space three and fourfold, but we have not acted accordingly for young offenders.

This bill will provide matching money, which acts as the biggest source of our money in this bill. And we will have a lot of money in the bill that will help go towards prevention in a lot of different ways.

But I want to make this point for all of America to understand. Clearly this Congress and this Nation is involved already in prevention. This bill is designed to fix a broken juvenile justice system. We have to do that. And we cannot allow people to have 7, 8, 15 different arrests and not be held accountable for that.

Let me show you this chart. The title of it is across the top: ''Federal Programs for At-Risk or Delinquent Youth.''

These are juvenile prevention programs. There are 131 of these programs

that have been funded by this Government. We spend $170 million on juvenile crime. We already spend $4 billion on prevention programs through virtually every agency and department of Government.

Look at these things. The Department of Interior: Indian child welfare groups; Department of Housing and Urban Development: The 4–H groups, youth apprenticeships, youth sports programs: Department of Labor: Job training for homeless demonstration projects, summer youth employment training, school to work opportunities, Youth Fair Chance; Department of Transportation: Youth-impaired driving techniques projects; gang resistant education and training in the Department of the Treasury.

So it is just on and on. One of the things Senator THOMPSON talks about a lot is his belief that we have no idea about what works in terms of prevention. He is very frustrated by all of these programs with no real belief in whether or not we know that they work.

So, in consultation with him—and Senator HATCH has agreed—we have added to this bill a substantial sum of money for research to analyze these programs to see which ones work.

We want to prevent crime, and we care about young offenders. But the most crucial thing we are facing today is a situation like that of the young lady who Senator DOMENICI mentioned who was stabbed in the throat by a young violent offender, in which the juvenile justice system did not work. Those offenders are not being properly processed, and when apprehended are not properly punished.

This bill will mandate a series of graduated sanctions. We want to make sure that the first brush of a young offender with the law is his last. I believe we can do that. This bill is a major step forward in that regard.

I appreciate the opportunity, Mr. President, to share these thoughts and ideas with my colleagues.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, what is the regular order?

The PRESIDING OFFICER. The Senator from Massachusetts has an order to speak for up to 15 minutes.

Mr. KERRY. Mr. President, I thank the Chair.

Mr. President, I will not use that full amount of time because other colleagues are waiting.

(The remarks of Mr. KERRY pertaining to the introduction of S. 929 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. KERRY. Mr. President, I yield whatever time remains, and I thank my colleague.

Mr. ALLARD addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. I ask unanimous consent to address the Senate for 7 minutes under morning business, and following that, extend 10 minutes to my colleague from Arizona, Senator KYL, under morning business.

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

ESTATE TAX REFORM

Mr. ALLARD. Mr. President, I rise to make a few comments concerning estate tax reform.

There are a number of things I support in the House tax bill. I am pleased to see cuts in the capital gains tax, and I am pleased to see tax relief for families with children. However, I am very concerned with the proposed adjustment of the estate tax. The estate tax has seen a significant change since 1981, and the current $600,000 exemption has never been adjusted for inflation. If it had been adjusted, it would be worth $840,000 today. The recommended adjustment in the House bill would not even keep pace with inflation and would not ease the substantial economic burden placed on family businesses and farms.

The proposed Senate version is better but still needs improvement. It raises the exemption to $1 million to all estates by 2008 and would exempt an additional $1 million on family farm and business assets.

At the time of a person's death, their farm or business has already been subjected to Federal, State, and local tax. The estate tax is a double tax. The estate tax not only places a burden on assets that have already been taxed but it does not discriminate between cash funds and the nonliquid assets and property that make daily activities possible for a family business or farm. These asset-rich, cash-poor businesses can have their livelihood eliminated in order to pay a tax of up to 55 percent—up to 55 percent—of market value of the property left to them. Ironically, the estate tax raises only 1 percent of the Federal Government's revenue but helps to prevent up to 75 percent of family businesses from being passed to a second generation. This practice threatens the stability of our families and communities while inhibiting growth and economic development.

I strongly support estate tax relief. The current estate and gift tax system poses a great threat to family-owned businesses and farms. I am a cosponsor of legislation to increase unified credit and to index it for inflation. I am also a cosponsor of legislation to eliminate the estate tax entirely.

Repeal of the estate tax would benefit the economy. George Mason University Professor Richard Wagner has stated that the elimination of the estate tax would enhance the output of the country by $79.2 billion—I repeat, by $79.2 billion—and would create up to 228,000 jobs. Unfortunately, under the current system, the energy that could go into greater productivity is expended by selling off businesses, dividing resources and preparing for the absorption of an estate by the Government.

The current system leads to the views of an Arizona citrus farmer who said of his family business, ''Instead of an inheritance, it's an albatross.''

We must insist that no more American families lose their businesses because of the estate tax. We must assure that when a family is coping with all the inevitable transition costs of passing a business from one generation to the next, the Federal Government is not there as an added burden. The working people of the United States deserve better.

Until we accomplish total repeal, I will be working to reduce the burden of this tax. I believe the exemption should be dramatically increased and that the current 17 rates should be reduced to one low, flat rate. The estate tax should then be effectively abolished for family businesses and farms for as long as the assets remain in the family. No family business or farm should ever have to be liquidated just to pay the estate tax.

I look forward to working with the Senate Finance Committee to reform this outdated and punitive tax system.

Mr. President, I yield back the remainder of my time.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I thank the Chair.

INTELLIGENCE AUTHORIZATION

Mr. KYL. Mr. President, I wish to follow up on some comments that my colleague from Colorado made. First, however, I should like to address a subject briefly which has relevance to one of the bills we will be taking up, if not today, then later this week, and that is the intelligence authorization bill.

This is a bill which should not have a great deal of controversy surrounding it. It provides for the funding of the intelligence agencies of the United States and the substantive policy that governs our intelligence activities, but it is especially relevant and propitious, I think, that we take up that bill this week following the news accounts of the arrest and incarceration of a man whose name is Kanzi, ostensibly from Pakistan, who is the alleged perpetrator of a violent crime against employees of the CIA a few years ago here in the Washington, DC, area.

The reason I bring this up now is to make two points. One, we frequently hear the stories when things go wrong in law enforcement and in particular in operations involving our intelligence agencies. We try to learn from those lessons, but there have been bitter experiences with which we have had to deal. What we do not hear so much about are the many, many successes that go unreported, frequently because they involve law enforcement or intelligence activities that simply cannot

be disclosed publicly. They involve classified material, sources, and methods of collection of information which we simply cannot discuss or we would be compromising those sources and methods.

So these stories are not told, and it is too bad because I think the American people, in order to support our law enforcement and intelligence agencies, need to appreciate the work that they do and the danger that they frequently face and the many times in which by their actions American lives are saved and yet we do not even know about it.

In this case, the details will have to come out later. We have been briefed, and certainly there is a very fine story to be told here. But the details will have to come out later. What we can say at this point is that this will be found to be yet another example of where American law enforcement officials played a key role in bringing to justice a terrorist, a person who at least allegedly has committed a heinous crime and hopefully, as a result of that information coming out, we will be supportive of agencies such as the FBI, such as the CIA, the DIA, and the other agencies, some of which we will be discussing in the intelligence authorization bill a little bit later.

The second point is that we will find, track down, take into our jurisdiction, and prosecute terrorists. They can run, but they cannot hide. And they should note that we do not rest until we bring these people to justice. If you look at the number of terrorist incidents over the last several years, in many, many cases we have found and we have gained jurisdiction over and in some cases already prosecuted the people who have perpetrated heinous crimes against society in general and frequently against Americans. We will continue to be successful in doing that and in protecting American people if we are able to adequately fund and provide proper policies to guide our law enforcement agencies.

So when we take that bill up later, I hope that my colleagues will be supportive and the American people will appreciate the continued necessity of providing that kind of support. In the end it is what will preserve our democracy as well as peace around the world.

TAX RELIEF FOR AMERICAN WORKING FAMILIES

Mr. KYL. Mr. President, I wish to briefly address the same subject my colleague from Colorado addressed, and that is the proposition that Americans are finally going to get some tax relief. The biggest tax relief, as a matter of fact, in 16 years is about to be brought to the Senate floor for debate. It is uncertain yet precisely what some of the details are, but the Ways and Means Committee of the House of Representatives has put a plan on the table, the Finance Committee in the Senate has put a plan on the table, and the members of that committee are working through the details of that bill.

We do know the general outline so far, and I think we can talk about that and begin to lay the groundwork for debate in this Chamber on that historic tax cut for American working families. I think that is the first lesson to be learned here. I really deeply regret that some people at the White House are already beginning to take political pot shots at this very worthwhile, bipartisan tax relief to be provided to American families. It is the same old political rhetoric that it is a tax cut for the rich. That just does not fit this proposed tax cut. Most of the tax cuts are for average working families, and all of the tax cuts are good for the economy of this country. As a matter of fact, under the proposal that the Senate Finance Committee began considering yesterday, three-fourths of all of the tax relief goes to families making less than $75,000 a year and that is not an atypical, two-parent working family in America today. So with three-fourths of the benefits going to that income level, it is hardly to be characterized as a tax cut for the rich.

As a matter of fact, 83 percent of this proposed tax relief is in the form of relief to families with children, the $500 per child tax credit and the educational tax credit and other relief for families struggling to send their kids to school; 83 percent of the relief is of those two components.

So let us not begin this important debate with some political demagoguery about tax cuts for the rich, especially, Mr. President, since the relief here, though historic, is quite modest in total amount—less than 1 percent of the budget—because the negotiators, under pressure from the White House to keep the tax cut small, agreed to a net of only $85 billion in tax cuts over a 5-year period.

Now, the Republican plan that was introduced at the beginning of this year provided for $188 billion in relief and, frankly, that was not enough for many of us who felt it should have gone further, but at least it was enough to provide meaningful relief in terms of the $500 per child tax credit, meaningful IRA relief, some capital gains relief, estate tax relief, and education relief. These are critical to the American economy and to American families.

The $85 billion that is available to accommodate these five areas is not going to provide adequate relief in any of them but at least it will provide a start. I am a little disappointed in those who are already attacking it as if it is too much for us to afford. It was negotiated and agreed to by the White House. Therefore, I hope that we will get some support because here in this body there is already bipartisan support for it. It involves, as I said, a phased-in $500-per-child tax credit for families with kids. It involves two different kinds of IRA tax relief. There is the $2,000 homemaker IRA relief for families which do not have a pension for the homemaker. My wife always wondered why she could not fund an IRA the same way that I could fund an IRA. She worked just as hard as I did, even though she did not have a wage-paying job. And we also have a backloaded IRA relief provided in this package, so even in families where there is a pension, that doesn't preclude them from the spouse having an IRA and being able to save for future years.

We also provide capital gains tax relief, not as much as we would like, but it ought to be enough to at least stimulate key parts of our economy so we can continue to grow and provide jobs for all Americans families. And, as I mentioned before, the educational component of this as well rounds out the relief.

The one area where we did not get very much relief is in the death tax that my colleague from Colorado talked about. I think the answer there is simply this is not enough. Phasing in an exemption up to $1 million over an 11-year period is totally inadequate. But I think what this will do is simply sharpen our interest in continuing to engage in that debate and ensure that there will be greater relief from the death tax in future years. Obviously, it simply cannot all be accommodated within the $85 billion that was agreed to.

So I think as we begin this debate we should do so on a positive note, on a constructive note, determining how we can work together to provide meaningful tax relief to American families. If we do that, we will succeed in helping the very people who need help in our society by ensuring continued economic growth and by making good on our promise to the American people for historic tax relief, the first in 16 years.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from West Virginia.

SENATOR ROCKEFELLER'S BIRTHDAY

Mr. BYRD. Mr. President, in 1964, a tall, bright-eyed, 27-year-old Harvard graduate arrived in West Virginia as a VISTA volunteer, eager to take on the ills of poverty, eager to change the world, starting with the small, rural town of Emmons, WV.

But things did not quite turn out for the young man exactly the way that he expected them to. As JOHN D. ''JAY'' ROCKEFELLER, IV, quickly discovered, just as untold others have, there is something about West Virginia that gets into the blood and stirs the utmost depths of the soul. One West Virginia newspaper in February of last year quoted him speaking about those early days in Emmons. In that speech JAY ROCKEFELLER reflected ''In the end, I was the one who was transformed by the experience—completely transformed.'' Subsequently, ROCKEFELLER decided to move to West Virginia to live, rear a family, and build an impressive career of public service that

continues to benefit West Virginians today.

Mr. President, today marks the 60th birthday of my colleague, Senator JAY ROCKEFELLER, and I take this opportunity to recognize this milestone for my friend and ally, an outstanding Senator, and a distinguished West Virginian.

You can, perhaps, imagine the eyebrows that were raised initially by West Virginians, or some of them, when the young, energetic, wealthy ROCKEFELLER moved from New York to the foothills of their State.

He took a lot of ribbing early on—and I can tell you that it was not all good natured. Many did not see the match as one of perfect bliss. At best it might have been described as the near equivalent of a James Carville-Mary Matalin union. But JAY ROCKEFELLER endured with determination.

After serving a 2-year term in the West Virginia House of Delegates, ROCKEFELLER served 4 years as Secretary of State. Then, after a 3-year sabbatical from politics during which he served as the President of West Virginia Wesleyan College in Buckhannon, he ran for and won the West Virginia Governor's seat—not the kind of comfortable, overstuffed chair one might expect a Rockefeller to occupy in West Virginia.

Some in West Virginia have said that the sure way to end a political career in our State is to become Governor. I have referred to it, from time to time, as a good jumping off place—not a place from which I would particularly like to jump. It may well be our State's most unforgiving job. But JAY ROCKEFELLER weathered the rough shoals of gubernatorial service in West Virginia and, in 1984, went on to win a U.S. Senate seat. That says a lot about his resolve, his vision and his determination.

Since his arrival in the Senate, I have watched JAY emerge as a strong leader focusing on the needs and concerns that affect West Virginia and the Nation. He looks beyond the borders of West Virginia. Through his work to improve the quality of life in West Virginia, JAY has also won over many of those who were at first skeptical at the idea of a Rockefeller moving into mountaineer country.

JAY won his people over with hard work. He has focused his efforts on aiding veterans and championed health care issues. Like so many others who throughout the years have been cured by the healing waters of West Virginia's mountain springs, JAY ROCKEFELLER has become an enthusiastic salesman for West Virginia, boasting of its admirable, unequaled attributes to any potential convert and even drawing them in from far-flung locations around the globe. The long arms of JAY ROCKEFELLER have reached even across the Pacific to Japan to help draw business interests to the mountains and valleys of Appalachia. He can speak Japanese. He can write Japanese. He has studied the Japanese language.

I am glad that JAY made that life-changing decision to go to Emmons three decades ago. Since that time he has made great strides toward improving the quality of life for my people in my State, which he has proudly made his adopted home, as I have adopted West Virginia, my home, having been born in North Carolina almost 80 years ago. Today, on his 60th birthday, Senator ROCKEFELLER's efforts to encourage development and prosperity all across West Virginia are well known. I salute his efforts. And Erma and I wish JAY and his wife, Sharon, continued success and happiness for many years to come.

A poet whose name I do not recall said it perhaps best, and I shall use the lines of that poet in saying happy birthday to JAY ROCKEFELLER:

Count your garden by the flowers,
Never by the leaves that fall;
Count your days by the sunny hours,
Not remembering clouds at all.
Count your nights by stars, not shadows,
Count your life by smiles, not tears;
And on this beautiful June morning, Jay,
Count your age by friends, not years.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 17, 1997, the Federal debt stood at $5,329,352,124,923.40. (Five trillion, three hundred twenty-nine billion, three hundred fifty-two million, one hundred twenty-four thousand, nine hundred twenty-three dollars and forty cents).

One year ago, June 17, 1996, the Federal debt stood at $5,137,826,000,000. (Five trillion, one hundred thirty-seven billion, eight hundred twenty-six million).

Five years ago, June 17, 1992, the Federal debt stood at $3,946,500,000,000. (Three trillion, nine hundred forty-six billion, five hundred million).

Ten years ago, June 17, 1987, the Federal debt stood at $2,293,495,000,000. (Two trillion, two hundred ninety-three billion, four hundred ninety-five million).

Fifteen years ago, June 17, 1982, the Federal debt stood at $1,069,969,000,000 (One trillion, sixty-nine billion, nine hundred sixty-nine million) which reflects a debt increase of more than $4 trillion—$4,259,383,124,923.40 (Four trillion, two hundred fifty-nine billion, three hundred eighty-three million, one hundred twenty-four thousand, nine hundred twenty-three dollars and forty cents) during the past 15 years.

TRIBUTE TO SENATOR DALE BUMPERS OF ARKANSAS

Ms. MIKULSKI. Mr. President, with sadness, I rise today to pay tribute to a remarkable member of the U.S. Senate, the senior Senator from Arkansas, DALE BUMPERS. Senator BUMPERS has announced his retirement after more than 25 years in public service, including the last 22 years in the U.S. Senate. When DALE BUMPERS leaves the Senate at the end of next year to return to his family and his beloved Arkansas, I will miss his leadership and his friendship tremendously.

There has rarely been a Senator in this body with the courage of his convictions like DALE BUMPERS. During his time here, he has stood up valiantly for the causes he believes in. He has been an advocate for his home State and has fought against a number of Government projects that he felt were wasteful or inefficient. His object has always been to protect the people of Arkansas and the American taxpayer. We have not always agreed with each other on the merits of every project. But I have always been able to count on Senator BUMPERS' integrity, his honesty, and his good humor.

When Senator BUMPERS retires, I think my colleagues will agree that the back of the Senate Chamber will never be the same. In an institution known for its orators, Senator BUMPERS is among the most accomplished of them. His passion for public debate, and his commitment to justice have been obvious to all Senators when DALE BUMPERS takes the floor of the Senate. He speaks with eloquence and with feeling, whether the issue is protecting our environment or cutting corporate welfare.

Throughout his career in public service, Senator BUMPERS has remained true to his constituents by being a strong advocate for his home State of Arkansas. He knows that a Senator's ultimate responsibility is to the people of his State. As a result of his advocacy and his honesty, Arkansas voters have returned him to Washington three times with landslide re-election victories. I have no doubt that the voters of Arkansas would have made it a fourth re-election landslide if he wished.

Senator BUMPERS' insights into the issues and problems we address in the Senate, and in his Environment and Public Works Committee have made him a valuable and trusted Member of this body. Our leadership, the Senate, and most of all the State of Arkansas have greatly benefited from his service.

I believe that I speak for all of my colleagues when I say that the departure of Senator BUMPERS will leave a void in this institution. As he approaches retirement, I want to thank DALE BUMPERS for his service to his country and congratulate him for his extraordinary career. I wish him excellent health and happiness in retirement, and I will truly miss him.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING JUNE 13

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending June 13, the U.S. imported 9,391,000 barrels of oil each day, 989,000 barrels more than the 8,402,000 imported each day during the same week a year ago.

Americans relied on foreign oil for 59.6 percent of their needs last week,

and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil by U.S. producers using American workers?

Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 9,391,000 barrels a day.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I will have a unanimous-consent request momentarily with regard to calling up Calendar No. 84, S. 924, the Department of Defense authorization bill. We have been in communication with the Democratic leadership and Senators on both sides about our desire to call up this legislation. We do have some concerns on both sides about some provisions that are in or not in it. But I want to withhold on making that request just for one moment.

I had, also, as a second consideration, hoped that we could get up the intelligence authorization bill this afternoon. We are asking the Armed Services Committee to continue to work on that and consider that as something we would like to try to do this week if at all possible. But we are still working to get that cleared.

We will ask consent later on this afternoon to go to S. 923, which would deny veterans benefits to persons convicted of Federal capital offenses. I believe we can get that done this afternoon. Senator SPECTER has been working on that. I understand there are Senators on the other side of the aisle having some input. I believe we can get something worked out on that this afternoon. It is something certainly we should do.

UNANIMOUS-CONSENT REQUEST—S. 924

Mr. LOTT. With that, Mr. President, I do ask unanimous consent that the Senate now turn to the consideration of Calendar No. 84, S. 924, the DOD authorization bill.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I regret we have had this objection to proceeding on this very important legislation, the Defense authorization bill.

The Armed Services Committee in the Senate has worked very hard on this legislation. It is urgently needed to this extent: Until we can get the authorization bill through the complete process, it makes it difficult for the defense appropriations subcommittee to do its work. So timing is important.

We would like to get this authorization bill done at the earliest possible opportunity so it can get on into conference and so that the defense appropriators will know what the authorization numbers are. It is important for our country.

It is my understanding that a major issue of contention is still being discussed with respect to the depots and bases that could be affected by it or will be affected by it in Texas, in Oklahoma, in California, in Utah, and Georgia. There are a lot of Senators on both sides of the aisle and on both sides of this issue that are very concerned about how it was handled in the committee.

So I have urged those on both sides of the aisle to work together and see if we cannot come up with something that is acceptable to both sides. It will not be easy. This is not a new issue. We went through this in a way in the base closure rounds.

We had debate and amendments on it last year. So everybody knows the arguments on both sides. I still believe that there is a way that we can come to some compromise language that would allow us to go forward.

The Senators are exercising their right to object to waiving the 2-day rule or calling up the bill to go straight to debate and amendments. But I hope that they will not do this for very long, because we have our work to do.

So I understand there is a meeting that will meet again, perhaps today, this afternoon at 5:30, on this issue. We had a preliminary meeting on it in my office yesterday. I will be glad to work with both sides. I want a resolution to be found. But I am not inclined, as I discussed with the distinguished Senator from Kentucky, the acting minority leader, here—I want Senators to be able to exercise their rights, and I want to be helpful with that, but I also think at some point, if you cannot work out something, if you do not work out something, then we will have to use the rules of the Senate to move this very important legislation forward. But I would like everybody to get an opportunity first to work together, and you know we are losing some time here. Every day that goes by that we do not take it up, it means that it already looks like it could be the week of July 7, 8, before we could actually get this legislation completed. I just wanted to make those points.

I understand Senators on the floor now would like to be heard on this issue. I would like to yield the floor so that they could make their statements.

I yield the floor.

Mr. FORD. Mr. President, will the majority leader yield just for a question?

The PRESIDING OFFICER. The acting minority leader.

Mr. FORD. Once the statements are made by those who have objected to bringing up the Department of Defense authorization bill, how long will they go, and what kind of schedule would we have? How soon will we get to the so-called veterans bill?

Mr. LOTT. As soon as we can get the agreement worked out. I believe they are working on it right now. We hope by the middle of the afternoon we will have something ready to go on that.

Mr. FORD. Put us in morning business?

Mr. LOTT. We will probably have morning business, but I do know also there are Senators, a number of Senators, who probably want to speak on this issue at hand. Maybe we will let them talk a little bit and they will feel better and we will find a way to move this bill forward.

Mr. FORD. The leader knows and we all know at some point it will.

Mr. LOTT. Right.

Mr. FORD. It is the will that will move it.

Mr. LOTT. Yes.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, my colleague from Connecticut asked if he could take 3 minutes. I am happy to give him 3 minutes.

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

The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I particularly thank my friend and colleague from Texas for her graciousness, and her graciousness will allow this Senator to find his way to his daughter's school to watch the moving-up ceremony. I appreciate my good friend, the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I am very pleased to hear that the daughter of the Senator from Connecticut is having her moving-up ceremony, because she is a special friend of mine and I think she is a potential future Senator from Connecticut. So I am glad that he is going to be able to make that important ceremony. He will give her my regards, I hope.

THE CITY OF JERUSALEM

Mr. LIEBERMAN. Mr. President, yesterday we passed the State Department Authorization Act by a vote of 90 to 5. Today there is comment on the bill that we passed yesterday in the Washington Post regarding particularly the sections of that legislation that deal

with the city of Jerusalem and the recognition of Jerusalem as the undivided capital of Israel.

In this article, the State Department spokesman Nicholas Burns is quoted as saying:

> Our view is that Jerusalem is the most emotional and complex issue that Israel and the Palestinians will have to deal with in the permanent status negotiations. We do not believe it is wise for the United States or any other outside country to make an initiative on Jerusalem that in effect prejudges that issue.

Then later on in the article, the writer of the article says:

> The State Department regards Jerusalem as ''disputed territory'' with its permanent status to be settled in negotiations and has kept the U.S. embassy in Tel Aviv.

Mr. President, I want to respond very briefly to that and say that the suggestions made by the State Department spokesman in my opinion are wrong. The commentary by the reporter does not recognize the fact that in the Jerusalem Embassy Act of 1995—both Houses of Congress passed and it became law—is a provision that not only directed that our Embassy be placed in Jerusalem instead of Tel Aviv thereby doing what we have done in every other country but one in the world, which is to have our Embassy in the city in which the host country had designated as its capital. But, Mr. President, in that bill—that bill now law—this Congress made very clear its intention that it is American policy to recognize Jerusalem as the undivided capital of Israel. We, in fact by strong bipartisan majority, adopted a resolution a short time ago on the 30th anniversary of the reunification of Jerusalem restating that position.

So, Mr. President, this may be controversial. But trust is built up among parties, including those who are involved in the Middle East process, including Israel, the Palestinians, and other countries. Trust is built on honesty. And honest reflection of not just American policy but American law as adopted by this Congress in 1995 is that Jerusalem is the undivided capital of Israel.

It is time, therefore I would say, to bring our policies in line with our law; that time for the statements such as those made by the State Department spokesman in my opinion respectfully has passed.

I appreciate very much again the graciousness of my friend from Texas for allowing me to say this.

I thank the Chair.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998—PUBLIC-PRIVATE COMPETITION OF DEPOT MAINTENANCE

Mrs. HUTCHISON. Mr. President, I thank the majority leader for stating his concerns here. I notice the distinguished committee chairman is also here.

I think it is very important that the rights of Members be upheld here because there is a significant issue that is very important to the Department of Defense for the readiness of this country that is at issue in this bill. Heretofore, our side has not really had any ability to have an accommodation or to make sure that what the Department of Defense wants to do, what BRAC allowed them to do, in fact they will be able to do. Because in the bill that would be brought before us, it vitiates any public-private competition for depot maintenance work by the Air Force. That is the effect of this bill.

To think that someone, for parochial interests, would put language in a bill that would do away with what BRAC said to the Department of Defense was their option, which is to go out and spread the workload to other depots from the bases that are closed, or privatize in place, the Department of Defense should be able to make the decision based on the efficiency of taxpayer dollars and where we need the defense dollars to go. The Department of Defense should be able to make that decision. That is what BRAC said.

The Department of Defense made the decision. They said it would be more efficient and save more money to privatize in place. They are doing public-private competition to make sure that the price is better. Yet the bill that would come before us says they cannot do any of that work, privatize in place, until the depots get the work and are up to 75 percent of their capacity. Well, that is impossible, because some of those depots may not ever get to 75 percent capacity, nor does that have anything to do with efficiency.

So, Mr. President, yes, we are standing on principle. We are standing on the principle that the Department of Defense should be able to have a public-private competition, to save taxpayer dollars and to put those defense dollars into readiness. We can save millions of dollars for the taxpayers and for the Department of Defense. And those millions of dollars, rather than being wasted, can be put into equipment that will keep our troops safe and secure.

We are standing for the integrity of the BRAC process. We are standing for the integrity of the Department of Defense and for their ability to make their decisions without congressional mandates that cause the waste of millions of dollars for the taxpayers and for the young men and women who are putting their lives on the line to protect our freedom. That is what this issue is.

So, yes, Mr. President, we are objecting. We hope to find an accommodation. I will say that the distinguished chairman of the committee wants to find an accommodation that will give the Department of Defense the flexibility they need, that will do right by the taxpayers of this country, that will do right by the people who are in our Armed Services, and that will do right by the depots that are still left in Oklahoma, Utah, and Georgia.

We want something that will be fair to everyone. And when we come to that fair conclusion, then we will be happy to debate this bill and hopefully authorize a good defense bill. But, Mr. President, make no mistake, if there is not a defense authorization bill that can be worked out that can be fair, I hope that we will not go forward putting shackles on the Department of Defense and wasting taxpayer dollars.

I hope we will have the strength to resist that.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I want to associate myself with the remarks of my colleague from Texas, Senator HUTCHISON, who I thought really homed in on why this issue is so important. I am very pleased the distinguished chairman of the committee is here because it gives us an opportunity to speak with him about why we are so frustrated about this bill as it now stands.

Mr. President, it would be a historic moment if this bill were to pass because it would, for the first time ever, overturn a BRAC decision. Now, we all know that when the four base closure rounds went through Washington, DC, many of us were not happy with the process. Many of us felt the savings were overstated. Many of us felt this was not the right way to go. But not one of us, until today, moved to undermine a BRAC decision.

By objecting to this bill, we are taking a stand, it seems to me, for the integrity of the process. After all, this is the law of the land. This is just the kind of unraveling we do not want to see happen, because if this effort succeeds to overturn BRAC, to stifle competition between the private sector and the public sector with respect to depot maintenance, where will it end? Tomorrow, someone else will try another unraveling, and the day after, someone else will, and we will have chaos.

I want to say, Mr. President, there are two other reasons why this bill as drafted is so harmful. Not only does it unravel the Base Closure Commission's decisions of the past but it undermines a promise made to the people in the Sacramento area and the people in Texas who will be so adversely affected. There was an explicit promise by the President of the United States that privatization in place could take place at McClellan Air Force Base. There was also a promise made by Congress that such privatization in place could move forward at McClellan. After all, Congress passed the BRAC, so, therefore, we would be breaking a deal, a sacred deal, really, made with these people who were told that privatization in place could, in fact, occur.

Lastly, Mr. President, I thought we were all really concerned here about

taxpayer dollars. We are doing everything we can to bring down this deficit. I am so proud to be a part of the team that brought down the deficit from $290 billion in 1993 to less than $70 billion now. We have agreed on a balanced budget deal to finish the job. This is great for taxpayers. This is good for our country. It is good for our economy. So why would we now reverse course and to say that the private sector's ability to compete with the public sector will be cut short?

It will be a bad deal for the taxpayers if we do not reach some kind of agreement here. I hope we do because if the bill as drafted becomes the law of the land, it will force the Pentagon to waste money. This bill will essentially direct the Pentagon to waste money by preventing the fair and open competition that is underway to win contracts for depot maintenance work at Kelly and McClellan Air Force Bases.

So every way you look at it—from standing behind the law of the land, the BRAC process, to keeping our word to workers who trusted us when we said privatization in place can take place, to taxpayers who know that it makes no sense to eliminate competition—if you look at all of these factors, Mr. President, I think what the Senators from Texas and the Senators from California are doing here is in the best interests of the U.S. Senate, of the U.S. Congress, and, frankly, in the best interests of the United States of America.

I am working with the senior Senator from California, Senator FEINSTEIN, who you will hear from shortly, my colleagues from Texas, and hopefully all others who want to see this bill move forward. We have no interest in preventing this bill from moving forward. We want to reach an accommodation here. I think there are ways we can do it.

We are so sure that competition is a good thing, we are so positive that privatization in place will reap rewards for taxpayers, that we are willing—we are very willing—to agree to language that would ensure that this could only occur if the taxpayers save money.

I am very hopeful that we can reach an agreement. Until then, we will fight for our rights as Senators to protect a promise made to the people of our communities and a promise made to the taxpayers.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from California.

Mrs. FEINSTEIN. I thank the Chair. Mr. President, I thank the Senator from California and the two Senators from Texas for joining me in this coalition.

I certainly do object to the motion to proceed to the bill. I want to explain why in some detail. These provisions that the Depot Caucus put in not only halts the public-private competitions for depot workload currently underway at both McClellan and Kelly Air Force Bases, but it essentially undermines any effort to do this work in the private sector in a more cost-effective way.

The option to privatize certain depot workloads was explicitly made available by the BRAC Commission and was a part of the base closure decision. Yes, let their be no doubt, these bases will be closed. We know that. But an effort was guaranteed to be put underway to see if an amount of this workload could, in fact, be privatized. In its report to the President, the BRAC 95 Commission specifically recommended that the department ''consolidate the remaining workloads to other DOD depots or to private-sector commercial activities as determined by the Defense Depot Maintenance Council.''

The President strongly supported the Commission's decision, specifically reinforcing the option of privatization. In his letter to the chairman of the BRAC 95 Commission, the President stated, ''I was pleased to learn that * * * you confirmed that the Commission's recommendations permit the Department of Defense to privatize the work loads of the McClellan and Kelly facilities in place or elsewhere in their respective communities. * * * In my communication with Congress, I have made clear that the Commission's agreement that the Secretary enjoys full authority and discretion to transfer workload from these two installations to the private sector, in place, locally or otherwise, is an integral part of the overall BRAC 95 package it will be considering.'' The President goes on to say, without ambiguity, ''Moreover, should the Congress approve this package but then subsequently take action in other legislation to restrict privatization options at McClellan or Kelly, I will regard this as a breach of Public Law 101–510 (the base closure law) in the same manner as if the Congress were to attempt to reverse by legislation any other material direction of this or any other BRAC.''

I think that's pretty clear.

Let me say that I firmly believe if this bill goes forward with the depot language in it, the President of the United States should veto the bill. Not to veto the bill is to say that the BRAC decisions and the decisions made surrounding the 1995 base closure decision are no longer valid. Their integrity is clearly punctuated by this kind of special interest drive.

Let me go on to say that some have alleged that this privatization process is an attempt to keep McClellan and Kelly open. Let me disabuse my colleagues of that. I want to be very clear. McClellan and Kelly will both be closed in the year 2001. That decision has been made. The property and buildings at McClellan will be transferred by the Air Force to recipients in the local community according to the base reuse plan.

Two private companies, Boeing and a group led by AAI Corp. and one Air Force depot, Hill Air Force Depot in Utah, have each been awarded $750,000 in Air Force contracts to formulate their bids for the workload package at McClellan. Final bids from these competitors for this workload are due in September of this year. The contract is scheduled to be awarded in January 1998. This aspect of privatization is now underway, Mr. President, and essentially what we have in this bill is a special provision which would halt the contracts currently proceeding. It is to this that we strongly object.

The workload package, currently under development by the Air Force, will be worth approximately $220 million and will affect only 2,300 McClellan Air Force Base employees. McClellan ALC, Air Logistics Center, employed over 8,000 people before the BRAC 1995 round, and currently employs less than 7,800 people. So you can see the workload package we are talking about affects about one-third of the employees that used to work at McClellan Air Logistics Center.

The Air Force's planned workload package at McClellan will include maintenance and repair of the KC–135 refueler aircraft and A–10 close-air support aircraft. It will also include repair work and maintenance on hydraulics systems, instruments and electronic components and electronic accessories for numerous aircraft systems. Finally, the workload package will include software support activities, parts repair and assembly for the KC–135 and A–10, and the packaging and movement of parts to military customers.

The public/private competition for this work can save taxpayer dollars. If the competition for this work is won by the private sector, hundreds of millions of dollars in savings could be realized by avoiding the costs of new military construction, movement of the workload, and retraining workers at Hill Air Force Base. Additional savings can come from taking advantage of any potential efficiencies in private industry.

Let me make another point. Past Federal investments at McClellan should not be ignored. Since 1987, the Department has spent $150 million on military construction projects at McClellan. Outright closure of these facilities before the year 2001 means the U.S. taxpayer not only forfeits this expenditure but also must pay for new military construction at another Air Force base so this workload can be moved. The Defense Department will have to spend hundreds of millions of dollars to duplicate the facilities now in operation at McClellan.

As the Defense Department phases out its operations at McClellan and Kelly Air Force Bases, privatization provides a means to reduce overhead costs by bringing defense and commercial work together. If private industry wins the competition for this workload

package, they will be able to add commercial products along with their Defense Department workload. This innovative approach will expand employment opportunities at these closing facilities and increase savings to the Department through decreased overhead costs and enhanced efficiency.

The Depot Caucus' language takes none of these potential savings into account and violates every proven principle that competition reduces costs. The Depot Caucus provision would sole-source billions of dollars of depot maintenance work to government facilities regardless of the cost or the impact this noncompetitive practice would have on DOD's management plans and strategies. In addition, the Depot Caucus' unqualified opposition to privatization goes against a clear national trend. The language ignores not only the lessons learned by industry, but also the guidance of DOD's most respected advisory reports.

This spring's Quadrennial Defense Review stated that DOD should, ''Conduct public-private competitions for depot maintenance work that does not contribute to core capability when other appropriate outsourcing criteria are met. In addition, [DOD] will partner in-house facilities with industry to preserve depot-level skills and utilize excess capacity. Savings will be achieved as a result of these competitions and the reductions in excess capacity.''

The May 1995 Commission on Roles and Missions [CORM] of the Armed Forces strongly urged increasing privatization. CORM recommended ''that the Department make the transition to a depot maintenance system relying mostly on the private sector.''

In fact, the 1995 Base Realignment and Closure [BRAC] Commission Report strongly supported depot privatization, writing, ''The Commission believes reducing infrastructure by expanding privatization to * * * DOD industrial and commercial activities will reduce the cost of maintaining and operating a ready military force.''

The vast majority of private firms are also moving toward increased reliance on outsourcing to become more efficient and remain competitive. The DOD can learn and benefit from the private sector's experience.

We have an opportunity to save money by allowing the competitions for workload at McClellan AFB to go forward. If the bids made by private industry are not financially feasible, then the contract will be awarded to the public bidder, Hill AFB. But, if a private bidder does win, then we will have our first opportunity to reduce the cost of depot maintenance activities through careful use of private enterprise.

The General Accounting Office's study of depot workload privatization never considered the question of how much could be saved if this workload was privatized. It only considered the costs of maintaining that workload at Kelly and McClellan as compared to consolidating it into the remaining air logistics centers. The privatization of this workload will not be business as usual.

Finally, many of my colleagues are concerned that readiness will suffer at the hands of greater outsourcing and privatization. DOD, however, has entrusted our military's readiness to private contractors for years. Currently, several weapons systems, including the KC–10 refueling aircraft, the F–117 stealth fighter, the B–1B bomber, and the software maintenance for the B–2 bomber are completed by private contractors.

I believe that the leadership of our armed services will continue to ensure that any DOD depot maintenance workload that is outsourced will be maintained appropriately, to DOD's own high standard. Allowing noncore depot workload to privatize simply permits DOD to award work to the most qualified, most reliable contractor, whether that contractor is a public facility or a private company.

In supporting the defense industrial base, DOD's policy calls for greater reliance on the private sector for appropriate depot maintenance workload. Outsourcing helps preserve private sector capabilities and enhances DOD's ability to capture new technologies that are constantly being developed in the private sector. By introducing greater competition into the mix, outsourcing lowers the cost of depot-level maintenance activities.

I firmly believe that the Nation will always require a public sector depot capability for certain mission-essential workloads and skills. Unfortunately, the depot language included in the DOD authorization bill will squander essential readiness and modernization funds. The Defense Department has defined public depot maintenance policy for the 21st century. It is time that we move beyond the arbitrary laws defining the policy of the past, and allow public/private competition to move us forward.

These are the points that I wanted to make today. But, let me emphasize, the Depot Caucus' amendment will eventually cost the taxpayers much more money by duplicating existing facilities. In addition, the contractual process, including the request for proposals has already begun and, at McClellan, two companies—Boeing, AAI Corp., and one Air Force depot, Hill Air Force Depot—have already been awarded $750,000 in Air Force contracts to formulate their bids for this workload. Now the Congress is trying to step in and say, ''We are going to stop these competitions midstream.'' I think that makes no sense for the taxpayers and it makes no sense for the credibility of the BRAC process.

I, for one, am delighted to join with my colleagues both in my own State and in Texas to work to see if we cannot come up with some compromise. Absent that compromise, I firmly believe the President should veto this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, it is indeed unfortunate that such a critical piece of legislation for the authorization of the Department of Defense has been encumbered by a disagreement over the last Base Closure Commission findings.

If I might, Mr. President, give a broad overview as one of the Senators who was deeply involved in the last round of the BRAC, Base Realignment and Closure Commission. BRAC was designed because it is so terribly difficult for the issues of base closures and shutdowns to be handled in this political environment. So a highly disciplined system was envisioned—a commission that would independently review these core and critical issues and would come back to the legislature, and the legislature would have to vote it up or down. No amendments could be made.

In other words, the traditional legislative actions and prerogatives were removed. You could only be for it or against it. In this particular case, the Air Force had five bases throughout the country, and many experts thought there were too many and some had to be closed. Originally, the Air Force wanted to keep all five of them open as the process began. But BRAC did not agree with them. BRAC thought that would make five Air Force bases inefficient and, therefore, some had to be closed and the work moved to the remaining Air Force bases to produce an efficiency ratio.

After extensive discussions by BRAC and their commission, they came to the legislature and recommended the closure of Kelly Air Force Base in Texas, which is tough. If you ever lived in a community where one of those closures occurred, it is tough. I understand and empathize with the Senators from California and Texas. That is tough medicine. But they called for the closure of Kelly in Texas and McClellan in California, leaving three Air Force logistics centers open—one in Georgia, one in Oklahoma, one in Utah. The work would be moved to the remaining three, making those three efficient operations.

Mr. President, the administration and the President sullied BRAC, because they overrode the commission. In other words, the people had to live by it, Congress had to live by it, but the administration didn't. We were in an election year. Texas and California are very big and very important. So they instituted this concept of privatization. They theoretically closed Kelly and McClellan, as has been alluded to by the Senator, but they left everything else there under the guise of privatization. For example, the total number of employees at Kelly and McClellan before the Base Closure Commission called for their closing was 33,000 people. Today, the number of

employees at these two installations is 31,000 employees. That is according to the General Accounting Office. The General Accounting Office has told us that this override has resulted in the failure to save $400 million to $600 million.

The point that I want to make is that when the administration decided to intervene in the findings of the Base Realignment and Closure Commission, they reintroduced the very activity that we are engaged in on the Senate floor today. They put it back into the political process. I can say this, Mr. President. There will never be another BRAC, as we knew it, because you can't have a discipline where the people had to stand up and fight for their installations, the people that work there. The Congress had none of its authority. All of its prerogatives were removed except to vote for or against it, and then the administration may unilaterally alter it. That voids the discipline. So that process will never occur again. It can't. If you are going to have something that highly disciplined, it has to apply to the people of our country, the citizens that are affected, to the members of the legislative body, and to the President of the United States. It can't just apply to two parts of the puzzle. With this exercise, you track it directly to the White House. When they decided to take the Base Realignment and Closure Commission and politicize it, that, if effect, eliminated BRAC as a discipline or policy that can ever be used by this Government again to deal with these contentious questions. If it ever comes again, it will have to be completely redone and redesigned so that it applies to the President and the administration as well as to the people in the Congress.

I understand the Senator from Texas. Once that policy was breached, she has no choice but to defend the people of Texas and the workers in Texas. It is the same with the Senators from California. This was what BRAC was to have avoided—and it did, for all practical purposes, until the last round.

Mr. President, it is unfortunate. It means that that system will never be used again, from my point of view, until the administration and Department of Defense can certify that the recommendations of the last round of BRAC have been carried out, that the three remaining logistic bases have been shifted to work that was purported to go there to make them efficient. There is just not going to be another Base Closure Commission. The Department of Defense is going to have to demonstrate that they got the job done from the last ones before they come back and ask for new ones, and the Department of Defense and the administration are going to have to rewrite the rules so that it applies to them as well as to the people in Congress.

I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, I think we all know certain things are true and incontrovertible. One is that a base closing is a very difficult thing to do politically and a very difficult thing to endure as a Member of the U.S. Senate or a Member of the other body, because people look to us and they look to us and say, ''You are responsible for saving what we have here.''

I am not eloquent enough to describe the anguish that people go through, that cities go through, that counties and the States go through during a BRAC process. They go out and they hire consultant after consultant and they spend hundreds of thousands of dollars. They go through all of this and, finally, the recommendations come down. We have gone through that in 1991, 1993 and 1995, and it was necessary. It was, I guess, the Army that came up with the initial idea that we try to eliminate excess capacity and infrastructure. But we haven't been able to do it because politically it can't be done. There is no better evidence of that than what is happening today.

They established a process that was to be totally free from political interference. Seemingly, it worked for a while. I don't have the exact number of installations that have been closed down, but we all understand that we are going through a difficult time with our defense. We all understand that we have a President of the United States who is not strong on defense. He would like to have us think there is no threat out there, that the cold war is over, so we can start reducing down to the point where we cannot begin to defend America on two regional fronts. We all know that is true today.

The bottom line is that we had too much infrastructure. It was up here. So we brought it down, in 1991, 1993 and 1995, to a level that is down now and still a little bit above our force strength. As far as future BRACs are concerned, I contend that I don't want to get this infrastructure down so artificially low so that when we rebuild, we will not have the infrastructure to accommodate that. I agree with the Senator from Georgia, who says that we have to position ourselves so that we know if we go through all of this anguish again, we will not have political interference.

Anyway, I am going to tell you a story, Mr. President, and you may not believe me. I think you know me well enough to know that I do tell the truth. I was in a very tough election when I was in the other body, and I ran for the Senate in 1994. I ran against a guy who is young, articulate, and a very smart young man. He was a Member of the House of Representatives, a member of the other party. He was on the House defense committee at that time, which was called the House Armed Services Committee, now called the House National Security Committee. He said, ''Elect me and I will use political influence to make sure that none of the bases are damaged in the BRAC processes.'' We have five installations in the State of Oklahoma.

I made a public statement in the newspaper. I said, ''I will not use political influence because I know we have to do something about this infrastructure. What I will do is I will stay out of it until the recommendations are made, and when they are made, I will walk through fire to defend the recommendations of the BRAC committee, because the system has to work. We can't allow this to become a politicized system.''

So we did that pretty well. I have a list here of various States and Senators that cooperated when they came through in 1991, 1993, and 1995 and said they wanted to close certain bases. They said, well, it is going to hurt at home, hurt me politically, but we are going to have to do it. They bit the bullet.

Now we are asked to make two exceptions. I agree with the Senator from Georgia when, certainly, the Senator from Texas is put in a very awkward situation by our President because, in August of 1996, right before the election, when President Clinton was campaigning out in California with a huge number of electoral votes, he said this to them and made a commitment that ''I will see to it that no jobs are lost in California and no jobs are lost in Texas, and we will privatize.'' He grabbed that out of the air. So that commitment had to be—I don't think there is anybody in America today that doesn't know that that was a highly politically charged commitment and statement he made. He made that statement. Then that puts everybody in the position that, wait a minute, if you have the President agreeing that we are not going to close those installations, McClellan and Kelly, in California and Texas, what about you Senators, aren't you going to stand behind the President? You have that leverage.

That is where we are today. So we went through this process. I find myself in the situation now that the recommendations have been made that we are going to have to stand behind the recommendations.

I want to suggest to you, Mr. President, we have made some compromises. Senator MCCAIN from Arizona had some objections and concerns in our committee. I am chairman of the Readiness Subcommittee of the Senate Armed Services Committee. We went through this and debated these issues for hours and hours on how to protect the integrity of the BRAC system because it became a dollar decision. We were going through the marking up of an authorization bill where we are trying to rebuild our defenses and sustain a level that will adequately protect America. We have considerations on modernization programs that cost money. We have barracks out there needing replacement. There are quality-of-life issues and modernization issues. These things are maybe $100,000

or maybe $1 million a lick. We have had to turn them down.

Now we have an opportunity to follow the recommendations of the BRAC committee and save the defense system approximately $468 million a year. Now, if you carry that out to 5 years, you are talking about $2.34 billion. If you don't do that, where is the money going to come from? If they are successfully able to compete and end up with the jobs in Texas or California, or privatize in place, it is the same thing. We don't want to confuse people. Those people advocating competition realize that they want competition because they want to protect the jobs there. I understand this. Just because it is dealing in semantics, privatization in place, or competition, where they will be able to leave the jobs there, it doesn't make a difference. The bottom line, as the Senator from Georgia said, is that we will still have five air logistic centers. So it came out with the recommendations. GAO said that if we don't do it, it is going to cost $2.34 billion over a 5-year period. That is money that has to, realistically, come out of the defense system. I don't know where it is going to come from.

Mr. President, we had several hearings where we had the chiefs of services. So I asked each of the four chiefs of services, ''Where are you going to come up with this money?'' If we end up having to violate the BRAC and it ends up costing us $2 billion, where are you going to come up with the money? It can only come from four areas: Modernization, quality of life, force strength, and readiness. So I asked each one. They said, ''We can't take it out of any of those because we are underfunded if all four areas.'' They said at one time that it was going to cost another $2 billion in 1 year to bring us up to meeting the minimum of the expectations of the American people to protect America on two regional fronts.

So we have the recommendations. They said, ''All right. If you have five ALC's located in Georgia, Oklahoma, Utah, Texas, and California, we will select two of those to close.'' And they used the criteria to operate more efficiently. And we could get into 2 or 3 hours of discussion on how this process works, and how they used the criteria in evaluating the effectiveness of various installations. They came up with the conclusion that we are going to have to close two, and those two should be McClellan and Kelly in California and in Texas.

When you do that, you redistribute that so that workload goes on to the remaining ALC's. Of course, that will increase the number of jobs in other States. I understand that. But, if you do not do that, you will still be operating five ALC's at 50 percent capacity. The only difference is they will be owned—two of them—by the private sector. You still have the same problem that existed.

So, if you look at what the alternatives are and look at what we have gone through in the committee process, you will see that we have really given in a lot. I suggested to the Senator from Texas that it was the QDR—Quadrennial Review Defense—review that we went through, and the Secretary of Defense came in, and said, ''We think that we should change 60–40 to 50–50.'' He made some other recommendations. He said, ''We also need to have two more BRAC.'' It so happens that the Senator from Arizona, Senator MCCAIN, said, ''I think we ought to change it to 50–50.''

So we sat down, and worked it out. And we agreed to do that. So there have been compromises during this process. We debated this. We went through the whole committee system. We came out, and finally said that even though as individuals it is going to be politically very difficult as it is, and every time you shut down a military installation—we have done over 100 of them so far—it is always difficult to do. It is difficult for the local House and Senate Members. But it has to be done. So the committee voted unanimously to do that.

Some people have suggested that the GAO report is not accurate. We actually had the committee meeting where we had the GAO people there.

We said, ''We want you to be sure that we understand you correctly. You are saying this is going to cost $468 million. Do you still stand by that today?''

They said, ''The data, as near as we can determine, indicates that that is what the cost will be.''

I said, ''Have you considered everything; privatization in place?''

They said, ''Yes, we have considered that. That is part of the report.''

So we have an extensive report right here by the GAO that comes up with these conclusions. Some people have suggested that perhaps it was not a part of that report. I will quote something from the report. According to GAO, ''The cost to operate the other depots at 50-percent capacity will far exceed any projected savings through public-private competition, $468 million. This fact begs the question: What is the real objective of public-private competition? The only feasible answer is to save jobs, and Texas and California are to appease the private sector appetite for new business. Neither is an acceptable answer.''

So we did this. We went through this thing. We looked at what the GAO was recommending, and decided that we were going to have to do that.

This hearing that we had lasted about 3 hours. They said there is no question about the fact that we are going to have to do something to build the others up to a reasonable respectable capacity.

So that gets into the next issue. ''What is the respectable capacity of the remaining ALC's in order to have this logistics system function in a prudent manner in the United States?'' GAO said somewhere between 75 and 85 percent.

You might ask. Why not get them up to 95 or 100 percent? The reason is very clear. If something should happen that we should have to go to war, we are going to have to have that excess capacity to take care of the needs to meet the new threat that is out there.

That sounds very reasonable. So we have left it there. It is not exactly the same in the House bill as the Senate bill. In the House bill it was 80 percent, and in the Senate bill it was 75 percent—75 percent because Senator MCCAIN thought that 75 percent would be a better number.

So again, we caved in a little bit on that. So we are now talking about what to do with this and whether or not we should allow this process to be violated for the first time.

I would just suggest to you that almost every State has had to undergo the closure of some type of installation. It would be very difficult.

I saw Senator SESSIONS walking through here just a minute ago. For him to go back to the State of Alabama and say that we now are going to go ahead and make an exception, and they would say, ''Wait a minute. Why wasn't the exception made in Alabama, in fact, where we really wanted to keep our bases open?''

So it is difficult when you lose jobs. We have had to bite the bullet and go through this. A majority of the Members of this U.S. Senate have had to go through with that.

Mr. President, there has also been some discussion that perhaps they left an option open. I know several people who for political reasons would like to believe that there is another option that is out there, and they clearly said they had been closed out.

Let me read a couple of the things that I think are necessary for us to understand. If it had been the intent of the BRAC Commission to leave an option to privatize in place, they would have said there is an option to privatize in place. In the case of 1993 BRAC round in Newark, the Newark Air Force Base, they said, ''The workload can either be contracted out to one or more of several existing manufacturers, or privatize in place.''

They said in the 1995 Naval Service Warfare Center in Louisville, ''Transfer workload equipment and facilities to the private sector for local jurisdiction, as appropriate, if the private sector can accommodate the workload onsite.'' That is privatization in place onsite. But what they clearly intended in this case was not to have privatization in place—not to leave the jobs on site because they want to consolidate them.

Last, I want to mention that this should not be a jobs issue. This is a national security issue. The whole reason, Mr. President, that we came up initially on this 60–40, which was a ratio—it was arbitrary, and I am the first one to say that it is arbitrary and needs to be changed at a date when we can correct the national security ramifications of this issue. But until then

we are trying to keep some type of a ratio in place that would allow the public sector to be able to know that in case of war we are not going to be held hostage by one supplier.

That is the big issue. Should that be 60 percent? I was willing to go 50 percent. But I think a better solution is to do what we did in this bill. We have a good bill. In this bill for the first time we have defined what core is. Core is for those functions that are performed that are necessary for us to defend America. That is a fairly simple definition. But that is it.

So, if we define core, then we say that we are going to have to do the core work on site. That would solve the problem. We wouldn't be talking about 60–40 or 50–50.

So I made a commitment to Senator MCCAIN that, if we can go ahead and drop the 50–50, let's give it a couple of years. Let's allow them to see how this works with our new definition of core, and see if we can't solve it that way and get away from this somewhat arbitrary type of a formula.

So the real issue here is twofold, I would say. One is we have involved a lot of money, and, if we do not do this, we are going to have to come up with it somewhere. It is going to be a very costly process if we agree that we are going to violate the intent and the letter of the BRAC.

No. 2, this is even more important than just the money; that is, we are talking about defending America. We are talking about having a capability in the public sector to be able to have air logistics centers. That will keep our airplanes in the air, and will keep our soldiers fighting in the event that war comes up.

People would like to say there is not that threat out there. I am not going to go into my normal speech that I make when we talk about this. I have to tell you. I look wistfully back to the days of the cold war when we had one other superpower, and our intelligence knew pretty well where they were. We knew what threat was out there, and we defined that threat. We could predict how the Soviets were going to act. That is not true anymore. We have some 25 nations that have weapons of mass destruction. We have a country that was just written about in yesterday's newspaper in the Washington Times that the Chinese now are selling more and more technology in systems to deliver those weapons of mass destruction to countries like Iran.

So we are faced not with just one single predictable superpower who poses a threat to us but also to many, many powers out there.

So as a member of the Armed Services Committee, as chairman of the Readiness Committee, I can say that the big issue here is we have a country to defend and as difficult as the process is, as difficult as it is to go through, as upset as I am with the President for politicizing this in August 1996, nonetheless, we are going to have to try to stay as close to the recommendations as possible. Because, if we violate it just one time, I can tell you right now it is not only going to be the Senator from Georgia who said, ''If we do not go ahead and carry out the recommendations of the 1995 round, I am going to oppose any future BRAC recommendations.'' I can assure you that I will do the same thing. I imagine the majority of the Members of this Senate are going to come up with the position that if we do not carry out the recommendations that were clearly identified in the 1995 round that we are not going to have any more base closure rounds.

So for the time being, I yield the floor, and will stay engaged here.

Mrs. HUTCHISON. Mr. President, I want to talk about some of the issues that have been raised by my colleagues, because it seems that there are some very important issues that need to be clarified. A lot has been said about the integrity of the Base Closure Commission process. In fact, it is so important that everyone understand we are protecting the integrity of the base closing process.

I want to read the language that comes straight out of the commission recommendation:

The Commission finds the Secretary of Defense deviated substantially from the force-structure plan and final criteria 1, 4, and 5. Therefore, the Commission recommends the following: realign Kelly Air Force Base including the Air Logistics Center. Disestablish the Defense Distribution Depot, San Antonio.

This is the important language:

Consolidate the workloads to other DoD depots or to private sector commercial activities as determined by the Defense Depot Maintenance Council.

Mr. INHOFE. Will the Senator yield on that point.

Mrs. HUTCHISON. That is the BRAC recommendation.

Mr. INHOFE. Will the Senator yield on that point.

Mrs. HUTCHISON. I would be happy to yield.

Mr. INHOFE. I would ask the Senator from Texas to read the next sentence in that report. If she does not have it, I have it. If she does, I would appreciate it.

Mrs. HUTCHISON. Mr. President, I think it is important we look at this language. I have it right here:

Consolidate the workloads to other DoD depots or to private sector commercial activities as determined by the Defense Depot Maintenance Council.

The rest of it:

Move the required equipment and any required personnel to the receiving locations. The airfield and all associated support activities and facilities will be attached to Lackland Air Force Base.

Mr. INHOFE. I thank the Senator.

Mrs. HUTCHISON. It is right there. The important part of this recommendation from the BRAC Commission report is that the option is given to the Department of Defense through the Defense Depot Maintenace Council to move the workload to other depots, yes, or to privatize. The option is given because the Base Closure Commission understood that it was important for the Defense Department to have the flexibility.

In fact, to augment that argument, I want to read a letter from the Chairman of the Base Closure Commission. The letter says:

The Commission believes reducing infrastructure by expanding privatization to other DoD industrial and commercial activities will reduce the cost of maintaining and operating a ready military force. Privatization of these functions would reduce operating costs, eliminate excess infrastructure and allow uniformed personnel to focus on skills and activities directly related to their military missions.

He goes on further to say:

It is my view and the view of the Commission's general counsel that the commission's recommendation in the case of both McClellan Air Force Base and Kelly Air Force Base authorizes the transfer of any workload other than the common use ground communication electronic workload to any other DOD depot or to any private sector commercial activity, local or otherwise, including privatization in place.

Signed Alan Dixon, Chairman, Base Closure Commission.

A letter signed by four other members of the Base Closure Commission, which would make a majority with the Chairman:

It was our clear intention to provide the Department of Defense with sufficient flexibility to maintain readiness, make optimum use of scarce resources and to exploit the strength of the United States commercial sector where possible, where doing so would provide the best economic value to the Government. The department has access to all of the relevant information and is in the best position to decide which option best fits its needs.

They are saying clearly they do not expect the U.S. Congress to make that decision. They think the Department of Defense is in the best position to decide which option fits best. They go on to say:

The Commission felt that privatization was a key tool the Department of Defense could employ to achieve significant savings. As members of the 1995 Base Realignment and Closure Commission, we support the department's efforts to remove legislative restrictions which are arbitrary and undermine effective depot maintenance management.

Signed Rebecca Cox, Benjamin Montoya, J.B. Davis, and Josue Robles. That is in addition to the Chairman, Alan Dixon. It is very clear the intent of the Base Closure Commission, along with the actual wording, that privatization must be an option for the Department of Defense to be able to use the precious defense dollars for readiness of our country rather than wasting taxpayer dollars by artificially having mandates that 60 percent of all maintenance must be done in a public depot. That is what we are arguing about today.

Now, the Senators have said that we have gone down to 50 percent from 60 percent, and they say that is an accommodation. At 50 percent, you are still

mandating that there not be competition, that the Department of Defense not have the flexibility to do the job it needs to do in the most efficient and best way, and to save those defense dollars for readiness.

In fact, I will quote to you from the people who are responsible for our readiness and their view of this issue. Admiral William S. Owens, the Vice Chairman of the Joint Chiefs of Staff, retired, is talking about the importance of the fixed-costs versus the variable costs:

The world's largest business—

The defense business, the Defense Department—

is 65 percent fixed costs and 35 percent variable costs.

The variable costs, the 35 percent, translate to the war-fighting capability, but the money is in fixed costs.

So what they are trying to do, according to Admiral Owens, is reduce those fixed costs.

So he says, in order to reduce fixed costs, he believes they must have privatization. He says he would eliminate a particular percentage split and let the core work be decided by the services according to their needs.

Dr. John White, Deputy Secretary of Defense:

Privatization provides substantial savings. As we go forward, we have a situation where we have to emphasize modernization.

Dr. White is saying we need flexibility to run this Department so that we can fight wars, and we need to save it where we can, and privatization provides savings.

General Shalikashvili, our sitting Chief of the Joint Chiefs:

I believe we must get on with privatization outsourcing.

This is from March 6, 1996, testimony to the Defense Appropriations Committee:

We need your support to make the hard choices and the changes to make these initiatives work. I particularly ask for your support where changes in law are required.

The changes in law he is asking for is to do away with 60–40 or 50–50 so that they can have the full ability to decide what is core workload, what can be done in the private sector and how they can save money so that our money will go to, be able to go into the equipment that protects those young men and women who are out in the field who have given their lives to protect our freedom.

In response to a question, General Fogleman, on March 14, 1996, said in answer to the question, how can the services close the $20 billion procurement gap that they face in trying to cut costs, one word: ''Privatization.''

General Viccellio, who was in charge of the depots, testified May 7, 1997, he needs the flexibility to privatize. DOD, he says, doesn't want to privatize everything, but they want the flexibility where they know they can do better.

So, Mr. President, not only are we keeping the integrity of BRAC, which states in their recommendations they are leaving the option to the Department of Defense to move the workload to depots or to privatize, not only is it in the writing of BRAC, but it is augmented by letters signed by a majority of the members of the Base Closure Commission, who very specifically say to restrict privatization options would be wrong.

That is further augmented by the Vice Chief of the Joint Chiefs, by the Chairman of the Joint Chiefs, and by the Deputy Secretary of Defense. I did not read to you the testimony from the Secretary of Defense, both William Perry and Bill Cohen. They all say if we are going to do the job you are giving us to do, which is cut costs yet remain ready and do the best for our troops, we need the flexibility to privatize. And yet the authorization bill that is tried to be brought up, which we are objecting to being brought up, continues to keep Kelly and McClellan from being able to bid in a public-private competition, to have the most efficient use of taxpayer dollars. They would prevent the ability to have the competition, and instead say it does not matter if we waste taxpayer dollars; it does not matter if the Department of Defense has testified they do not want to do it; we are going to force them to do this work in one of the depots.

Mr. President, it does not make sense. It does not make common sense. It does not make money sense. And we are going to try to come to an accommodation so that the depots feel that they will not be threatened. I do not want them to be threatened. But I do want what is best for the taxpayers. I do want the Department of Defense to make this decision based on the facts and based on what is best for the Department of Defense, and I think they are in the best position to make this decision. And that is what I am fighting for today.

It has been stated that the GAO report says you cannot have savings by doing the privatization in place, and I think it is most important that we say for the record that the GAO has never taken into account bids in competition. They have told me that, and we must have the ability for the Department of Defense to take the bids so that we will know if we are going to be able to have the savings.

So, Mr. President, I am trying to stand today for the integrity of the BRAC process. BRAC recommended privatization as an option. That has been thoroughly augmented by the majority of the members of the BRAC in letters since the closing of the BRAC. It has been augmented by every important military leader who has testified before the Armed Services Committee or the Defense Appropriations Committee. There is unanimity in the Department of Defense that they need this flexibility in order to use the millions of dollars that they can save by doing this work privately and put it in the readiness area.

I have to say I am somewhat amused to hear privatization used as if this is un-American. Who makes the aircraft? Who makes the engines? I believe private companies make those. Why would we be against the same private companies that manufacture the engines, that manufacture the aircraft, repairing them? I really do not understand that argument very well.

I think the Department of Defense is in the best position to know if they are, in fact, the best people to repair the engines that they built or repair the aircraft that they built, and I think we should let the experts make that decision. That is what we are fighting for today. We are fighting for public-private competition, we are fighting for integrity of the BRAC process. We are fighting for the experts to be able to make the decision of where those precious defense dollars would go.

We are on the side of the right, and I hope we can work with those who are trying to protect three depots—which I want to be protected as well. But they don't have to be protected against competition. They don't have to be protected in the name of artificial constraints on the Department of Defense to be able to make decisions. They should be protected because the Department of Defense wants them to be there. I am ready to pass a law saying protect them. But I am not willing to pass a law saying you cannot have public-private competition by the Department of Defense even if that is the decision that the Department of Defense makes, because they know best, they are the experts that we have trusted to make these decisions, and we are trying to uphold the integrity of that process.

Mr. INHOFE addressed the chair.

The PRESIDING OFFICER (Mr. COATS). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I have some comments to make in response to the very eloquent comments of the Senator from Texas, but first I ask if she would answer one question that I have. I think it is probably the most important question that could be asked, in these terms. We all understand. Although the Senator is not on the Armed Services Committee now as she was last year, she knows the significance of an authorization bill. I think we all agree that this, the defense authorization bill, which the Senator presiding right now was a very important part of, is a very significant bill.

While she gives a compelling case—and I know it comes from the heart—on privatization, on changing what our interpretation of what the BRAC recommendations are, would she be willing, in order to protect the authorization bill, to go ahead, let's take the bill up in the form that it is and offer an amendment to strike that provision that she finds objectionable so we can then isolate that one problem and still have an authorization bill, not hold the

entire authorization bill hostage, which I am sure she would agree would not be in the best interests of the country? Would the Senator be willing to do that?

Mrs. HUTCHISON. Mr. President, let me say this is the first time in this entire process that anyone has tried to get a fair solution to this issue. We were not able to do that last year in the armed services authorization bill, and we certainly do not have a bill that would allow for good public policy before us today. It is not as if the Department of Defense would go without appropriation if there was not an authorization bill because, in fact, many departments of Government go forward if there is no authorization as long as there is an appropriation. So there is no ongoing issue of the Department of Defense not having the ability to do its job and the money being there for them to do it.

We are talking about a budget that starts on October 1 of this year, so we have time, and I think we need to take the time. I think we need to solve this problem in the best interests of the people of America, our armed services, our Department of Defense and all of the depots that we would like to protect. I think we have time to do that and do it right. I do not think it is in the best interests of our country to go forward with a bill that has such a flawed policy that will have such far-reaching implications and one in which I am not sure, because of parochial interests, we will be able to amend unless we are able to make an agreement before we take the bill up for consideration.

What I am hoping is that before October 1 of this year, the members of the depot caucus will work with us in sincerity for something that they think is fair, that we think is fair, that is fair to the taxpayers, that is fair to the Department of Defense, and that we can go and negotiate and stand for together. Because, if we can stand together on something that is right, we will win and it will be better for America.

So, we have time. Let's do it right. I thank the Senator for the question.

Mr. INHOFE. I thank the Senator from Texas for that answer, but it is really a shorter answer I was looking for. That is, would the Senator be willing to take up her issue, that which she finds objectionable about the defense authorization bill, and debate that thoroughly on the floor—and if she is more persuasive or has a better case, then, of course, she would prevail on that—instead of blocking the entire authorization bill? This is my concern. The Senate is different than the other body that I served in for 8 years. Over there, you cannot do that. But in the Senate I guess one person can just block a bill from being passed. I hope the Senator from Texas would consider offering her position as an amendment to strike the language that was put in by the committee.

I will not ask for a response now, but I hope she would consider doing that.

Mrs. HUTCHISON. Mr. President, I would like to respond, if the Senator from Oklahoma would allow me to?

Mr. INHOFE. Of course.

Mrs. HUTCHISON. This bill goes into effect on October 1, 1997. I would like to see sincerity on the part of the Senator from Oklahoma to work on this. Let's get a fair agreement so all of us can be together on this floor fighting for what is right for America, what is right for the Department of Defense, what is right for our young men and women who are defending this country. We have time to do it right. Let us do it right. Because he is correct, in the Senate we do not treat people the way they treat people in the House sometimes. In the House, they run over people. Normally, we have not done that in the Senate. That is why the rights of the minority in the Senate are protected.

I think it is very important that we work together on this issue. I think we have an incentive to do it. We have plenty of time, and when we can come to a fair accommodation, I hope we can all work together on a bill that is good policy for America and allows us to use the precious defense dollars that we have for the readiness of our country and for the quality of life for our troops.

Mr. INHOFE. I thank the Senator from Texas. She brings up a very good point, and that is we are in the middle of a process now that is very complicated. First of all, we have our defense authorization bill. It is very, very significant that we get this passed because we have pay raises for those people who are serving right now in Bosnia and other places. We have military construction projects that, if we do not pass this authorization bill, can be in jeopardy. This goes far beyond depot maintenance. I just hope, instead of holding up the entire authorization bill, that we could address this in a way where an amendment could be crafted by the Senator from Texas that would take out the offensive language and then debate it openly, for hours and hours. Because these are critical decisions.

I have to respond to a few things that were said. First of all, the idea of privatization in place—no one is going to exceed my efforts for the past 30 years for privatization in place. I can remember when I was mayor of the city of Tulsa, I was privatizing everything that would not move. I remember our trash system—we privatized it in place. Of course, people do not like change. I can remember they ended up dumping in my front yard. However, now it is the greatest system we could have had—privatization in place.

There is a big difference between privatizing a trash system and privatizing a core responsibility of the military. So here we are trying to defend America and putting ourselves in a posture where, if we follow all the way through with the privatization argument and privatize everything in the military, then we would not have a core capability within the public sector to defend America. That is clearly what this issue is all about.

I would also like to talk a little bit about the committee process that we have gone through. The Senator from Texas talks about the committee perhaps not coming out with the right conclusions. We have been going through this every year. Certainly I, when I was in the other body, sat through this process. Am I happy with it? No. I would like to have a better process. The committee process is a very difficult one and it is one of compromise. We have compromised.

In this process our committee—first of all, in the Subcommittee on Readiness we discussed this issue, we aired it. It was not partisan. It was not Republicans versus Democrats. It was how can we address the issue of having enough of the critical workload, core workload in the public sector so we know if a war comes up we will not be in a hostage situation by one supplier or one contractor who might be in a position to undercut the public sector a little bit at the present time. That is really what it is about.

So we discussed this and we aired this in committee. I see now that Senator THURMOND, the chairman of the committee, is here in the Chamber. I am just reminded that, back when it was very difficult for the Senator from South Carolina to comply with it, they came along and closed, in the 1993 BRAC round, the Charleston naval shipyard. He does not have to answer this question, but I can tell you right now he was not very happy about that. But he bit the bullet and said we have to eliminate excess capacity.

I can say the Senator who is presiding right now, Senator COATS—Mr. President, you can remember when you had to close Fort Benjamin Harrison in Indiana. Was that fun? No, it was not fun. But you were very strong at that point and said we have to protect the integrity of this nonpoliticized process and close excess capacity. There is hardly a Senator in here who did not have to bite the bullet. All of a sudden, we are saying the system is not good and we are going to have to ignore the BRAC process for facilities in two States. There are 50 States. There are still 50 States. This is just two States we are talking about. So we went from the subcommittee into the committee, and Senator THURMOND will remember that we debated this hour after hour. We had amendments that were offered that would strike the language that we put in, saying in order to protect the integrity of the BRAC system, we have to close two of the ALC's and move that workload so others are going to have at least 75 percent capacity. The House said 80 percent, the Senate said 75 percent, and we debated that. We had some votes that were really close votes.

If you remember, Mr. President, we debated these and had the votes, and then there were amendments that were offered, and in the final analysis, we came out and said this bill is a good bill. This bill does things we have been trying to do for a long time. We have been trying to define what is core. Always before we have had a very loose definition that the DOD has used, and that has been acceptable, and we took their definition and put it into this bill so we will have a definition of what is core, what is necessary to be performed by the public sector in order to protect us in times of war so we do not become dependent upon some outside contractor.

So we have that definition in there. We also have another compromise that I made, and that is, one of the reasons—in a minute I am going to talk about the bidding process—we can't have any kind of bidding on this thing that is fair to the public sector is because they cannot do the same things the private sector can do. So we put in a teaming provision. That is to say that the public sector can do what the private sector can do. Let's take Tinker Air Force base in Oklahoma City. If Tinker Air Force base wants to compete for some of the workload that private contractors in Texas are currently trying to hold, they cannot subcontract out or have teaming arrangements with other subcontractors on work that they would like. In this bill, when we pass this authorization bill, we put a provision in here that says, yes, they can go ahead and contract out. So, if they find the private sector can do one particular function or one product more efficiently than the public sector can, then they can go ahead and do that and that work will be counted as public work in any formula.

That is a great concession, and it is one I don't mind making, because in that situation, the private sector could do the work, but we could not be held hostage because the public sector would control the contracting out of that work. They want to do it. There is not an ALC in America that doesn't want to have the capability of contracting out small parcels that might be better done while they can still protect the core condition or concern that is there.

We have things such as bundling in a package. I can tell you right now that if they continue the way they are doing it right now in trying to induce competition for these core responsibilities, that they are going to win. You cannot compete when you are operating on a playing field that isn't level.

Right now they can bundle it, and they have bundled these projects, for example, in Texas, so that only those in Texas could come out realistically and win this thing.

In our statutes, we have depreciation schedules, where the private sector can use a different schedule than the public sector. We have another provision, which I don't disapprove of, which is one that I, as mayor of Tulsa, actually had the opportunity at one time to participate in, and that is when they decided that Air Force Plant No. 3 in Tulsa, OK, was no longer inventory that the Air Force wanted and wanted to have to keep up, we went through this process, the process of divesting ourselves of inventory we do not want: First, we let the Federal agencies look at it to see if they want it. If they want it, it is taken up there. If not, it goes to the State, and if not there, it goes to the local communities and counties.

In the case of Air Force Plant No. 3, the city of Tulsa ended up with it. What can we do now? We can take that and, at no cost, offer it to a contractor to go out there and compete. This is, I suggest, exactly what can happen and will happen if they are successful in what they call competition down at Kelly for some of the ALC work. They would be able to pick up that base that is closed, that resource worth many, many, many millions of dollars, give it, for all practical purposes, to a contractor. That contractor can submit a bid and bid against any of the remaining ALCs at no cost for overhead.

So here we are in Utah or Georgia or in Oklahoma saying we are going to have to pay for all of this overhead in our bid, we have to account for that some way, and they get something free. No, we can't bid. I don't care if we gave them a 20-percent advantage, there is no way we could do that, and we shouldn't be talking about that anyway because the issue here is national defense. Are we going to be capable, Mr. President, of defending America, of handling those core issues and concerns within the public sector?

I have to share something, because the very eloquent Senator from Texas quoted a number of people, and I would like to suggest to you, Mr. President, that of the eight members of the BRAC committee, only one who came out for privatization in place as something that is reasonable. I would like to read to you what some of the other Commissioners said. This comes from Commissioner Steele. She said:

> The Commission was, in general, supportive of privatization of DOD industrial activities where appropriate. However, privatization as a concept and forced privatization in place of what is clearly excess depot capacity are two very different issues.
>
> In the specific case of Sacramento and San Antonio ALCs, the Commission was very aware that we were recommending the closure of two very large industrial activities. The Commission's recommendation to consolidate these workloads, other than common-use ground-communication and electronics work, ''to other DOD depots or to private sector commercial activities as determined by the Defense Depot Maintenance Council. Move the required equipment * * * to the receiving locations''—
>
> ''To the receiving locations,'' that means a location other than Kelly Air Force Base and other than McClellan out in California, because you still don't resolve the problem, if you merely privatize in place and end up with five, so to say, ALCs all operating at 50-percent capacity.
>
> Forced privatization in place of all of the workload is contrary to the intent of Report language.

She says, further reading toward the end of the letter:

> The Commission clearly did not intend to privatize in place all of the workload from the 2 ALCs we voted to close, as noted in our Findings, ''closure * * * permits significantly improved utilization of the remaining depots and reduces DOD operating costs.'' Where the Commission encourages privatization in place, our Report addresses it directly * * *

And she cites the page numbers.

> Such was not the case with the ALCs.

Finally:

> If any Commissioner had offered a motion—

Listen, Mr. President—

> If any Commissioner had offered a motion to privatize in place, as the President proposes, I am 100-percent certain that such a motion would have been defeated handily.

This is Wendi Steele, a Commissioner who went through all the processes. I won't go through the whole letter from Commissioner Lee Kling, but I will read the last paragraph of his letter. Now keep in mind, these are two of the eight Commissioners. We have letters from all but former Senator Dixon.

He says:

> The Commission's review clearly documented significant excess capacity in the five Air Force Air Logistic Centers. Privatization in place of all of the workload of Sacramento and San Antonio Air Logistic Centers could result in little or no savings to the Air Force by the closures. Further, it might result in privatizing excess capacity rather than eliminating it and could also miss the opportunity to improve the efficiency of other DOD depots by increasing their utilization.

Mr. President, I ask unanimous consent to have these letters from Commissioner Wendi Steele and Commissioner Kling printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE DEFENSE BASE CLOSURE
AND REALIGNMENT COMMISSION,
Arlington, VA, September 21, 1995.

Hon. J.C. WATTS, Jr.
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WATTS: Thank you for your letter of September 15 and questions regarding the issue of privatization in place for the workload of the Sacramento and San Antonio Air Logistics Centers.

The Commission was, in general, supportive of privatization of DoD industrial activities where appropriate. However, privatization as a concept and forced privatization in place of what is clearly excess depot capacity are two very different issues.

In the specific cases of the Sacramento and San Antonio ALCs, the Commission was very aware that we were recommending the closure of two very large industrial activities. The Commission's recommendation to consolidate these workloads, other than common-use ground-communication and electronics work, ''to other DoD depots or to private sector commercial activities as determined by the Defense Depot Maintenance Council. Move the required equipment . . . to the receiving locations'' was intended to move that workload to the most cost-effective and operationally sound location after

closure of the ALCs and elimination of that capacity.

We felt that the Depot Maintenance Council, rather than the Air Force. Would be in the best position to proceed in good faith to maximize efficiencies by determining what portions of that workload should be interserviced, moved to another ALC or transferred to the private sector (not necessarily ''in place''). Forced privatization in place of all of the workload is contrary to the intent of our Report language.

The only instance I am aware of the Commission specifically discussing the possibility of significant ALC privatization in place, or a government owned/contractor operated facility (GO/CO), was the C–5 work at Kellly (excluding engines). That would assume it could be accomplished by a private contractor at that location for less than the savings and efficiencies which would be realized by moving it. By all of our measures, it appeared that the long-term savings to DoD would be substantial by moving that workload to another ALC, but we did not want to pre-determine the outcome of a complete and fair analysis by the Depot Maintenance Council, which the President's proposal disallows.

Though the Commission did not direct the engine work to move to another ALC, our Findings state, ''The Commission urges the Air Force to consolidate engine maintenance activity at Tinker to reduce excess capacity. The Commission firmly believes that consolidation of engine activities will result in lower costs and increased efficiencies.''

Privatization in place of all the workload of the 2 closing ALCs would enhance our national security posture only when: Moving the work to another DoD depot or to a private activity would have unmanageable operational/readiness risk; the costs to move the work would outweigh the long-term efficiencies and savings which would be realized (capacity utilization, reduction in overhead, etc.); or a truly unique capability or strategically important redundancy would be lost or unable to be cost-effectively replicated elsewhere in the public or private sector.

It's important to remember that both DoD and the Commission's review clearly documented significant excess capacity in the 5 ALCs. Privatization in place of all of the workload of Sacramento and San Antonio would result in shifting excess capacity to what appears would be a competitively protected segment of the private sector rather than eliminating it, and further, would miss the opportunity to improve the efficiency of the other DoD depots.

The Commission clearly did not intend to privatize in place all of the workload from the 2 ALCs we voted to close, as noted in our Findings, ''closure * * * permits significantly improved utilization of the remaining depots and reduces DoD operating costs.'' Where the Commission encouraged privatization in place, our Report addresses it directly (see pgs. 1–58 to 1–61). Such was not the case with the ALCs.

Moreover, not allowing the remaining ALCs—all of which ranked higher in military value—to compete for the additional workload, will cause them to become increasingly less cost-competitive in the future. Even beyond common sense issues of most effectively utilizing our limited defense resources, I am at a loss to understand why it would be in the Air Force's best interest to protect its lowest ranking depots at the expense of its 3 superior installations.

As difficult as it was to vote for the closure of 2 facilities of this size and quality, the Commission voted 6–2 to do so because we felt that it was in the best interest of the Air Force, DoD, and the American taxpayers. If any Commissioner had offered a motion to privatize in place, as the President proposes, I am 100% certain that such a motion would have been defeated handily.

Representative Watts, I hope I have answered your questions. Please feel free to contact me if I might be of further service on this or any other matter.

Highest regards,

WENDI L. STEELE,
Commissioner.

S. LEE KLING,
St. Louis, MO, September 29, 1995.

Hon. J.C. WATTS, Jr.
Congress of the United States, House of Representatives, Washington, DC.

DEAR CONGRESSMAN WATTS: Thank you for your recent letter concerning the issue of privatization in place for the workload of the Sacramento and San Antonio Air Logistics Centers. I certainly understand your interest in this question.

As Chairman Dixon noted in his July 8 letter to Deputy Secretary of Defense John White, the Commission was generally very supportive of the concept of privatization of DoD industrial and commercial activities. This is consistent with the May, 1995 Report of the Commission on Roles and Missions of the Armed Forces, which concluded that ''with proper oversight, private contractors could provide essentially all of the depot-level maintenance services now conducted in government facilities within the United States.'' Privatization is very beneficial in certain situations but not all.

In specific cases of Sacramento and San Antonio Air Logistics Centers, the Commission was very aware that we were recommending the closure of two very large industrial activities. The Commission's recommendation to consolidate the workloads of these two Air Logistics Centers ''to other DoD depots or to private sector commercial activities as determined by the Defense Depot Maintenance Council'' was intended to give the Air Force and the Secretary of Defense the maximum flexibility to implement the closure of these two Air Logistics Centers in a way that would eliminate excess capacity without harming ongoing Air Force operations and provide the greatest savings. With the exception of the direction to move the common-use ground-communication electronics workload currently performed at Sacramento Air Logistics Center to Tobyhanna Army Depot, the Commission did not direct any of the workload of McClellan or San Antonio Air Force Bases to any specific DoD depot or to the private sector. We felt that the Defense Department was in the best position to make these judgments.

The Commission's review clearly documented significant excess capacity in the five Air Force Air Logistics Centers. Privatization in place of all of the workload of Sacramento and San Antonio Logistics Centers could result in little or no savings to the Air Force by the closures. Further, it might result in privatizing excess capacity rather than eliminating it and could also miss the opportunity to improve the efficiency of other DoD depots by increasing their utilization.

Thank you for your continuing interest in the base closure process.

Kindest regards,

S. LEE KLING.

Mr. INHOFE. Mr. President, this is taken directly out of the BRAC language. It is critical that we find ourselves in a situation where we are going to be able to actively interpret the intent of the BRAC Commissioners. Eight Commissioners, and they used the same criteria everywhere they went. They visited all the installations. They were in Oklahoma. It was very tense. We have five installations in Oklahoma. They went to all of them. These people worked for years to try to come up with conclusions, so I am going to read some of the conclusions they have, and then I would like to yield to the Senator from Georgia, if it is his desire to be heard on this subject.

Mrs. HUTCHISON. Mr. President, will the Senator yield for one question?

Mr. INHOFE. Yes, I will yield for a question, and then I do want to hold the floor so I can conclude my remarks.

Mrs. HUTCHISON. Yes, I understand, and since I was willing to answer any questions you had, I think that is fair.

Mr. President, I understand that the Senator has read a letter from one of the Base Closing Commissioners, Wendi Steele. And I just ask if the Senator from Oklahoma will tell us where Wendi Steele worked just before she went on the Base Closing Commission?

Mr. INHOFE. Where did she work?

Mrs. HUTCHISON. Yes.

Mr. INHOFE. Maybe you can tell me. I know she lived in Texas.

Mrs. HUTCHISON. Yes, Wendi Steele was actually the defense legislative assistant for DON NICKLES. She is from Oklahoma. I don't know if she lived in Oklahoma.

Mr. INHOFE. I think she is from Houston.

Mrs. HUTCHISON. But she worked for DON NICKLES before becoming a member of the Base Closing Commission.

Mr. INHOFE. Can I ask a question of the Senator from Texas? During the time that we approved the appointments by the President of the eight Commissioners, we went through long hearings. You, at the time, were a member of the Senate Armed Services Committee, I believe, and I was there, too. I ask, did you have any objection to the appointment of Wendi Steele as one of the Commissioners during those hearings?

Mrs. HUTCHISON. As a matter of fact, I was very concerned about the appointment of a former staff member of a Senator from a State that was going to be in competition with our State on several bases. I was concerned about it. I asked Ms. Steele at the time if she would be willing to recuse herself, since she was on Senator NICKLES' staff, from any of the decisions that would bear on a base that was in competition with Oklahoma, and she said no. I thought of objecting to her at the time. I decided that I would not object because I hoped that she would be fair and open and honest.

I was concerned when, as a member of the Commission, she was doing the routine tour that Commissioners do of Kelly Air Force Base and she, at the time, said to the commander of the base, ''This is a really nice facility. I wonder what we will be able to do here when all of this is moved to Tinker?''

Now, this was when she was just in the research phase taking the routine

trips that everyone takes, and she had made up her mind that this was going to be moved to Tinker.

So I just think when I read the letters from the five members of the Base Closing Commission that stated clearly that privatization is an option that they meant to leave open in these base decisions, I just wanted the Senator to know what the background was on the letter from Wendi Steele.

Mr. INHOFE. Let me reclaim my time. Thank you very much, I say to Senator HUTCHISON.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. INHOFE. I appreciate you calling that to our attention. I also, Mr. President, call to your attention the Commissioner in question is a resident—was a resident, I assume is still a resident—of Houston, TX, and she had not been on the staff of Senator NICKLES for some time.

I think when we went through this process of determining whether or not anyone was prejudiced on that Commission, I asked every Commissioner questions. I asked them: ''Are you going to use the criteria in an unprejudiced manner?'' And they all responded yes. There is not one person who objected to Wendi Steele.

I will also say, I also quoted extensively Lee Kling. I don't believe Lee Kling was ever on Senator NICKLES' staff.

I want to yield to the Senator from Georgia, but since it is so critical we know what the intent was, not just by reading the reports from the Commissioners, let me just go ahead and read a few things that actually came from the BRAC commission report. These are quotes, Mr. President, if you will bear with me for just a moment.

. . . significant excess capacity and infrastructure in the Air Force depot system requires closure of the San Antonio ALC.

They addressed separately the question in California. But the point here is, I keep hearing, don't worry about it, they are already closed. No one is going to be naive enough to say by closing it, they didn't fully intend to stop the excess capacity from taking place in Texas and in California. It was assumed that that would take place.

Second:

. . . closure of the San Antonio ALC and related activities in Kelly AFB, including the defense distribution depot and information processing megacenter, permits significantly improved utilization of the remaining depots and reduces DOD operating costs.

Third, another direct quote from the BRAC committee:

The Commission found the cost to realign Kelly AFB to be less than that estimated by the DOD and the annual savings to be significantly greater than DOD's estimate.

I heard someone, I believe it was the Senator from California, just a short while ago make a statement—maybe I am not attributing that to the right person—saying that the GAO study did not take into consideration relocation. The GAO study clearly did take into consideration relocation.

Quoting further:

The Commission assumed that a depot closure and consolidation of work would permit a personnel reduction—

Listen, Mr. President—

of 15 percent of selected ALC personnel and a 50 percent reduction in management overhead personnel.

Further quoting:

The decision to close the San Antonio ALC is a difficult one, but given the significant amount of excess depot capacity and limited defense resources, closure is a necessity . . . The San Antonio ALC closure will permit improved utilization of the remaining ALCs and substantially reduce DOD operating costs.

I could go on all day with these things. There is a lot of redundancy here. But it clearly expresses to us what their decision was and what they meant.

The Commission staff presented data indicating large annual savings could be realized by consolidating engine maintenance activities at Tinker Air Force Base, OK. Both Kelly and Tinker are operating at less than 50 percent of their engine maintenance capacity. * * * The Commission urges the Air Force to consolidate engine maintenance activity at Tinker to reduce excess capacity. The Commission firmly believes that consolidation of engine activities will result in lower costs and increased efficiencies.

Again, Mr. President, there can be no doubt that even if you tried to isolate certain things that were said or maybe a rumor that was heard down in Kelly Air Force Base, I do not think we should be talking about statements that cannot be documented and rumors that someone said this or someone said something else.

If you just stop and realize, if you have five ALC's operating at 50-percent capacity, and you close two, and, as the bill calls for, you do not privatize anything in place there until the remaining, more efficient—according to the BRAC process—certification of ALC's located in Oklahoma and Utah and in Georgia are operating at a minimum of 75-percent capacity, I do not care if it is 65 percent, but the bottom line is anyone who has any business background knows that you cannot operate at 50-percent capacity and do so efficiently.

I do not think we need to attack the integrity of the independent commissioners. I feel that people like Wendie Steele and Lee Kling and the rest of them have spent time, their valuable time—sure there is compensation, but there are very few people who would be willing to take 2 years out of their lives to do nothing but evaluate the operation of literally hundreds of military installations.

Now, I have a lot more things to talk about. I would like to yield to the Senator from Georgia. You know, I commented several times, as he sat in there with us in the Senate Armed Services Committee, that this not a partisan thing. This is about defending America.

So I yield the floor.

Mr. CLELAND addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Will the Senator from Oklahoma yield?

The PRESIDING OFFICER. The Senator from Oklahoma yielded the floor.

Mr. CLELAND. Mr. President, I missed some of the discussion of the Senator from Oklahoma. I would like to just highlight some points that I will mention about this discussion.

I say to the Senator, I am a newcomer to this basic issue here, but you have been involved from the beginning of the BRAC process, all the way through.

Was it your understanding when this process was set up to close bases, that that was exactly the intent of the entire process, to indeed close bases, and that this issue of privatization in place came along some time afterward as possibly something that was new to the process and has actually thrown that process off track? Is that your understanding?

Mr. INHOFE. That is my understanding.

Before the Senator from Georgia got in here, I commented on several of the States. For example, Indiana, where the presiding office is from, he lost, and did so with grace, as much grace as he could, a major installation in Indiana.

Our own chairman, Senator THURMOND, I mean, no one, no one can have more political influence to stop the closing of a base in his home State than the chairman of the Armed Services Committee. And Senator THURMOND was willing to say, all right we have to bite the bullet.

The big issue here is, we need to use the money that is used on excess capacity to be spent on such things as modernization, quality of life, on readiness, on force strength. These are the things that we need to be talking about.

So, yes, the whole thing on privatization in place, it was anticipated someone might bring it up. So the GAO in their report, when they came to the conclusion that if you privatize that excess capacity in place in Sacramento and in San Antonio, it is going to cost the taxpayers, and I say cost the defense system, because that is what it is going to come out of—$468 million a year. Over the 5 years, they said that is $2.34 billion.

In further responding to the Senator's question, I would say, you sat there in those committee meetings when we had the service chiefs in there and said, ''Where are we going to come up with the money if we don't carry out the recommendations of the BRAC system?'' We have to come up with several hundred million dollars. Is it going to kill the force stream and quality of life and come out of modernization. ''Where is it going to come from?'' What did they say? They said, ''We don't have anything for it to come out of.''

Mr. CLELAND. I ask the Senator, is it your understanding, if this privatization in place policy stands—of course, the bill reported out of the Senate Armed Services Committee does not prohibit privatization. It just prohibits this policy which has thrown the BRAC process off track in terms of their logistics centers.

Mr. INHOFE. That is a very good point.

In fact, several people, who would like to have us believe that—referring to the privatization in place—very conveniently leave out one sentence when they talk about realigning Kelly Air Force Base, including the air logistics center. The last sentence says, ''Move the required equipment * * * [and any required personnel] to the receiving locations * * *.''

That means not there. Do not privatize excess capacity where you maintain the problem of having five locations, each operating at 50-percent capacity. It is very, very clear.

Mr. CLELAND. I ask the Senator, isn't it true that if the action follows, that is, the privatization-in-place policy, that we have heard testimony—you and I were in the subcommittee listening to the testimony from the Air Force—that if you followed the privatization-in-place policy, rather than just sheer privatization, it begins to thwart not only the BRAC decision, but it begins to obscure the whole concept of privatizing to begin with, and that when the Air Force talks about competition, say, competing for the C–5–A workload, they put qualifications on it in order to adjust to the privatization-in-place requirement and require that work to be done for the C–5–A workload at Kelly, and that absolutely compromises, I think, the whole sense of competition between an air base, say, like in Warner Robins—it is going after that workload—and a private contractor?

Isn't it your opinion that if we do not get rid of this privatization-in-place policy, we will end up with five air logistics centers, which is not the desire of the BRAC Commission, but three will be publicly run by the Air Force and two will be private, costing the taxpayers hundreds of millions of dollars? Is that not right?

Mr. INHOFE. You know, that is one of the three bottom lines here. It is just so logical that if you have five operating at 50-percent capacity—as they said in this overdraft quoted out of their report; they said it over and over again—you have to close two and transfer the workload.

Now, the whole idea of privatization came up—and I hate to say it, but it was highly political. We all get political right before an election. This is what happened right before the election. And it happened out in California. There are a lot of electoral votes in California. The administration said: ''We want to privatize in place.''

But clearly you are right. The Senator from Georgia is exactly right. That does not resolve the problems.

A minute ago I said there are three bottom lines. That is one bottom line. Another bottom line is the fact that this is a national defense issue. How can we be sure that if there is a war, if Iran decides they are going to use some of that technology and the systems they are getting out of China or Russia and go to war with us, that we are going to be in a position to fight that war? It is a national security issue so that if we do get in a war, we will not become dependent, for those core activities, on a private contractor.

You know, I am all for privatization in place. But that is the other issue.

The third, of course, is cost. Those who say that GAO did not consider privatization in place, they did. The GAO was before our committee. You were there with me. We sat there for several hours. We cross-examined this gentleman. He said, and repeated over and over again, ''Yes, the costs. It is going to be to the taxpayers or to the defense system. We proximate $468 million a year.'' Then I said, ''Is that old information? Is that new?'' ''No; we brought it up to date.''

So that is their current position. That is their past position. The GAO was set up to be an independent agency to evaluate these things free of political interference. They came out with this, that third-cost thing. The Senator from Georgia knows the problems that we are suffering from right now in our defense system. He knows that we cannot come up with $2 or $3 billion and take it out of something that is existing. So the Senator from Georgia is exactly right.

Mr. CLELAND. I say to the Senator, you and I both sit on the subcommittee. That point is well-taken, that regardless of some of the aspects of this issue, which can be kind of arcane, when you start talking about air logistics centers, the bottom line is, are we going to fulfill the goal of the BRAC Commission, and that is have three air logistics centers, lean and mean and working at full capacity and ready to go in terms of the readiness of our forces? That is the bottom line. If we compromise the BRAC decision, then we will not have three air logistics centers lean and mean operating at full capacity really ready to do their job in a time of conflict and combat. That is one of the things that really concerns me about this whole issue.

Mr. INHOFE. I respond to the suggestion of the Senator from Georgia that in capacity, there is potentially enough capacity so there will be a public depot in the event of war and have some capacity to grow into it. That is the reason that, again, it is somewhat arbitrary as to whether it is 75, 80, or 85 percent. The GAO again said that you should operate the three remaining air logistics centers somewhere between 75 and 85 percent capacity to leave enough capacity so that, as the Senator suggests, in time of war we would have that capacity and then we would be at full capacity. Clearly this is a national defense issue.

Mr. CLELAND. I appreciate the Senator from Oklahoma and his leadership on this point and his concern for readiness of our forces, readiness of our air logistics centers to do the job, the ability of those centers to do the job economically and effectively, which in my reading of the BRAC process was part of the reason for the process even occurring, and that he marshaled great facts and arguments for the committee bill here, which I support, which does not eliminate privatization, it just eliminates an absurd policy that is costing the taxpayers of this country hundreds of millions of dollars and is inefficient, ineffective, and ultimately weighs down and compromises three outstanding air logistics centers.

I just want to thank the Senator for his leadership and his scholarship on this issue. I will be supporting him on a vote.

Thank you, Mr. President.

Mr. INHOFE. Before the Senator yields the floor, I would like to respond, in a way. We are talking about this as being a major national defense issue. That is what it is really all about.

I am deeply concerned because I understand, certainly not as well as some of the others around here, that the Senate rules do provide that any one Senator can stop the train, can stop and can kill a bill.

I see Senator THURMOND down there, the chairman of our committee, the hours that we put into this thing. I just hope that those who disagree with one small part—this is a tiny part of this bill. We have pay raises for our guys in Bosnia. We have modernization programs in there. We have barracks that are starting construction right now that we have to continue. We have literally hundreds of things that are totally out of this realm, not associated with the depot maintenance, that are in this bill.

So I just hope that those who are opposed to this part or any part of the bill would not use the Senate prerogative that each Senator has to stop the bill altogether so that we will not have the defense authorization bill, but merely offer amendments to take out those parts that they find offensive. I am prepared to debate against such amendments that might cause this to come out.

So, I just respond by saying, I hope that you share my concern that we do not want to hold up the defense authorization bill. Let us go ahead, as Senator THURMOND had suggested in a meeting yesterday and said we have a good bill here. A lot of good things are in it. If somebody does not like some provision, they have every right to stand here on the floor and argue that case and be as persuasive as they can to take that out. I think that is the process, for the sake of America's defense, that should be used.

I assume the Senator from Georgia would agree with that.

Mr. CLELAND. The Senator from Oklahoma is absolutely correct. I support him 100 percent on that point. And the great chairman of our committee is absolutely correct; if there is anyone who disagrees with portions of this authorization bill, offer an amendment to delete it. But to hold up the whole bill is wrong.

Second, I am the ranking Democrat on the committee that deals with personnel in the military, particularly with quality-of-life issues. There are many things in this piece of legislation that we are about to discuss, like the 2.8 percent pay rate increase in barracks housing and housing for families on many bases and an increase in aviator pay, to recruit and retain the best pilots and service men and women.

There are many things in this bill that our soldiers and sailors, airmen, marines, coastguardsmen out there really need. I hate to see this bill run aground on this particular point that we have been debating.

So the Senator is absolutely correct. I support him 100 percent on that point.

Mr. INHOFE. Of course, the Senator from Georgia being the ranking member of the Personnel Subcommittee, and Senator KEMPTHORNE, being the chairman, as I go around and make the base visits, it is very distressing. You mentioned flight pay.

We are losing our quality pilots to the private sector because there is a great demand out there. How can we compete, when these guys are willing to do it? They want to fly the F–16's, the F–14's and the F–18's, and the equipment we have, the heavy equipment, the B–1's and B–2's, and so forth, but they also have families and they have children and we have to provide them with the pay that is somewhat competitive. We are way below that. However, you are able to get in some provisions that will, I think, retain some of these pilots.

Right now we are in the middle of an incredible housing shortage and we have troops on food stamps, we have housing that they would not let prisoners live in.

We have a lot of improvements here due to your hard work and that of Senator KEMPTHORNE. To jeopardize all of that work just because of one small provision—I suggest there are some things I do not like in this bill. If I do not like them I will offer an amendment to take it out. That is the process. I just hope we can follow that process.

Mr. BENNETT. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. BENNETT. I will not prolong this particular debate about depots, but I was passing through and heard it going on and could not resist the opportunity to make some comments about it. The issue clearly will be debated at greater length and I will have more statistics and information at that time.

The point I want to make in this context has to do with the issues raised by the Senator from Georgia and the Senator from Oklahoma regarding readiness and capability in the depots. It is the corrosive effect of a depot operating at less than full capacity or even approaching full capacity.

If I may, I will share with the Senate my experience at Hill Air Force Base where we have the air logistics depot that was rated No. 1 during the last BRAC process. Let it be understood there were five depots that BRAC looked at, and according to the ratings that were given these depots, Hill Air Force Base was rated No. 1, McClellan Air Force Base which BRAC said should be closed was rated No. 5, and Kelly Air Force Base, which BRAC said should be closed was rated No. 4.

However, the expected shift of workload from Kelly and McClellan to the surviving three has not taken place. At the Hill Air Force Base they are now down to about 52 percent of capacity. There has been a lot of conversation here about how inefficient and expensive that is. I agree with all that conversation. It is ineffecient and expensive. But it is more corrosive than that in terms of what it is doing to the personnel on whom we will depend at some point for support if there is a war.

The work force at Hill is aging. As people leave, they are not replaced. Why should they be—the capacity of the base is not being used, so as attrition comes along and people leave, they are not replaced. The people who are looking toward retirement in the next 5 to 10 years recognize they will not be replaced if this capacity problem is not solved. Their morale is down. When they speak to the people in the surrounding community who might want to apply for jobs, be trained and acquire the expertise that we will need, the present folk tell them, quite understandably and logically, ''Don't bother. Don't come to work here. The Air Force has no loyalty to its personnel. The Air Force has no loyalty to this depot. They have done everything they can to close the depot by keeping work spread out at other depots around the country.''

The time will come, and it will come relatively soon in terms of international defense issues, that is, within the next 5 to 10 years, when we will not have a work force at all. These people will have retired, they will have left, no one will have come in to be trained, and the Air Force will suddenly sit there and say, who can we get to do this work at virtually any price, at any place? Depots do not manage themselves. It takes people. Problems do not get solved by facilities, it takes people.

The process the Air Force is following in this privatization in place procedure is corrosive and destructive of not only the morale but the skills of the people at each one of these depots. We would not have this problem at Hill Air Force Base if Hill Air Force Base were operating at 75, 80 or 85 percent of capacity. People would be busy doing productive, worthwhile things.

Now they are painting rocks—not literally, but figuratively. I have been in the Army. I know what happens when the drill sergeant has you for the afternoon and has nothing for you to do. He requires that you go out in front of the barracks and pick up all the rocks and paint them and then put them back. That is not a really good morale experience to go through. I have gone through that. I think just about anybody who has gone through training in the American military has had that kind of experience from time to time. You want to spend your time in worthwhile activities, in real training, but they have you for the afternoon, they do not have anything for you to do, and military life being what it is, they will not let you go, so the top sergeant has you out there painting rocks. Well, figuratively, many of the people at Hill Air Force Base are drawing their full salary, charging the taxpayer the full cost, but they are painting rocks. Why? Because the work they should be doing is still being done on the bases that the BRAC ordered to be closed.

We can talk about the price, we can talk about the money that is being wasted, we can talk about the inefficiency, but we should not lose sight of the corrosive impact on the morale, the expertise and the ultimate future of the work force that will be necessary to keep this country alive and strong in the defense in the future.

I hope the members of the Armed Services Committee who address this issue keep this in mind, along with all of the other issues. We are arguing about jobs and where they will be. We are arguing about dollars and where they will be spent. However, we are in an exercise created by the Air Force's refusal to abide by the requirements of BRAC, that is terribly corrosive of the work force, and ultimately the readiness capacity of this Nation.

It is very difficult to measure but that does not mean it is not real. It is very difficult to pin down in specifics, but that does not mean it is not serious. It is real. It is serious. It is going on, and the BRAC process must be implemented as quickly as possible in order to stop it.

Mr. THURMOND. Mr. President, the Senate has a very able majority leader. It is his business to take matters up after the committees have acted and to get action one way or the other. The Senate Armed Services Committee has brought forth a bill here. It is ready to be acted on. Why is this delayed? Some Senators are not pleased with what it contains.

Now, any Senator who is not pleased with any portion of this bill and wishes to amend it or repeal it has an opportunity to offer an amendment to do that. But to say to the Senate, we are going to object to even taking up the bill, even considering the bill, and holding up the work of the Senate—isn't it reasonable to go forward with

this bill, let amendments be offered, let them be acted on? That is the democratic way.

Now, the Senate Armed Services Committee passed this bill out unanimously. Every member of the Senate Armed Services Committee voted for it. Every Republican and every Democrat voted for it. It cannot be too bad a bill in view of the unanimous support it has received.

Again, I repeat, any Member who is dissatisfied with any portion of this bill has an opportunity to offer an amendment to the bill to their liking. I hope the objections to going forward with the bill and considering it will be discontinued and we can proceed with the welfare of the Senate which is to take up this bill and act on it.

I yield the floor.

Mr. INHOFE. 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. GRAMM. 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. GRAMM. Mr. President, I came down at noon with my colleague from Texas, Senator HUTCHISON, and objected to bringing the Defense authorization bill to the floor of the Senate under unanimous consent. I then rushed back to the Finance Committee where we were finishing our markup on Medicare, Medicaid, and welfare reform. I did not have an opportunity when I raised the objection to explain exactly what all of this is about. I wanted to come over very briefly and do that now.

Let me say I once had the great privilege of serving on the Armed Services Committee. I have always been a strong supporter of national defense. My dad was a career soldier, a sergeant in the Army. I was born at Fort Benning and I have always had a special place in my heart for people who wear the uniform of the country. So it produces no great happiness in my heart being in a position of holding up this bill.

Let me also say that I never like to do anything that brings distress to the chairman of this committee, Strom THURMOND, who is the greatest man that I have ever served with in public life.

However, let me explain to my colleagues why this issue is so important, although I do not want to get into a debate today about the issue. I am hoping we can work something out. I am hoping that reason and fairness will prevail, and like everything else in life, if you look at something from a different perspective, you see it differently. I do not have any doubt that our dear colleague from Oklahoma in his heart sees this thing differently than I do. I think one of the things that has helped me in public life is what an old Virginian, Thomas Jefferson, once said, ''Good men with the same facts are going to often disagree.'' So I never try to get personalities involved with issues.

This is about what we want to achieve, in some cases for our States, in some cases for the country. Let me tell you how I see the issue. This is an old issue, in the sense that it has been building for several years. It started in the House with a group called the Depot Caucus. This is a group of Members of Congress who have depots in their district. For those who know more about trains than they do about military maintenance, a depot is a Government-owned facility where Government employees do work for the Defense Department—primarily work in maintaining defense systems.

Now, we have had a longstanding debate about whether maintenance work ought to be done in depots, or whether it should be done by the private sector. You will hear people argue on both sides of the issue. Some people will say only these depots can be relied upon to maintain weapons systems that were built by the private sector, not the private sector. We have gone through three base closings, and we have now closed five bases in Texas.

I was an original cosponsor of the base closing commission. I voted for the commission reports that closed all of those bases. I hated it. It seemed to me that we were penalizing the very people who won the cold war, but I understood it had to be done. Let me say to my colleagues that I am for another round of base closings. We have cut defense by a third; we have reduced the number of military bases by 18 percent. We have more Army nurses in Europe than we have combat infantry officers in Europe. Tell me that makes sense. We have a huge bureaucracy that was built in another era, for another time, for another conflict. And we all love parts of that bureaucracy. Part of it is in our State. But it is profoundly wrong for the country, and we have to have a bureaucracy that fits the military we have now.

So I am not here trying to defend a base in Texas, Kelly Air Force Base. That is closed. It is closed. The case is over. I voted to set up the commission that closed it and voted for the report that closed it, even though I wish we had closed a base in someone's State who doesn't support defense as much as I do. So the issue we are debating here is not trying to keep a base open. It is going to be closed. I don't want to reverse the decision. It is done. I wish it had been decided differently, but it wasn't.

Now, the issue before us is a very simple issue. The Defense Department, the Secretary of Defense, the Secretary of the Air Force, and those involved in procurement believe that we can save tremendous amounts of money through price competition. Surely, in America, that is not a revolutionary concept. What the Defense Department wants to do is to have competitive bidding between the three depots in the Air Force that are doing maintenance work and private contractors. I should also point out to my colleagues that my State, when Kelly is closed, will lose a minimum of 7,000 jobs that will go to the other three depots—7,000 jobs.

Now, what Senator HUTCHISON and I want is simply to allow private contractors in our State or anywhere else to have the right to compete for this work and, if they can do it better, if they can do it cheaper, they would have an opportunity to do it. Quite frankly, the Air Force believes that we could have savings in the range of 20 to 25 to 30 percent by having price competition and by choosing the depots through Government employees to do the work when they are cheaper and choosing private companies to do the work when they are cheaper.

I remind my colleagues, given that defense has been cut by a third since 1985, it ought to be welcome news that we can save that kind of money. We currently have a proposal out to privatize the maintenance of the C–5, the great big transport plane that is operated by the Air Force. We have all seen it or seen pictures of it; it is big. Now, that was a function at Kelly. So what the Air Force wants to do is to put it out for bids, and if one of the depots can do it cheaper, to move it there, or if a private contractor can do it cheaper, take the facility that has been turned over to the City of San Antonio and lease it to a private contractor, or even let a private contractor in any other city in the country do it, if they can do it cheaper.

Now, the bill before us says that that contract would have to be stopped, that you could not have competitive bidding until the depots were operating at 75 percent of capacity, which would be most of all the work that exists in the Air Force today, so in effect there would never be another competitive bid. And it says, even if you had a competitive bid, nobody using facilities that used to be Kelly Air Force Base, or used to be McClellan Air Force base in California, could compete.

Now, I understand give and take. I understand compromise. But I don't understand knocking people down and stepping in their faces. That is basically what we are talking about here. Now, if we were simply talking about Texas' interest, I am for Texas' interest. I get paid to represent it, and I try to do a good job at it. But the reason that I am adamant about this subject is this is not just Texas, this is America. Why should we not have price competition?

I would like to remind my colleagues, when I was on the Senate Armed Services Committee—and two of my colleagues here sat with me every day I was on that committee—I always supported competition, I always supported privatization, and I always supported it, even though my State might have benefited if we had stopped competition, because it is something I believe

in. It is fundamentally important to America. I know we have people who stand up and say, well, we can't contract out maintenance for the F-l6. You could not trust somebody who didn't work for the Federal Government to maintain the F-l6. Our freedom depends on it. Well, who built the F-l6? Private contractors. The plain truth is, if Government defense without the involvement of the private sector really worked, we would have lost the cold war.

My point is this: We ought to have it as a matter of policy, and since I am standing on our side of the aisle, let me speak as a Republican. If Republicans believe in anything, it is competition. If Republicans stand for anything, it is that when we are spending the taxpayers' money, we ought to do it as efficiently as possible. We ought not to be concerned about where somebody lives that can do the work cheaper. We ought not to be concerned about what their gender is or their ethnicity. We ought to be concerned about the work they can do, the quality they can provide, and what they are willing to charge.

I have tried to break this impasse. Let me explain what I have proposed and why I think it is more than reasonable, bending over backward, and then I will yield the floor. Obviously, if you wanted to be reasonable on this issue, you would simply say to the Defense Department, look, here are a set of criteria for looking at a fair competition with a level playing surface. Let me say, with all due respect, to the depot caucus in the House, the only fair competition to them is no competition. The last thing on Earth they want is competition. But we could set out simple criteria for a level playing surface to have competition between the public sector and the private sector to do this work. What we ought to do is to do that scrupulously and choose the low bidder for the highest quality and get the most defense we can for the money we have. That is logic.

To try to break this impasse, I have made the following proposal. Have competitive bidding after you first set out the criteria for competitive bidding. If you want to look at the cost of the facilities they are using, to make adjustments for it, then look at everything—look at retirement costs, look at every single cost, come up with a way of measuring it, and have a competition. And then, even if the depots lose the competition by less than 10 percent, give it to them anyway. In other words, let's say that we can maintain the C–5 through a Government depot for $109 million, and let's say that a private contractor can do it for $100 million. What I have said is, to try to break this impasse, cheat the taxpayer out of $9 million. Give it to the depot. But if the private sector can do it for more than 10 percent less, give it to them.

Now, what that is saying is that the depots will win any close competition. If they are no more than 9.99 percent higher, they win. But if the private sector can do it for 10 percent or more less, can it be prudent public policy, can it make any sense to deny them the right to do that work? I think the answer is no. That has been a proposal that I have made.

Some people have answered, well, you won't have a fair competition. The Air Force will cheat us. I am willing to try to set out criteria. I personally don't believe any of us are so important that the Air Force is out to cheat us. I have never believed in conspiracies. But the point is, all I am trying to do here is not keep a Texas base open. It is going to be closed. But what I want the workers there to have a chance to do is to go to work for private companies that might have a chance to compete for work. So I am not asking for anybody to give anything to San Antonio, TX. But I am demanding that we have an opportunity to compete. A problem we have here is we have a bill that bans that competition. And then we are going to conference with the House, which basically has the approach that whatever money there is belongs to us and we are not worried about how efficiently it is spent, and this is really defense welfare anyway.

So what I am trying to do, and what I would very much like to do to move ahead, is to try to work out an agreement on the principle of competition, something we believe in, something that clearly works, and I am willing to give an edge to the Government. But I think a 10-percent edge is more than generous. I don't think most Americans would agree with that, especially when many of the people competing are small, independent businesses. But, again, I mention this not because I think it is what we ought to do, but what I am willing to do to try to break this logjam. So I thought it was important, having run over here from the Finance Committee and objected and then run back without having a chance to say anything, to get an opportunity to explain why this is important.

This is a critically important issue. I feel like Senator HUTCHISON and I have not been treated fairly on this issue. I believe there is a fundamental national objective here, and I see it as the competition between special interests and the public interest and, in this case, the public interest is also the Texas interest. When you combine the two, I am getting paid twice to do the same work. So I want to be sure that I do it well. That is what this whole thing is about.

Again, I want to apologize to my colleagues for inconveniencing the process. I know they want to move ahead with their bill. But I know that each of them, from time to time, have found themselves in a similar position.

Thank God the Founding Fathers set up the Senate where one Member does have power; where one person can stand in the face of large numbers of others and say, ''no.'' Ultimately, they can be run over, but they can't be run over for a long time. I think we all benefit from that.

So I am simply taking advantage of the rights I have as an individual Member, as any Member here would, I believe, under the circumstances.

I thank my colleagues for listening. I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, are we at the moment in morning business?

The PRESIDING OFFICER. We are on S. 4.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that S. 4 be set aside and that I be permitted to speak for up to 15 minutes.

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

THE WAYNE, NJ INTERIM STORAGE SITE

Mr. LAUTENBERG. Mr. President, I rise to express my objection to a provision in the defense authorization bill that is expected to shortly come before the full Senate.

The reason that I take this time now to bring this to the Senate is that it is a matter of great urgency. This is the kind of thing that I think citizens throughout the country will automatically rebel against. This is kind of a shock treatment that every now and then happens here that ought to come to the attention of the American public because it is such a flagrant example of the abuse of power, and the power belonging to a corporation with a good friend inside this body.

The provision I am objecting to is one of the most flagrant examples of special interest corporate subsidy that I have ever witnessed in my roughly 15 years in the U.S. Senate. This provision is section 3138 of the defense bill, will have the effect of exempting a company called W.R. Grace—a company that has contributed to a hazardous wastesite in my State of New Jersey—from any further liability at this site.

Mr. President, this provision was written to get W.R. Grace off the hook—out of any responsibility for pollution that they created, out of the obligation to pay for it, thus passing the buck to the American public. This company contributed to this hazardous wastesite in the State of New Jersey, and now the bill includes this reference that excuses them from any further liability for pollution that they created at this site.

The provision effectively grants a special exemption for this company from a law known as the Superfund law, the law which embodies the concepts that the polluter should pay for the pollution and contamination that they created. It is fundamental. The

Superfund law, which I am proud to have helped write, provides the Government with the tools to go after the polluters who are found to be responsible for the waste.

Mr. President, this provision was inserted in the dark of night without any consultation with this Senator who has worked for so many years to get this site cleaned up; and who has been chairman of the subcommittee on Superfund in the Environment and Public Works Committee and is now the ranking member. Though I am not involved directly with the Armed Services Committee, the fact of the matter is that everyone who is here knows that I have been very much involved in helping to create the Superfund law and making sure that we clean up contamination in our country. But here, even the professional staff, the Democratic staff of the committee, was unaware of this section's insertion and were not given any opportunity to review the provision.

This provision is a sneak attack on the environment, on the taxpayers, and on the legal process. This provision says to the taxpayer, ''Too bad for you, taxpayer. We will let a corporate polluter off the hook because this polluter has some special friends in the U.S. Senate. Oh, and by the way, taxpayer, this dump has to be cleaned up. Somebody has to pay for it. So I guess it is going to be you. The most it can cost you, taxpayers, is $120 million. But it saves Grace that money.

So that should make us all feel good, I guess.

I want to explain a little bit about the Wayne Superfund site.

From 1948 to 1971, thorium, a highly radioactive material, and other materials, were extracted at the site that was later owned by W.R. Grace & Co. in Wayne, NJ. The process of mining thorium resulted in contamination with radioactivity of numerous buildings. When the contamination was discovered these buildings were torn down. The resulting waste material was placed in an enormous dump site in Wayne Township, NJ. The Environmental Protection Agency placed this dump site on the Superfund National Priority List in 1984. They said it was one of the worst contaminated sites in the country because this site would potentially threaten the drinking water supply for 51,000 New Jersey residents. The Department of Energy, which oversees the cleanup of this fund under a program that they call FUSRAP, the Formerly Utilized Sites Remedial Action Program, has spent over $50 million so far cleaning up this site. The Department of Energy says that the ultimate cleanup may cost as much as $120 million.

In 1984, W.R. Grace turned over the property and $800,000 to the Federal Government. That year, W.R. Grace signed a legally binding agreement with the Federal Government which provided explicit assurances that the Government could still pursue the company under any law, including the Superfund law. So when the Federal Government put down the $800,000 deposit, that didn't permit them to escape any further liability. W.R. Grace signed the agreement to confirm that.

As the Department of Energy began to clean up the site and to further study the extent of contamination, it soon realized that the cleanup costs were far beyond what they originally believed. In 1996, the Justice Department, acting on behalf of the Department of Energy, began serious discussions with W.R. Grace to determine the extent to which the company might be willing to contribute additional costs to pay for this massive cleanup.

I was assured that these discussions were proceeding in good faith and that progress was being made. But then I found out about this outrageous breach of the legal process to which I believe the company would be seriously committed either by negotiations or tested in the courts of our country.

Mr. President, the residents of Wayne Township are outraged. They feel betrayed by the democratic process, and I share their outrage and disappointment. I am going to be introducing an amendment to remove this provision from the bill and to defend the concept embodied in our law that says that you create the mess, you clean it up; you can't walk away, or, in this case, sneak away from your responsibilities.

Mr. President, I ask unanimous consent to have printed in the RECORD copies of letters from the Department of Energy written in 1995 which show DOE's efforts to get W.R. Grace to come to the table.

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

DEPARTMENT OF ENERGY,
Washington, DC, November 20, 1995.

Mr. JEFFREY M. POSNER
Corporate Risk Management Department, W.R. Grace and Company, Boca Raton, Florida.

DEAR MR. POSNER: I am writing to determine the willingness of W.R. Grace and Company to contribute to the continued cleanup of the former Grace property located at 858 Black Oak Ridge Road, in Wayne, New Jersey. From 1957 to 1971, the facility was operated by the Davison Chemical Division of W.R. Grace. Grace continued to own the site until September 1984, when the U.S. Department of Energy acquired the property to facilitate a decontamination research and development project. Congress directed the Department's involvement in this project through the Conference Report accompanying the Energy and Water Development Appropriation Act for Fiscal Year 1984.

The Office of Environmental Management of the U.S. Department of Energy is currently conducting the cleanup of the site, also known as the Wayne Interim Storage Site, under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). The total cost of the cleanup may exceed $100 million, depending on the final remedy ultimately approved by the Environmental Protection Agency

As you know, the owner of a site at the time of disposal of hazardous substances at the site is responsible under CERCLA for remedial action costs. Thus, Grace, a former owner of the Wayne property, has a legal duty to pay for the site's cleanup. In addition, there has been continuing congressional and local interest in pursuing CERCLA cost-recovery actions against potentially responsible parties. Recently, the Department has received specific requests from elected officials, including Senator Lautenberg, Congressman Martini, and Wayne Township's Mayor Waks, that the Department review possible legal actions seeking appropriate cost recovery. We expect congressional and public interest in this issue to continue.

We believe that it is in the best interest of the local stakeholders and American taxpayers to discuss with your company appropriate ways to avoid litigation and ensure that resources are applied directly to the prompt cleanup of the site rather than to courtroom activities.

I will be calling you in the near future to discuss this matter further. If you have any questions, feel free to contact me at 202–586–6331 or have a member of your staff contact Mr. Steven Miller, of the Department's Office of General Counsel, at 202–586–6947.

Sincerely,

James M. Owendoff,
Deputy Assistant Secretary for Environmental Restoration.

DEPARTMENT OF ENERGY,
Washington, DC, November 24, 1995.

Hon. FRANK R. LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: In my September 29, 1995, letter, I advised you that the Department of Energy would look into the matter of seeking cost recovery against potentially responsible parties for cleanup of the Wayne, New Jersey, site.

After consulting with the Office of the General Counsel, my office has initiated discussion with W.R. Grace and Company to assess their willingness to contribute to the cleanup of the Wayne site. If these discussions are successful, W.R. Grace's cooperation could enable the Department to expedite the overall cleanup schedule for the site.

If possible, we would prefer to avoid time-consuming and costly litigation so that available resources are focused on cleaning up the site. If discussions with W.R. Grace are unsuccessful, we will consider other options including requesting the Department of Justice to initiate formal cost-recovery actions.

We share your goal of pursuing opportunities to expedite the cleanup activities at Wayne. As one example, the Department began removal of the contaminated material in the Wayne pile through an innovative total service contract with Envirocare of Utah. We want to thank you for the enormous support that you have provided over the years to bring this project to fruition.

If you have further questions, please contact me, or have a member of your staff contact Anita Gonzales, Office of Congressional and Intergovernmental Affairs, at (202) 586–7946.

Sincerely,

THOMAS P. GRUMBLY,
Assistant Secretary for Environmental Management.

Mr. LAUTENBERG. Mr. President, it is a strange anomaly that the name of this company, W.R. Grace, is the name of—I am not sure whether it was the founder—but the name of someone who helped build this big company. It is also the name of someone who wrote a report that was officially called ''The Report of the Grace Commission'' in which they talked about how you reduce Government inefficiency, reduce

costs, and cut down the size of Government and get those bureaucrats off our backs—all of those words. But now this company said there is one way to resolve problems, and that is to hide behind a good friend's efforts, whoever that friend may be, and get it off the hook for possibly—$120 million.

We can't find enough money around here at times to take care of essential programs. We are cutting back Government as much as we can. We are trying to arrive at a balanced budget in the year 2002. And we struggled here not too long ago to try to get disaster relief money into the hands of people whose homes were torn apart, whose families' histories wiped out, with many left penniless and nowhere to turn. We had a heck of a time getting those funds to those people.

Here we have $120 million that this Government is liable to have to spend to clean up this site. And what do we do? We let the company duck its responsibilities.

Well, Mr. President, I don't intend to threaten at all. But I will say this: If this section stays in the bill and lets W.R. Grace off the hook, and maybe some other companies, we will have to study it a little more thoroughly. I will stand here, and I will talk. I will read, I will lecture, and I will do anything I can to keep this from becoming law because it is an outright misuse of taxpayers' funds. I am not going to let that happen, Mr. President—not this Senator. And I am sure other Senators will agree with me.

With that, I yield the floor. I thank you. I note the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I also ask unanimous consent that I be shown as an original cosponsor of S. 923.

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

DEPOT MAINTENANCE

Mr. INHOFE. Mr. President, I would like to just take a couple of minutes to respond to the best of my memory to some of the things that were stated by the senior Senator from Texas [Mr. GRAMM].

First of all, he mentioned that personality should not enter into this. I certainly hope that will be the case. Unfortunately, Mr. President, all too often in both bodies if we get wrapped up in things we honestly believe in, it becomes personal. I do not think this will be the case, certainly in the case of Senator GRAMM. He is a man I have respected for many, many years even before I served in the other body or this body. In fact, I was one of the individuals who strongly supported him in his bid for President of the United States because I thought he was the best choice. And it was not an easy thing for me to do because, unfortunately, our majority leader in the Senate was running.

However, I think some things need to be brought out and some things I have access to because of the fact that I serve on the Senate Armed Services Committee and chair the readiness subcommittee of the Senate Armed Services Committee.

First of all, on this issue of the depot caucus we hear so much about in the other body, I hear some statements attributed to them that sound a little bit extreme from time to time, but I have to say also that that is a group of people with a genuine concern over how depot business should be handled.

All too often we start thinking of parochial concerns, about what is the effect of a certain action going to be on the population of my State, and forget about the fact that there is a reason for a depot and there is a reason for core functions to be performed in a depot. All too long we have gone without a definition of core, and core, Mr. President, as you well know, is those functions that have to be performed to enable us to defend the lives of Americans.

That is what it is all about. When you talk about the depot caucus over on the other side, I did some things in this bill, and, of course, the Chair is fully aware of it because he was there at the time, made some compromises that the so-called depot caucus found very offensive. I agreed to change the 60–40 formula to 50–50. Also, I did something else that not many people really are aware of because it gets a little bit technical but provided for allowing teaming to be done by a public depot. This is extremely significant and it shows that I of all people am not against private sector competition.

The Senator from Texas [Mr GRAMM] talked about this as one of the backbones of the philosophy of the Republican Party and the conservative movement. Certainly no one can do more than I have done in the effort for privatization. The difference that has to be distinguished in this case is you can't privatize business, you can't privatize functions that are necessary for the survival of this country.

Let us just say, for example, that in the F–100 engines which are used in some of our combat machines that are necessary to defend America and we saw performing so well in the Persian Gulf war, that has to be done, we have decided, as a policy for America in public depots. And the reason is even if it costs more money—I do not think it does. I think I can come up with an argument that will say that we can do things more efficiently in some of those functions in the public depots; we are set up to do that. But even if we were not able to do that, there is another reason why they have to be done in the public sector, and that is the strategic interests of the United States, the defense issues.

We have all agreed as the policy of this country that core activities, core functions, must be done by the public sector. And so we established this somewhat arbitrary, which it is arbitrary, 60–40, and I was willing to accommodate one of the very prominent Senators from Arizona on the committee, Senator MCCAIN, and Senator MCCAIN did appreciate that very much. So we changed that, and not only are we going to give the ability to the public depots to team, and that is to go outside and subcontract some work, I am willing to count that in any formula as public sector work, even though it is done by the private sector.

Now, that is a great, I think, compromise that we made in order to accommodate some of the Senators who had concerns, and consequently that Senator is in support of the language that is found in this bill.

So I think that if we could present the argument, there is no way you could give even a 20-percent advantage to the public sector in depot maintenance and still have a level playing field. We are fully aware of the process that is written into our system that allows the disposition of Federal properties to be first offered to the Federal Government, then the State government, then ultimately to local subdivisions such as Tulsa, OK, or San Antonio, TX. And so in the event they at no cost in the case of a San Antonio, TX, are able to acquire Kelly Air Force Base and have that multi, multimillion-dollar facility at no cost, they in turn then can give that to a contractor who will bid with no overhead whatsoever.

Now, that is something with which we cannot compete in Tinker Air Force Base or they could not compete with in any other military installation. And there are many other—I have already talked about this and talked about those things that are in the bidding process which make it so that we cannot do it.

I was a little bit surprised when the junior Senator from Texas was talking about John White. During the committee meetings that we had, John White was not able to answer questions about how to level the playing field and provide for real competition if it is desirable.

Keep in mind, Mr. President, it is not desirable because we have established as a policy that those core functions that are necessary to protect the lives of Americans should be done in public depots. If you do not do that, you are going to have a situation where we can be held hostage in times of war, and we know what that could mean for us.

Given the manner in which competition is structured, everyone already knows that private sector bids will come in well below depots, and there are two reasons why. The private bidders can use marginal pricing. We know what marginal pricing is in Government work. Private bidders, unlike the public sector, are allowed to use

marginal pricing to underprice something to get their foot in the door, and once the foot is in the door we become reliant upon them and then they run off. I am not saying the people who are the private sector are unscrupulous or in any way demeaning what they do. They are out in the competitive world, and they are willing to use their assets to bid below cost just to get in there so that the public sector would no longer have the ability to provide that work. I think the Senator from Utah made a very good point. We are losing that ability today. As the skilled workers, whether they are located in Oklahoma or Utah or Georgia, are leaving, getting into other professions, so we would have—every week that goes by we would have a more difficult time in having this as public sector work that would defend America.

So I conclude, Mr. President—and I do not want to be redundant—by saying that another bottom line is right here. This is a GAO report. The GAO report agrees with what the Air Force initially said on how much money would be saved by closing the two bases and transfer that workload to other ALC's. Then they later on, when this administration took a position against it right before the election, they rescinded that report, but the GAO, which is independent of that political influence, came out and said very clearly if you do it, it is going to cost the defense system an additional $468 million a year. And certainly the man who is presiding right now, the honorable Senator from Virginia, who is one of the highest ranking members of the Senate Armed Services Committee, is fully aware that if we have to somehow come up with $2 billion over a 5-year period to take out of the defense budget in order to accommodate an exception to the BRAC recommendations, where is it going to come from? He will remember very well we had the chiefs of the services there, and we gave them the alternatives. It has to come from quality of life, modernization, force strength or readiness. There are only four places it can come from. We cannot predict the contingencies this administration will get us into that are very expensive. We can predict these, and there is no place we can come up with this money. So this is an extremely important fiscal issue, and I wanted to have the opportunity to respond to the senior Senator from Texas.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. INHOFE assumed the chair.)

Mr. SPECTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

ELIMINATION OF VETERAN BENEFITS FOR CAPITAL OFFENSE CONVICTION

Mr. SPECTER. Madam President, it is my hope that yet this afternoon we will be able to take action on legislation cosponsored by Senator TORRICELLI, Senator NICKLES, and Senator INHOFE which would deal with the issue of eliminating veterans benefits for anyone who has been convicted of a capital offense. This legislation was introduced yesterday and is designed to deal with the situation of Mr. Timothy McVeigh, who last week was convicted of murder in the first degree on 168 murders arising out of the destruction of the Murrah Federal Building in Oklahoma City back on April 19, 1995.

I was surprised to learn from my staff on the Veterans Affairs Committee that someone in Mr. McVeigh's situation would be able to receive veterans benefits. There are a wide variety of possible benefits. Exactly which ones apply to Mr. McVeigh would have to be determined, but they are benefits which would include employment training—obviously he cannot do that at the present time—education, other compensation, burial benefits. There was a gap in the law where someone who has been convicted of a number of crimes cannot receive veterans benefits—crimes like treason, sabotage, or espionage—but oddly enough, curiously enough, a conviction for murder in the first degree is not covered.

Senator TORRICELLI had introduced legislation yesterday and so had I. I did not know this when I introduced my legislation and spoke briefly on the Senate floor yesterday afternoon about Senator TORRICELLI's legislation, but I found out about it later in the day and talked to him this morning, and we are coordinating our efforts to produce a joint bill.

I discussed the matter yesterday with the majority leader, Senator LOTT, who said he would work with us to have a prompt determination for the Senate, and we have put it on the hotline, and we are almost complete, with one Senator yet to respond, and there has been a checking now with the administration, with the White House, with the Executive Office of the President, and also with the Veterans' Administration to see if there is any objection. I do not believe that there will be any.

It is my hope we would be able to take action fairly soon this afternoon, or, if we cannot, we may have to put it over until tomorrow. There has been considerable public interest and people expressing surprise that someone in Timothy McVeigh's situation could have veterans benefits and could, illustratively, be buried with heroes from the veterans wars of World War II, Vietnam, Korea, or the gulf war.

So we are proceeding at this time. I wanted to alert my colleagues we are hopeful that bill will come up this afternoon and try to expedite the advice from both the White House and the Veterans' Administration as to their positions. It is my firm expectation that they will not have an objection but would rather welcome this legislation, but I wanted to inform my colleagues of the status at this time.

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. FAIRCLOTH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONGRATULATIONS TO CIA AND FBI

Mr. FAIRCLOTH. Madam President, I take the floor today to congratulate the Central Intelligence Agency and the FBI for their efforts in capturing the terrorist who killed two CIA officers in 1993.

Many thought when Aimal Kansi disappeared into Pakistan in 1993 that he would never be caught. I believe that our men and women who played a role in his capture deserve our thanks for the brave effort they went through to catch him.

Another critical question that I do not think has been answered is why was Mr. Kansi ever allowed in this country in the first place? Why was he here to begin with? He came here in 1991, apparently well educated, as a Pakistani immigrant. He came here on a business visa. Supposedly, he came here for 1 month. He used false names and passports, and then the INS gave him a 1-year work visa. Of course, the plan was that he wanted to stay here forever. There was never any doubt about what he wanted. He wanted to be here permanently. A year later, he applied for political asylum. The political asylum issue has been abused to a greater degree than anything I can think of. The Clinton administration has made an absolute mockery of the words ''political asylum.'' There are almost 100,000 applications for political asylum each year.

Now, here is the scandal. When someone has applied for political asylum, they cannot be deported. When you apply for political asylum, you cannot be deported. This application is a complete ruse for people to stay in this country illegally. These people can stay here for years. Now, one of the reasons this man sought asylum—if you can get this—and talk about stupidity on the part of this country—is that he is part of a militant group in Pakistan that opposes United States policies. That is the reason he needed asylum, so he could stay in this country.

Mr. Kansi apparently moved about frequently. He worked at gas stations and as a courier in Virginia. Madam President, why do we need people coming into this country to work at a gasoline station and as a courier? Is this

something we really need to grant a work visa for?

Our immigration policies are simply out of control. We have hit a record number of immigrants coming into the country. In fact, so many are coming in that people with criminal records are getting by like they were moving through a sieve. We are filling the country with anybody with any excuse or reason who wants to come. People like Mr. Kansi are getting in by lying, false records, or whatever they want to present. They wind up here one way or another and we simply refuse to send them out.

Our immigration policies are out of control and people are coming without being examined, without being checked. They are here. The World Trade Center bombing is an example. The shooting at the Empire State Building is another. The CIA killing in 1993 is another. All of these acts were committed by people that were willingly let into this country. How many instances does it take like this before we have the common sense to change the immigration laws that we are letting wreck this country?

I think we need to take a hard look at the laws and determine if we are letting people into this country that are prone to commit terrorist acts against the Nation once they get here.

One of the basic problems, of course, with immigration is that we have a more-than-generous welfare system—more than generous. People are coming into this country not to work, but to sit down. They are coming here to become part of our welfare system, not to become part of our work force. When we attempted to change our welfare laws and cut off cash assistance to noncitizens, the Congress got frightened, and we decided it was being too harsh not to give cash money to noncitizens. How cruel could we be not to hand out cash to an illegal noncitizen? We have perpetrated an immigration system that is out of control.

Madam President, we know that there are many people who want to be Americans. Many people want to come here and make a contribution to the United States. We have a long history of immigration. We are all descendents of immigrants from somewhere at one time, except Native Americans. But somewhere we have gone wrong. At one point, people came to this country to work and to labor and be a part of it. But now they come to be a part of charity. I think we began to go wrong when we lost common sense in our immigration policies.

Madam President, I think the problem began when we lost common sense altogether in the Government, and particularly with the welfare programs supporting the things that these people were coming for. Why should we give noncitizens welfare? Why should the Federal Government punish a county or town if they don't print documents in languages other than English? Madam President, we do that.

Why do we have pages and pages of legislative language just to define the word ''work.'' I think anybody that has done a day's work would not need 14 pages of legalese language to describe it. Madam President, again, I want to thank the agents with the CIA and the FBI that played a role in bringing this man back to the United States. They represent what is best about the country. But the immigration laws that allowed Mr. Kansi to get into this country and to stay here represent the worst.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER [Mr. FAIRCLOTH]. Without objection, it is so ordered.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 934 and S. 935 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SPECTER. I thank the Chair. I yield the floor.

In the absence of any other Senator present, 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. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANTORUM). Without objection, it is so ordered.

DENYING VETERANS BENEFITS IN CAPITAL CASES

Mr. SPECTER. First, Mr. President, I would like to update my colleagues on our efforts to have an amendment on veterans benefits occasioned by the conviction of Timothy McVeigh who does have veterans benefits. We have been working to put the legislation in final form, and I think we are now very close to it. If we can accomplish that, we still have time today to introduce the bill and, I think, to get a rollcall vote on it. That will be the final call, obviously, of our majority leader, Senator LOTT, but I do think we have a chance to do that.

(The remarks of Mr. SPECTER pertaining to the submission of Senate Resolution 102 are located in today's RECORD under ''Submissions of Concurrent and Senate Resolutions.'')

Mr. SPECTER. Mr. President, I yield the floor in the absence of any other Senator seeking recognition 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. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

DENYING VETERANS BENEFITS IN FEDERAL CAPITAL OFFENSES

Mr. SPECTER. Mr. President, on behalf of our distinguished majority leader, Senator LOTT, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of S. 923, and I ask unanimous consent that the Senate proceed to the immediate consideration of S. 923.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A bill (S. 923) to deny veterans benefits to persons convicted of Federal capital offenses.

The Senate proceeded to consider the bill.

AMENDMENT NO. 414

Mr. SPECTER. Mr. President, there is an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 414.

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

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

The amendment is as follows:

On page 1, lines 4 and 5, strike ''or star''.

Mr. SPECTER. During the pendency of this bill, Mr. President, I ask unanimous consent that 5 minutes be allotted to Senator NICKLES for debate.

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

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

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays are ordered on final passage of the bill.

Mr. SPECTER. Mr. President, this bill would amend existing law to deny benefits to veterans who have been convicted of a Federal capital offense. Current law denies such benefits to veterans convicted of Federal crimes, such as sabotage, treason, and sedition, but not murder.

I offer this bill on behalf of myself and my distinguished colleague from New Jersey, Senator TORRICELLI, and also Senator BYRD, Senator NICKLES, Senator INHOFE, Senator FEINSTEIN, Senator CAMPBELL, and the distinguished Presiding Officer, Senator SANTORUM.

Mr. President, yesterday I was informed by staff in the Veterans' Affairs Committee, which I chair, that there is a gap in the law which allows Mr. Timothy McVeigh to be entitled to veterans benefits notwithstanding his murder of 168 persons, and his conviction

for murder in the first degree in connection with his terrorist attack on the Murrah Building in Oklahoma City on April 19, 1995.

Frankly, I was surprised to learn of the current gap in the law which would allow him to claim veterans benefits. Those guilty of offenses such as sedition, treason, and espionage forfeit veterans benefits, but those who are guilty of murder in the first degree do not.

The terrorist attack in Oklahoma City was the most heinous criminal act in the history of the United States of America, to my knowledge. It resulted in the murder of 168 persons, including many children. It also resulted in the wounding and maiming of hundreds of others who were in that building.

Yesterday, Senator TORRICELLI introduced legislation similar to mine. We talked this morning, and we decided to join our efforts. Senator LOTT consented to have the matter placed on the calendar for quick action. And we have had it now cleared by all Senators.

I think this is a piece of legislation which ought to be adopted promptly. It would set a mark, saying that capital murderers, like those who commit espionage and similar offenses, forfeit a variety of veterans benefits. I cannot say exactly what benefits Mr. McVeigh might be eligible for—there could be a variety of possibilities, including education, employment or housing benefits. Certainly he would be entitled to burial benefits, under current law. It surely would be unseemly to have Timothy McVeigh buried in a veterans cemetery with heroes who served the United States of America.

So I believe this is a fair piece of legislation. We ought to act on it promptly.

I am pleased now to yield to my distinguished cosponsor, the Senator from New Jersey.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Mr. President, I am very pleased today to join my colleague from Pennsylvania, Senator SPECTER, in offering this legislation, and very proud, as a Member of this institution, that Senator SPECTER has taken the leadership in correcting what would clearly be an inexplicable action upon the execution of Timothy McVeigh.

Mr. President, in the United States today there are 114 national cemeteries. They contain the bodies of 2.5 million brave Americans who have fought for over 200 years to protect this country, its people, and its ideals. Fifty-seven of those cemeteries remain open. And many Americans living in the last years of their lives who fought bravely for this country intend one day to be interred into that soil.

I do not know how the Members of this Senate, how this Government could ever explain to those brave souls or their families who will visit those national cemeteries through the years, generation after succeeding generation, if by chance some of that soil, one of those graves, next to someone they love and they admire and respect, were to contain the body in a Federal grave of someone who committed a capital offense against the U.S. Government.

Timothy McVeigh is responsible for the greatest loss of life in a terrorist act of anyone in the long and proud history of these United States. When he committed that act and took the lives of these brave Americans, including officers and employees of the U.S. Government, he forfeited, according to a jury of his peers, his life.

Today, by the actions of the U.S. Senate, he can also have forfeited his right to be buried and have the honor of being in the sacred ground of a national cemetery of the United States.

Mr. President, a person cannot both commit a capital offense and then receive the high honor of the U.S. Government for having served this country. They are in conflict. They cannot both occur.

I am very proud today once again to be joining with Senator SPECTER in offering this legislation. I am very pleased to have received the support of Senator ROCKEFELLER and so many of our colleagues. I am very proud today to be offering this legislation.

By our action today, we let every family of every brave American who remains at rest in these national cemeteries to know these soils will remain sacred, these cemeteries will remain only the home for the brave. That is the exclusion we vote upon today.

Mr. President, I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. We are awaiting Senator NICKLES.

We invite other Senators to make a statement, but in the interim 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. 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.

Mr. NICKLES. Mr. President, first, I wish to thank Senator SPECTER, Senator TORRICELLI, and Senator INHOFE for bringing this bill to the floor, and also Senator LOTT for bringing it to the floor this quickly.

I think it is somewhat of a tragedy. I read in today's paper that an official of the Department of Veterans Affairs said that Tim McVeigh would be eligible to be buried in a national cemetery. I think that would be a desecration of our national cemeteries. I think it would be an affront to all the veterans who are buried in a national cemetery and to their families. And so I want to compliment my colleagues for bringing this to the floor so quickly.

In looking at the statutes, there is a forfeiture of veterans benefits for a lot of crimes: mutiny, sedition, harboring and concealing persons who have committed espionage crimes, gathering classified information for a foreign government, treason, rebellion, insurrection, and advocating the overthrow of the Government. But there is not for a Federal capital offense.

Mr. McVeigh was found guilty by a jury, with a unanimous verdict of murdering—actually, I think the verdict was murdering eight Federal agents, Federal officers. He is responsible for the murdering or the deaths of 168 individuals, including 19 children. He planned this terrorist attack. It was not done at the spur of the moment. He planned it for months, maybe for years. He was found guilty. The jury has made, in my opinion, the appropriate sentence, a sentence that is appropriate for a crime of this magnitude—the death sentence.

Certainly it would be a dishonor to our national cemeteries and the veterans if he was accorded veterans benefits, both financial benefits as well as burial rights in our national cemetery. I think it would desecrate the cemetery. I think that is certainly sacred ground, hallowed ground, honoring our national veterans, individuals that gave their lives in service to their country, individuals who served our country and were willing to give their lives.

To have Mr. McVeigh buried alongside our national heroes I think would be a serious, serious mistake and a real denigration to our national heroes.

So, Mr. President, I am happy to cosponsor this legislation. I am happy with the leadership of the Senate and the leadership of the Veterans' Affairs Committee, Senator SPECTER, and Mr. TORRICELLI, for bringing this to the floor of the Senate. And I am hopeful that it will receive a unanimous vote in this Senate and also be adopted by our colleagues in the House.

I yield the floor.

Mr. CAMPBELL. Mr. President, today I support a bill to correct a serious problem made apparent by the recent conviction of Timothy McVeigh for his cowardly act of terrorism. I was in the process of drafting a bill on this issue, but in light of the scope of the bill proposed by the Veteran's Committee chairman, I am pleased to join as a cosponsor of this legislation to accomplish my goals.

Our Nation remains outraged at that terrorist act and the individual who was convicted of committing it. We now are further outraged at the thought of that person being eligible for burial in a military cemetery beside our fallen brothers and sisters.

As you well know, Mr. President, these military burials function to honor the brave men and women who have placed themselves in harm's way in order to defend our freedom and the system of government that has protected us for more than 200 years. As a

Korean war veteran and a member of the Veterans' Affairs Committee, I am personally aware of the sacrifices made by our men and women in uniform to serve and protect these freedoms.

When anyone seeks to destroy our system of government by acts of terrorism, it is certainly a slap in the face to those who have served to protect freedom. Allowing that individual to be buried alongside truly honorable veterans is not only an injustice, it is disrespectful of the memory of those buried in our military cemeteries and to their families who sacrificed as well.

This bill, introduced by Senator SPECTER, expands the criteria by which a veteran should be denied benefits and although I had planned to introduce such a bill, I am pleased to cosponsor S. 923 to be absolutely certain that any individual convicted of a crime as heinous as the Oklahoma City bombing will never be buried among our Nation's heroes.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Without objection, the amendment is agreed to.

The amendment (No. 414) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

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

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I believe we are already for a vote on this bill.

The PRESIDING OFFICER. Is there further debate on the measure? If not, the question is, Shall the bill pass?

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from South Dakota [Mr. DASCHLE] and the Senator from South Dakota [Mr. JOHNSON] are necessarily absent.

I further announce that the Senator from South Dakota [Mr. JOHNSON] is absent attending a funeral.

I further announce that the Senator from South Dakota [Mr. DASCHLE] is absent due to a death in the family.

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

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—98

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Ford	McCain
Ashcroft	Frist	McConnell
Baucus	Glenn	Mikulski
Bennett	Gorton	Moseley-Braun
Biden	Graham	Moynihan
Bingaman	Gramm	Murkowski
Bond	Grams	Murray
Boxer	Grassley	Nickles
Breaux	Gregg	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Bumpers	Hatch	Roberts
Burns	Helms	Rockefeller
Byrd	Hollings	Roth
Campbell	Hutchinson	Santorum
Chafee	Hutchison	Sarbanes
Cleland	Inhofe	Sessions
Coats	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Kempthorne	Smith (OR)
Conrad	Kennedy	Snowe
Coverdell	Kerrey	Specter
Craig	Kerry	Stevens
D'Amato	Kohl	Thomas
DeWine	Kyl	Thompson
Dodd	Landrieu	Thurmond
Domenici	Lautenberg	Torricelli
Dorgan	Leahy	Warner
Durbin	Levin	Wellstone
Enzi	Lieberman	Wyden
Faircloth	Lott	

NOT VOTING—2

Daschle	Johnson

The bill (S. 923), as amended, was passed, as follows:

S. 923

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DENIAL OF VETERANS BENEFITS.

Notwithstanding any other provision of law, a person who is convicted of a Federal capital offense is ineligible for benefits provided to veterans of the Armed Forces of the United States pursuant to title 38, United States Code.

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

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

The motion to lay on the table was agreed to.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak therein for up to 5 minutes each.

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

TRIBUTE TO JUDGE RICHARD MATSCH

Mr. CAMPBELL. Mr. President, as my colleagues know, the Oklahoma City bombing trial of Timothy McVeigh has concluded in Denver. The jury found McVeigh guilty on all 11 counts against him, and he has been sentenced to death.

Now that these proceedings are over, I take this opportunity to call to the attention of my colleagues the outstanding service of Chief Judge Richard Matsch who presided over the Oklahoma City bombing trial at a time when many of us here in this body are considering the appointment process for Federal judges. His leadership has provided many Americans a renewed faith in the judicial process. His example of fair, firm leadership is an outstanding model we should consider for future Federal judicial appointments.

Many members of the legal profession and the media predicted that the Oklahoma City bombing trial would last 4 months. Under Judge Matsch's calm, competent direction, the trial concluded in only 2 months.

Judge Matsch has an impressive legal career. He was associate editor of the law review at the University of Michigan School of Law. After law school, he joined the U.S. Army and became an intelligence officer. When he left the Army, he moved to Denver where he was in private practice. Judge Matsch went on to become a city attorney, a Federal prosecutor, and a bankruptcy judge before President Nixon nominated him to the Federal bench in 1974. In 1994 he was elevated to chief judge.

Judge Richard Matsch has earned the admiration of his colleagues and lawyers who have appeared before him. Lawyers and colleagues from the bench praised the choice of Matsch to preside over the trial noting that he has the appropriate judicial temperament. One attorney who has argued before him said poetically, Judge Matsch ''is better than indoor plumbing.''

In light of the skillful and professional way Judge Matsch handled the proceedings of the McVeigh trial, I urge my colleagues to join me in recognizing the contributions of Judge Matsch to our justice system and commending him for his firm, swift justice in such a tragic case. He has touched the lives of many Americans with his outstanding service, and has renewed the faith in all of us that justice can be served.

I thank the Chair, and I yield the floor.

AUTHORIZATION FOR EAST-WEST CENTER

Mr. GRAMS. Mr. President, during the negotiations to achieve passage of the Foreign Affairs Reform and Restructuring Act of 1997, a number of concessions had to be made to accommodate competing interests. One such example was the continuation of the authorization for the East-West Center at the current level of $10 million for both fiscal years 1998 and 1999.

According to its budget justification, the East-West Center seeks to improve understanding and relations between Asia, the Pacific islands, and America. While this may be a worthwhile endeavor, we must question whether it merits a direct subsidy when the center seems to duplicate State Department activities and other private business, academic, cultural exchange, and tourism programs.

The East-West Center already receives a high proportion of its funding from private sources and project specific Federal grants. It seems that it could continue its core functions without the American taxpayer footing the bill. Even the Clinton administration has recognized the need to terminate Federal funding for this center. The administration's budget summary noted that the effort to phase out governmental funding for the East-West Center will continue with its request of $7 million. Yesterday we took a step backwards from achieving that goal. It is my sincere hope that the appropriators will reduce funding from the current level.

I started my fight to eliminate Federal funding for the East-West Center nearly 2 years ago, and I plan to continue my efforts. Many of my colleagues think that $10 million isn't a lot of money considering that we have a $1.6 trillion budget. I believe every expenditure should be reviewed regularly. At a time when Congress, at the request of the taxpayers, is working to finally balance the budget, this kind of sole-source, noncompetitive project can no longer be justified.

U.N. VOLUNTARY FUND FOR VICTIMS OF TORTURE

Mr. GRAMS. Mr. President, during the debate on reforming the United Nations to make it a more effective organization, there was little discussion about the important work that the United Nations carries out. One good example which directly relates to my State is, the U.N.'s leading role in promoting and providing financial assistance to treatment centers for victims of torture around the world. The passage of my amendment to the Foreign Affairs Reform and Restructuring Act of 1997, which authorizes the United States to contribute $3 million in fiscal year 1998 and $3 million in fiscal year 1999 to the U.N. Voluntary Fund for Victims of Torture, ensures that treatment centers in more than 50 countries will continue to receive support. I would like to thank the junior Senator from Minnesota for cosponsoring my amendment, and joining me in being an advocate for helping victims of torture.

My home State of Minnesota is fortunate to have the first and only comprehensive treatment center in the United States for victims of torture. The Center for Victims of Torture has treated over 500 patients since it was established in 1985, and has enabled them to become productive members of our communities by overcoming the atrocities suffered in their countries of origin. I have learned a great deal from visiting the Center and meeting its clients and staff. In addition to providing treatment to persons who have been tortured by foreign governments, the Center has been active in providing training and support for treatment centers abroad.

The United States should take a leading role in encouraging the establishment of additional treatment programs both at home and abroad. We are making progress in this direction. The United States is now the largest contributor to the U.N. Voluntary Fund for Victims of Torture. We must continue to support treatment centers, like the one in Minnesota, which helps those who cannot help themselves—victims of torture. Dedicating more of our U.N. voluntary funds for this purpose will help provide this important service to more needy victims.

REPORTING OF S. 858, THE INTELLIGENCE AUTHORIZATION BILL FOR FISCAL YEAR 1998 FROM THE ARMED SERVICES COMMITTEE

Mr. THURMOND. Mr. President, I am pleased to favorably report out from the Committee on Armed Services, S. 858, the intelligence authorization bill for fiscal year 1998, without amendment or written report.

STATE DEPARTMENT AUTHORIZATION BILL

Mr. BINGAMAN. Mr. President, I rise to express my concern about the passage of S. 903, the Foreign Affairs Reform and Restructuring Act of 1997. Some of my distinguished colleagues have cited this legislation as historic in scope and worthy of support because of the consolidation of the U.S. Information Agency, the Arms Control and Disarmament Agency, and parts of the Agency for International Development into the Department of State. I do not object to this consolidation, but I am concerned that the Senate is yet again infringing too much on the Presidential prerogative to be the primary architect of U.S. foreign policy. This bill gives microlevel direction on how consolidation should occur, and I feel that this is not appropriate for the Senate to be trying to micromanage the performance of our State Department agencies, offices, and employees.

Mr. President, I have other concerns as well with S. 903. As Senators LUGAR and SARBANES have articulated, I feel that we have established inappropriate benchmarks for the United Nations in this legislation so that moneys obligated by the United States to the United Nations can be released. I feel that it is important for the United States to communicate its concerns to the United Nations about its management problems. But I also feel it is important for the United States to honor its already incurred obligations and pay our debts. Furthermore, some of the tests that we impose on the United Nations are very inappropriate. For instance, during the first year, only $100 million of the $819 million in arrears payments after a sovereignty test, which states that efforts must be taken to ensure that no U.S. law be over-ridden or changed by any action of the United Nations. I don't believe that there are many legislators in this Congress who believe for a moment that any U.N. law would purport to have such authority, nor would the United States allow such authority to be vested in the United Nations. However, the inclusion of this in S. 903 sends a signal to our constituents that this is a serious problem. I was sent to the Senate to try and address real problems, not to stir up fake ones.

On another front, it seems to me strange that we would be abolishing two agencies and preparing for the absorption of a third into the Department of State and at the same time creating a brand-new stand-alone agency to oversee the broadcasting functions that were traditionally part of the U.S. Information Agency and under the auspices of the Board for International Broadcasting, which was abolished by the International Broadcasting Act of 1994. We should be basing our current institutional consolidations on the basis that the cold war has ended and that we need to reorganize to meet the challenges of a new and different international system. This legislation however, which sets up a structure virtually identical to the Board for International Broadcasting will cover, among other activities, our broadcasting to Cuba activities. I think that it is not wise to build new institutions, which this bill does, which will keep our Nation mired in a cold war mode.

For these and other reasons, Mr. President, I am registering my objection to this State Department authorization bill, S. 903. I realize that this bill will pass with overwhelming support from this Chamber, but I believe that sometimes we can give away too much on the commonsense front to strike a deal.

MESSAGES FROM THE PRESIDENT

Messages, from the President of the United States were communicated to the Senate by Mr. Williams, 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 Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:42 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 985. An act to provide for the expansion of the Eagles Nest Wilderness within Arapaho and White River National Forests, Colorado, to include the lands known as the Slate Creek Addition upon the acquisition of the lands by the United States.

H.R. 1057. An act to designate the building in Indianapolis, Indiana, which houses the

operations of the Circle City Station Post Office as the ''Andrew Jacobs, Jr. Post Office Building.''

H.R. 1058. An act to designate the facility of the United States Postal Service under construction at 150 West Margaret Drive in Terra Haute, Indiana, as the ''John T. Myers Post Office Building.''

H.R. 1747. An act to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes.

H.J. Res. 56. Joint resolution celebrating the end of slavery in the United States.

The message also announced that the House has passed the following bill, without amendment:

S. 342. An act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 32. Joint resolution to consent certain amendments enacted by the Legislature of the State of Hawaii to the Hawaiian Commission Act, 1920.

The enrolled joint resolution was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 985. An act to provide for the expansion of the Eagles Nest Wilderness within Arapaho and White River National Forests, Colorado, to include the lands known as the Slate Creek Addition upon the acquisition of the lands by the United States; to the Committee on Energy and Natural Resources.

H.R. 1057. An act to designate the building in Indianapolis, Indiana, which houses the operations of the Circle City Station Post Office as the ''Andrew Jacobs, Jr. Post Office Building''; to the Committee on Governmental Affairs.

H.R. 1058. An act to designate the facility of the United States Postal Service under construction at 150 West Margaret Drive in Terra Haute, Indiana, as the ''John T. Myers Post Office Building''; to the Committee on Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following measures were read the first and second times by unanimous consent and placed on the calendar:

H.J. Res. 56, Joint resolution celebrating the end of slavery in the United States.

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–2217. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Uniformed Services University of Health Sciences; to the Committee on Armed Services.

EC–2218. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the Specialized Treatment Services; to the Committee on Armed Services.

EC–2219. A communication from the General Counsel of the Department of Defense, transmitting, drafts of eight legislative proposals; to the Committee on Armed Services.

EC–2220. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to Gulf War veterans; to the Committee on Armed Services.

EC–2221. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled ''Food Labeling'' received on June 16, 1997; to the Committee on Labor and Human Resources.

EC–2222. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, two rules including a rule entitled ''Indirect Food Additives'' received on June 16, 1997; to the Committee on Labor and Human Resources.

EC–2223. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, four rules received on June 17, 1997; to the Committee on Environment and Public Works.

EC–2224. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report of a rule, received on June 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2225. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report of a rule, received on May 27, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2226. A communication from the AMD-Performance Evaluation and Records Management, Federal Communications Commission, transmitting, pursuant to law, a report of a rule, received on June 5, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2227. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, seven rules received on May 22, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2228. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, five rules received on May 22, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2229. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, four rules received on June 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2230. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, ten rules received on June 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2231. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, a report of thirty-six rules, received on June 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2232. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, a report of three rules, received on June 2, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2234. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, a report of four rules, received on June 9, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2235. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, a report of four rules, received on June 12, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2236. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, a report of three rules, received on June 12, 1997; to the Committee on Commerce, Science, and Transportation.

EC–2237. A communication from the General Counsel, Department of Transportation, transmitting, pursuant to law, a report of forty-two rules, received on June 9, 1997; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 797. A bill to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes (Rept. No. 105–30).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 858. An original bill to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 936. An original bill to authorize appropriations for fiscal year 1998 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.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance:

Kevin L. Thurm, of New York, to be Deputy Secretary of Health and Human Services.

Richard J. Tarplin, of New York, to be an Assistant Secretary of Health and Human Services.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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. KERRY (for himself, Mr. CLELAND, Mr. WELLSTONE, Mr. ROBB, Ms. LANDRIEU, Mr. HARKIN, Mr. BUMPERS, and Ms. MIKULSKI):

S. 929. A bill to amend the Small Business Act to promote the partnership of small businesses and federally sponsored research entities to develop commercial applications for research projects, and for other purposes; to the Committee on Small Business.

By Ms. COLLINS:

S. 930. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives for education, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 931. A bill to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center; to the Committee on Energy and Natural Resources.

By Mr. GRAMM (for himself, Mr. BUMPERS, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. SESSIONS, Mr. THURMOND, Mr. SHELBY, and Mr. CLELAND):

S. 932. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to require the Secretary of Agriculture to establish a National Advisory and Implementation Board on Imported Fire Ant Control, Management, and Eradication and, in conjunction with the Board, to provide grants for research or demonstration projects related to the control, management, and possible eradication of imported fire ants, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MOSELEY-BRAUN (for herself, Ms. SNOWE, Mr. KENNEDY, and Ms. MIKULSKI):

S. 933. A bill to amend section 485(g) of the Higher Education Act of 1965 to make information regarding men's and women's athletic programs at institutions of higher education easily available to prospective students and prospective student athletes; to the Committee on Labor and Human Resources.

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. BOND, Mr. INOUYE, Mr. LUGAR, Mr. WARNER, Mr. BIDEN, and Mr. DEWINE):

S. 934. A bill to amend the Public Health Service Act to reauthorize the adolescent family life program, provide for abstinence education, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. BOND, Mr. INOUYE, Mr. COCHRAN, and Mr. HARKIN):

S. 935. A bill to amend the Internal Revenue Code of 1986 to increase the limit on the credit for adoption expenses and the exclusion for employer-provided adoption assistance for the adoption of special needs children, and to allow penalty-free IRA withdrawals for adoption expenses; to the Committee on Finance.

By Mr. THURMOND:

S. 936. An original bill to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel stengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 102. A resolution designating August 15, 1997, as ''Indian Independence Day: A National Day of Celebration of Indian and American Democracy.''; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. CLELAND, Mr. WELLSTONE, Mr. ROBB, Ms. LANDRIEU, Mr. HARKIN, Mr. BUMPERS, and Ms. MIKULSKI):

S. 929. A bill to amend the Small Business Act to promote the partnership of small businesses and federally sponsored research entities to develop commercial applications for research projects, and for other purposes; to the Committee on Small Business.

THE SMALL BUSINESS TECHNOLOGY TRANSFER ACT OF 1997

Mr. KERRY. Mr. President, today I am introducing along with Senators CLELAND, WELLSTONE, ROBB, LANDRIEU, and HARKIN, the Small Business Technology Transfer Act of 1997. I ask unanimous consent that those senators listed in my statement be named original co-sponsors. This legislation would reauthorize the Small Business Administration's Small Business Technology Transfer Pilot Program through fiscal year 2003. The STTR program was originally authorized five years ago to combine the technological innovation of America's universities and research institutions with the business know-how and entrepreneurial spirit of our country's small businesses.

The fact is that other countries are significantly more aggressive in many ways about their joint ventures or partnerships between government and business in order to try to steal market share or create market where there may not even be one. Recently we learned that even as the United States was cutting back on basic research in our budget, Japan had committed a 50-percent increase to its budget because they understand that basic research is the foundation for the future products of the world, and those countries that are able to capitalize on this research are in a much better position to expand their job base.

Millions of dollars each year go to federally sponsored research projects at America's universities, non-profit research centers and federal research laboratories. The innovations that are developed are amazing but the people who conduct the research are not always the best ones to market the product and develop it for commercial use.

We have seen case after case where somebody at a university or at a federally sponsored research facility is sitting on top of a gold mine of information and technology, or even a specific product, but they do not know how to identify the proper target market, gain access to capital, or do the other things necessary to move that product from the laboratory to the marketplace. The STTR program was developed by those of us who feel very strongly that we need to help bridge that gap; that it is an important function in this modern marketplace for us to leverage the ability of those small entrepreneurs by partnering them with the researchers to take the technology out into the marketplace. Because the core competency of research institutions lies in research and not business, fewer practical applications for federally sponsored research were developed than was originally desired. It was Congress' intention to reconcile this problem by coupling non-profit research institutions with small businesses in order to promote the transfer of valuable technology into the commercial sector. This not only benefits the economy, but it ensures that the sponsoring Federal agencies get far more results for the dollars that we invest in research. I know taxpayers are much happier when we do that.

Small business is a more effective mechanism for transferring technology from research institutions to industry where the technology can be used to improve the economy. This is important because even though our research institutions lead the world in science and engineering research, we have had difficulty successfully developing them into commercial applications. Transferring technology from research forums to the commercial marketplace not only benefits the American economy, but also further serves the needs of the sponsoring federal agency by providing better products as a result of the collaboration between the non-profit and for-profit sectors.

Research for federal agencies is conducted in very diverse areas. Because the STTR program is limited to federal agencies with at least one billion dollars designated for outside research, currently five federal agencies participate in the STTR program. Through a series of three phases, research in areas of defense, health and transportation is transformed by small businesses into products and innovations that can be applied in the commercial marketplace. In the first three years of the STTR program, over $115 million have been awarded by the five participating federal agencies. In fiscal year 1996 alone, over $60 million in awards were made to over 320 projects. My home state of Massachusetts had 50 projects receive awards in fiscal year 1996 for a total of over $8.7 million. Among the recipients of these awards were Harvard Medical School, Worcester Polytech and Boston University.

The STTR program helps American businesses compete in the highly competitive marketplace of science and technology. Most of the small businesses participating in this program do not have their own research departments and could not afford to conduct the research needed to produce these products. But by collaborating with the various research institutions, these small businesses gain the access to

technology and advanced research they need to bring quality products to the private sector.

I want to tell you about one company whose experience with the STTR program exemplifies how the small business/research institution partnership has succeeded in bringing ideas to market. Metal Matrix Cast Composites is a small business located in Waltham, Massachusetts. MMCC is working with the Massachusetts Institute of Technology to develop and test aluminum alloys reinforced with ceramic particulates. Besides having potential military applications, these new materials have many commercial applications including brake systems for cars and landing gears for airplanes. Under a previous STTR contract, MMCC developed a product along with Northeastern University in Boston, that allowed them to provide advanced composite parts to its customers. Under that contract, MMCC has already sold these parts to aerospace, electrical, computer and medical instrument suppliers.

The lesson of Metal Matrix Cast Composites is clear. When given the opportunity to collaborate with each other, small businesses and research institutions can produce quality products with real commercial applications that otherwise may not have reached the marketplace.

We are not talking about substituting for what the sector does already. We are not talking about taking the place of something that the private sector figured out it could do better by itself or wanted to do. We are talking about providing something where it did not exist, where it will not exist, where in most instances it cannot without the proper kind of leverage and the proper kind of coordination. As much as all of us would like to feel that Adam Smith's rules are the ones that ought to prevail in the marketplace, the fact is that every other one of our industrial competitors is playing today by a different set of rules, by a set of, in many cases, unfair trade practices where they are willing to dump, willing to joint venture, willing to subsidize, willing to engage in a host of practices that undermine our capacity to move to those markets.

By reauthorizing the STTR program, we will be giving more small businesses the opportunity to gain access to technology and then to succeed in the marketplace. I urge my colleagues to support this worthy program.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD, and I also ask unanimous consent that the bill be available for other sponsors who wish to cosponsor it through the course of the day.

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

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

S. 929

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Technology Transfer Act of 1977''.

SEC. 2. FINDINGS.

Congress finds that—

(1) federally sponsored research at nonprofit institutions has not been adequately applied to commercial purposes in the past;

(2) small businesses have the entrepreneurial spirit and business experience to apply research for commercial uses;

(3) the partnership between small businesses and research institutions will create more commercial uses for innovative ideas that will spur the economy; and

(4) although to date the Small Business Technology Transfer program has produced quality research proposals, an additional evaluation period is warranted before the program is expanded or made permanent.

SEC. 3. PURPOSES.

The purpose of this act is to reauthorize the Small Business Technology Transfer program for fiscal years 1998 through 2003 to allow for a more complete assessment of the impact and effectiveness of the program.

SEC. 4. SMALL BUSINESS TECHNOLOGY TRANSFER PROGRAM.

(a) IN GENERAL.—Section 9(n) of the Small Business Act (15 U.S.C. 638(n) is amended by striking paragraph (1) and inserting the following:

''(1) REQUIRED EXPENDITURE AMOUNTS.—With respect to fiscal years 1998, 1999, 2000, 2001, 2002, or 2003, each Federal agency that has an extramural budget for research, or research and development, in excess of $1,000,000,000 for that fiscal year, may expend with small business concerns not less than 0.15 percent of that extramural budget specifically in connection with STTR programs that meet the requirements of this section and any policy directives and regulations issued under this section.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 1997.

By Mr. GRAHAM (for himself and Mr. MACK):

S. 931. A bill to designate the Marjory Stoneman Douglas Wilderness and the Ernest F. Coe Visitor Center, to the Committee on Energy and Natural Resources.

MARJORY STONEMAN DOUGLAS WILDERNESS AND ERNEST F. COE VISITOR CENTER DESIGNATION ACT

Mr. GRAHAM. Mr. President, I'm happy to have this opportunity today to introduce legislation to amend the National Parks and Recreation Act of 1978 to designate the Marjory Stoneman Douglas Wilderness and to amend the Everglades National Park Protection and Expansion Act of 1989 to designate the Ernest F. Coe Visitor Center.

Ms. Douglas and Mr. Coe led the charge to establish Everglades National Park and raise public awareness to restore its vitality.

I think most Americans know that Everglades National Park preserves the subtropical region at the southern tip of Florida. But what most people don't realize is that the park has been nominated by the United States and accepted by the world community as a world heritage site, a wetland of international significance, and a biosphere reserve in recognition of its international significance. It is the only site in the Nation that has received all three designations, which serves to underscore the superlative qualities of the park on a global scale.

Everglades National Park is well known for its diverse and unique wildlife, including alligators and crocodiles, eagles, manatees, and various fish species. The park has 13 species of endangered birds. It has open prairies and extensive saltwater areas with sawgrass marshes, mangroves, and shallow bays. Its 1.3 million acres of wilderness make it the largest subtropical wilderness in the continental United States.

In 1926 and again in 1928, Senator Park Trammel of Florida introduced legislation calling for an examination of the Everglades to determine if a portion could qualify as a national park. The National Park Service had made some preliminary inquiries into the matter when Ernest Francis Coe came forward to champion the idea of creating a national park in southern Florida. Coe came to Coconut Grove from New England in 1925 and was overwhelmed with the natural beauty and wildlife of the Cape Sable and Ten Thousand Islands area. He wanted to find some way to protect the bird rookeries and hammocks, and the establishment of a national park seemed like an ideal solution.

Mr. Coe became the central leader in the campaign to create Everglades National Park. In 1928, he organized the Tropic Everglades National Park Association and is widely regarded as the Father of Everglades National Park. As a landscape architect, Mr. Coe's vision for the park recognized the need to protect south Florida's diverse wildlife and their habitats for future generations. His leadership, selfless devotion, and commitment to achieving this vision culminated in the authorization of the park by Congress in 1934 and its subsequent dedication by President Truman in 1947.

While it is not required by law that Congress name park visitor centers, this legislation will demonstrate Congress' support for honoring Mr. Coe's legacy. Because of his central role in the establishment of Everglades National Park, it is also a fitting tribute that park visitors be greeted by the congressionally designated Coe Center.

In 1947, Marjory Stoneman Douglas published her landmark book, ''The Everglades: River of Grass,'' which greatly increased interest in and concern for the Everglades. Ms. Douglas, who celebrated her 107th birthday on April 6, symbolizes the struggle to save the Everglades. Her pioneering work was the first to highlight the plight of the Everglades and ultimately served to awaken public interest in restoring its health. Ms. Douglas has dedicated her life to the defense of the Everglades through her extraordinary personal effort and by inspiring countless others

to take action. Recognizing these accomplishments, in 1992 President Clinton awarded her to the Medal of Freedom, the Nation's highest civilian award.

Ms. Douglas has consistently stated her wish to have Ernest Coe's efforts suitably commemorated at the park. She has expressed through her associates Dr. Sharon T. Richardson her delight with the idea of designating the Marjory Stoneman Douglas Wilderness area. Dr. Richardson has added her opinion that, ''Nothing could mark her life more suitably than to give her name to this resplendent wilderness.''

I can only echo that sentiment and add that nothing could be more appropriate during this 50th anniversary year of Everglades National Park, than the commemoration of these two legends as proposed in this bill.

To quote from Marjory Stoneman Douglas' book ''River of Grass:''

There are no other Everglades in the World.

They are, they have always been, one of the unique regions of the earth, remote, never wholly known. Nothing anywhere else is like them: their vast glittering openness, wider than the enormous visible round of the horizon, the racing free saltness and sweetness of their massive winds, under the dazzling blue heights of space. They are unique also in the simplicity, the diversity, the related harmony of the forms of life they enclose. The miracle of the light pours over the green and brown expanse of saw grass and of water, shining and slow-moving below, the grass and water that is the meaning and the central fact of the Everglades of Florida. It is a river of grass.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 931

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Marjory Stoneman Douglas Wilderness and Ernest F. Coe Visitor Center Designation Act''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1)(A) Marjory Stoneman Douglas, through her book, ''The Everglades: River of Grass'' (published in 1947), defined the Everglades for the people of the United States and the world;

(B) Mrs. Douglas' book was the first to stimulate widespread understanding of the Everglades ecosystem and ultimately served to awaken the desire of the people of the United States to restore the ecosystem's health;

(C) in her 107th year, Mrs. Douglas is the sole surviving member of the original group of people who devoted decades of selfless effort to establish the Everglades National Park;

(D) when the water supply and ecology of the Everglades, both within and outside the park, became threatened by drainage and development, Mrs. Douglas dedicated the balance of her life to the defense of the Everglades through extraordinary personal effort and by inspiring countless other people to take action;

(E) for these and many other accomplishments, the President awarded Mrs. Douglas the Medal of Freedom on Earth Day, 1994; and

(2)(A) Ernest F. Coe (1886–1951) was a leader in the creation of Everglades National Park;

(B) Mr. Coe organized the Tropic Everglades National Park Association in 1928 and was widely regarded as the father of Everglades National Park;

(C) as a landscape architect, Mr. Coe's vision for the park recognized the need to protect south Florida's diverse wildlife and habitats for future generations;

(D) Mr. Coe's original park proposal included lands and waters subsequently protected within the Everglades National Park, the Big Cypress National Preserve, and the Florida Keys National Marine Sanctuary; and

(E)(i) Mr. Coe's leadership, selfless devotion, and commitment to achieving his vision culminated in the authorization of the Everglades National Park by Congress in 1934;

(ii) after authorization of the park, Mr. Coe fought tirelessly and lobbied strenuously for establishment of the park, finally realizing his dream in 1947; and

(iii) Mr. Coe accomplished much of the work described in this paragraph at his own expense, which dramatically demonstrated his commitment to establishment of Everglades National Park.

(b) PURPOSE.—It is the purpose of this Act to commemorate the vision, leadership, and enduring contributions of Marjory Stoneman Douglas and Ernest F. Coe to the protection of the Everglades and the establishment of Everglades National Park.

SEC. 3. MARJORY STONEMAN DOUGLAS WILDERNESS.

(a) REDESIGNATION.—Section 401(3) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3490; 16 U.S.C. 1132 note) is amended by striking ''to be known as the Everglades Wilderness'' and inserting ''to be known as the Marjory Stoneman Douglas Wilderness to commemorate the vision and leadership shown by Mrs. Douglas in the protection of the Everglades and the establishment of the Everglades National Park''.

(b) NOTICE OF REDESIGNATION.—The Secretary of the Interior shall provide such notification of the redesignation made by the amendment made by subsection (a) by signs, materials, maps, markers, interpretive programs, and other means (including changes in signs, materials, maps, and markers in existence before the date of enactment of this Act) as will adequately inform the public of the redesignation of the wilderness area and the reasons for the redesignation.

(c) REFERENCES.—Any reference in any law, regulation, document, record, map, or other paper of the United States to the ''Everglades Wilderness'' shall be deemed to be a reference to the ''Marjory Stoneman Douglas Wilderness''.

SEC. 4. ERNEST F. COE VISITOR CENTER.

(a) DESIGNATION.—Section 103 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–7) is amended by adding at the end the following new subsection:

''(f) ERNEST F. COE VISITOR CENTER.—On completion of construction of the main visitor center facility at the headquarters of Everglades National Park, the Secretary shall designate the visitor center facility as the 'Ernest F. Coe Visitor Center', to commemorate the vision and leadership shown by Mr. Coe in the establishment and protection of Everglades National Park.''.

SEC. 5. CONFORMING AND TECHNICAL AMENDMENTS.

Section 103 of the Everglades National Park Protection and Expansion Act of 1989 (16 U.S.C. 410r–7) is amended—

(1) in subsection (c)(2), by striking ''personally-owned'' and inserting ''personally-owned''; and

(2) in subsection (e), by striking ''VISITOR CENTER'' and inserting ''MARJORY STONEMAN DOUGLAS VISITOR CENTER''.

By Mr. GRAMM (for himself, Mr. BUMPERS, Mrs. HUTCHISON, Mr. HUTCHINSON, Mr. SESSIONS, Mr. THURMOND, Mr. SHELBY, and Mr. CLELAND):

S. 932. A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to require the Secretary of Agriculture to establish a national advisory and implementation board on imported fire ant control, management, and eradication and, in conjunction with the board, to provide grants for research or demonstration projects related to the control, management, and possible eradication of imported fire ants, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE FIRE ANT CONTROL, MANAGEMENT, AND ERADICATION ACT OF 1997

Mr. GRAMM, Mr. President, today, I am joined by Senators BUMPERS, HUTCHISON, HUTCHINSON, THURMOND, SHELBY, SESSIONS, and CLELAND in introducing the Fire Ant Control, Management, and Eradication Act of 1997. Over the last 76 years, imported fire ants have infested over 275 million acres in 13 Southern States. The fire ant affects both urban and rural areas with damage estimates in the billions of dollars annually. In Texas, fire ant damage is estimated at $300 million annually, and the cattle industry alone suffers annual losses of $67 million. Further, it is estimated that the State of Georgia loses $46 million annually, with Louisiana and Alabama incurring annual damages of $23.8 and $16 million respectively. Mississippi has estimated losses of $12.3 million. Homeowners in the State of Arkansas spend approximately $106 million each year to combat fire ant infestation.

Research on the fire ants began in 1950 when they were first recognized as pests. However, from 1950 to mid-1980, most of the research was directed toward short-term solutions.

Researchers generally concede that acceptable approaches to managing fire ants will include pesticide use coupled with biological control agents. Since the late 1970's more data on the general biology of fire ants have been established, but vast information gaps still remain.

The legislation that I am introducing along with my colleagues will provide a scientific guide to controlling, managing, and possibly eradicating fire ants.

The legislation is modeled after the successful screwworm and boll weevil eradication programs, and is supported by the American Farm Bureau, National Cattlemen's Association, and the National Association of State Departments of Agriculture.

The bill establishes a national advisory and implementation board on fire

ant control, management, and eradication. The board will consist of 12 members who are appointed by the Secretary of Agriculture and who are experts in entomology and ant ecology, wildlife biology, electrical engineering, economics, and agribusiness. An annual total of $6 million will be awarded to at least 4 but not more than 13 research projects per year for up to 5 years. After this period, the board will select two of the previously funded projects to receive an additional 2-year grant not to exceed $4 million each. In preparation for the final plan to control, manage, and if possible eradicate fire ants, the board shall select one of the two previously funded projects or a combination of both as the basis for the national plan. A final 1-year grant of not more than $5 million will be used to develop a national plan to control the imported fire ant.

Mr. President, fire ants inflict hundreds of millions of dollars in damage each year to homeowners, small businesses, and farmers, with no end in sight. Now is the time to begin using our resources to offer some relief.

By Ms. MOSELEY-BRAUN (for herself, Ms. SNOWE, Mr. KENNEDY and Ms. MIKULSKI):

S. 933. A bill to amend section 485(g) of the Higher Education Act of 1965 to make information regarding men's and women's athletic programs at institutions of higher education easily available to prospective students and prospective student athletes; to the Committee on Labor and Human Resources.

THE FAIR PLAY ACT

Ms. MOSELEY-BRAUN. Mr. President, I rise today to introduce the Fair Play Act, legislation that builds upon the extraordinary success of title IX of the Education Amendments of 1972 and promotes the continued expansion of athletic opportunities available to women at institutions of higher education. I want to thank my colleague from Maine, Senator SNOWE, my colleague from Massachusetts, Senator KENNEDY, and my colleague from Maryland, Senator MIKULSKI, for their help in writing this bill.

Twenty-five years ago, President Nixon signed title IX into law and ushered in a new era of opportunity for American women and girls. Prior to the enactment of title IX, fewer than 32,000 women competed in intercollegiate athletics, women received only 2 percent of schools' athletic budgets, and athletic scholarships for women were practically nonexistent.

Today, because of title IX, more than 110,000 women compete in intercollegiate athletics and women account for 37 percent of college varsity athletes. Last year at the 1996 Olympic games, American women won gold medals in basketball, soccer, softball, swimming, track and field, gymnastics, and other sports. This Saturday, the first season of the WNBA will debut on network television, and it is my understanding that advertisers have already filled every minute of commercial time for the entire WNBA season. Without title IX, none of this would have been possible. From the professional level to intercollegiate competition to local high school soccer fields, women's athletics have captured the hearts and attention of millions of Americans.

But the athletic opportunities created by title IX have contributed more than just winning teams and great female athletes. We all know that sports promotes better physical health. Science has shown us, however, that female athletes also have better mental health, emotional health, self-confidence, discipline, and higher academic achievement. Female athletes are more likely to go to and stay in college than their nonathletic peers. Female athletes are less likely to drop out of school, and are more likely to achieve higher marks in their academic classes. Athletics are an integral part of education and health, for men as well as for women.

In addition, the addition of women's varsity sports at colleges and universities has led to the creation of women's athletic scholarships. These scholarships translate directly into opportunities to go to college. Indeed, in this era when the cost of college is rising three times as fast as household income, athletic scholarships can literally mean the difference between going to college and not going to college. Title IX has brought these opportunities within reach of millions of American girls and women.

Despite the extraordinary success of title IX, however, there remains a significant gap between the athletic opportunities available to college-age women and men. While women represent 53 percent of students, they make up only 37 percent of student athletes. According to a recent NCAA study, female college athletes receive only 23 percent of athletic operating budgets, 38 percent of athletic scholarship dollars, and 27 percent of the money spent to recruit new athletes. The President's Council on Physical Fitness recently noted, ''The face of sex discrimination in athletics has changed. It [is] often no longer the purposeful exclusion of the past, but a collection of more subtle inequities that could be explained away by a lack of resources.''

The fact is, most colleges and universities do not provide their female students with athletic opportunities comparable to those they offer to their male students. According to a recent USA Today survey of NCAA division I-A schools, only 9 percent of the 303 schools surveyed have roughly proportionate numbers of female and male athletes.

Title IX does not, in fact, as some people believe, require schools to devote half their athletic resources to women, or equalize the number of male and female athletes. Title IX does require, however, that colleges at least make a continued effort to expand their athletics programs to fully accommodate the interests of both sexes. In order to monitor this progress and title IX compliance, colleges and universities are required to collect information about their men's and women's athletic programs, including participation rates, operating and recruitment budgets, the availability of scholarships, revenues generated from athletic programs, and coaches' salaries, and are required to make this information available upon request. There is not, however, any mechanism for the collection and distribution of this important information, and the Department of Education does not have ready access to all of this information to assist in its enforcement of title IX.

The Fair Play Act directs colleges and universities to send this information, which they already compile annually, to the Department of Education. The bill therefore imposes no additional burden on colleges and universities. The bill directs the Department to issue an annual report and make the information available through a variety of mechanisms, including the Department's World Wide Web site and a toll-free number people to provide easy access to the information reported by schools, as well as information about title IX.

The Fair Play Act will provide prospective students and prospective student athletes with the kind of information they need to make informed decisions about where to go to school. It will give the Department of Education valuable information it needs to aid its enforcement of title IX in the area of athletics, and it will encourage schools to continue to expand the athletic programs to meet the interests of women nationwide. This legislation is the logical next step in the continuing effort to expand athletic opportunities available to women.

Over its 25 year history, title IX has been directly responsible for expanding the athletic opportunities available to millions of women and girls. The Fair Play Act will build on this legacy of success, and provide the information needed to ensure that the expansion of athletic opportunities available to women continues into the 21st century.

I urge all of my colleagues to join us today sponsoring this legislation and ask unanimous consent that a summary and 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. 933

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fair Play Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) June 23, 1997, marks the 25th anniversary of the signing of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et

seq.) into law, and on that day communities across the United States will honor the tremendous difference such title IX has made to women and girls in our Nation.

(2) Since enactment in 1972, such title IX has played a vital role in expanding the athletic opportunities available to American girls and women.

(3) Prior to the enactment of such title IX, fewer than 32,000 women competed in intercollegiate athletics, women received only 2 percent of schools' athletic budgets, and athletic scholarships for women were practically nonexistent.

(4) In 1997, more than 110,000 women competed in intercollegiate sports, and women account for 37 percent of college varsity athletes.

(5) While such title IX has been very successful, a significant gap remains between the athletic opportunities available to men and the athletic opportunities available to women.

(6) According to a 1997 study by the National Collegiate Athletic Association, female college athletes receive only 23 percent of athletic operating budgets, 38 percent of athletic scholarship dollars, and 27 percent of the money spent to recruit new athletes.

(7) While women represent 53 percent of the students attending institutions of higher education, women comprise only 37 percent of the athletes attending institutions of higher education.

(8) There is substantial evidence that women and girls who participate in athletics have better physical and emotional health than women and girls who do not participate, and that participation in athletics can improve academic achievement.

(9) Easily accessible information regarding the expenditures of institutions of higher education for women's and men's athletic programs will help prospective students and prospective student athletes make informed judgments about the commitment of a given institution of higher education to providing athletic opportunities to male and female students attending the institution.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to make information regarding men's and women's athletic programs at institutions of higher education easily available to prospective students and prospective student athletes; and

(2) to increase the athletic opportunities available to women at institutions of higher education.

SEC. 4. INFORMATION AVAILABILITY.

Section 485(g) of the Higher Education Act of 1965 (20 U.S.C. 1092(g)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

''(4) SUBMISSION; REPORT; INFORMATION AVAILABILITY.—(A) Each institution of higher education described in paragraph (1) shall provide to the Secretary, within 15 days of the date that the institution makes available the report under paragraph (1), the information contained in the report.

''(B) The Secretary shall prepare a report regarding the information received under subparagraph (A) for each year by April 1 of the year. The report shall—

''(i) summarize the information and identify trends in the information;

''(ii) aggregate the information by divisions of the National Collegiate Athletic Association; and

''(iii) contain information on each individual institution of higher education.

''(C) The Secretary shall ensure that the report described in subparagraph (B) is made available on the Internet within a reasonable period of time.

''(D) The Secretary shall establish, within a reasonable period of time, a toll-free telephone service—

''(i) to provide the public with information regarding reports described in subparagraph (B);

''(ii) to provide the public with information regarding the information received under subparagraph (A); and

''(iii) to respond to inquiries from the public regarding the provisions of title IX of the Education Amendments of 1972.

''(E) The Secretary shall use the information provided by institutions of higher education under paragraph (1) to ensure compliance with title IX of the Education Amendments of 1972.

''(F) The Secretary shall notify, not later than 180 days after the date of enactment of this paragraph, all secondary schools in all States regarding the availability of the information reported under subparagraph (B) and the information made available under paragraph (1), and how such information may be accessed.

SUMMARY OF THE FAIR PLAY ACT

PURPOSE

The Fair Play Act will provide students with valuable information about men's and women's athletics programs at institutions of higher education, help the Department of Education enforce title IX in the area of athletics, and encourage schools to continue the expansion of athletic opportunities available to women.

BACKGROUND

While title IX of the Education Amendments of 1972 has succeeded in greatly expanding the athletic opportunities available to women, there remains a significant gap between the athletic opportunities available to men and women. Women represent 53 percent of students, yet they make up only 37 percent of college varsity athletes and receive only 23 percent of athletic operating budgets.

Under section 485(g) of the Higher Education Act of 1965, colleges and universities are required to compile information about their men's and women's athletic programs, including participation rates, operating and recruitment budgets, the availability of scholarships, revenues generated from athletic programs, and coaches' salaries. They are required to update this information annually and make it available upon request. Because there is no repository for this information, however, it is difficult to obtain and evaluate or put into context.

FAIR PLAY ACT

The Fair Play Act directs colleges and universities to send this information to the Department of Education, and directs the Department to disseminate the information through a variety of mechanisms.

(1) Annual Report—The bill directs the Department to issue an annual report containing the information reported by colleges and universities, including aggregate data, trends, information arranged by athletic conference, and information on individual schools.

(2) World Wide Web—The bill directs the Department to make this report available on its World Wide Web site, increasing its accessibility and saving publication costs.

(3) Toll-Free Number—The bill directs the Department to establish a toll-free number through which people could request the information reported by schools, the annual report, or other information about title IX of the Education Amendments of 1972.

(4) Notification of High Schools—The bill directs the Department to notify high schools of the availability of this information.

Mr. KENNEDY. Mr. President, I am honored to join Senator MOSELEY-BRAUN and Senator SNOWE as an original cosponsor of the Fair Play Act of 1997. Our goal is to ensure that women applying to college have the information they need to make decisions about sports opportunities at their colleges. This information will also enable the Department of Education to do a better job of enforcing title IX of the Education Amendments of 1972, which prohibits discrimination in college sports programs.

We've made progress in the quarter century since title IX became law. But we can do better.

Nancy Hogshead is an outstanding example of what we can accomplish. After suffering a great tragedy, she used sports to heal her body and spirit. That determination led to several Olympic medals, and Nancy gives title IX the credit for her success.

Many other women have excelled because title IX opened the door to opportunity. Who can forget the final home run that clinched the gold medal for the women's softball team? Or the medal-winning efforts of the women's soccer team—so many stars of that team were college athletes. And, each of us watched in awe as Kerry Strug landed her vault on one foot to secure a gold medal for the women's gymnastics team.

And we will do even better in the years ahead by ensuring that more young women in colleges in communities through across the country will have the opportunity they deserve to participate in sports.

Title IX is an essential part of our civil rights laws. But, it is often undermined by those who still believe that women and girls should be spectators in the grandstand, not participants on the playing field. From the school gym to the Olympic stadium, if genuinely equal opportunities are available, women will take advantage of them and excel. And wherever they go from college, whatever their career, the lessons they learn in sports will serve them all their lives.

That is why this legislation is so important. The Fair Play Act of 1997 provides students interested in sports with the information they need about the colleges and universities they will attend. As a result, more and more schools will take greater steps more rapidly to provide equal opportunities. And the Department of Education will have greater ability to assure full compliance with the law.

The Department of Education relies on many factors to determine whether colleges and universities are meeting the standards. But additional information will help to identify problems sooner and lead to their earlier resolution.

I look forward to working closely my colleagues in the Senate and the House to see that this legislation becomes law. Equal opportunity women in sports is an achievable goal. We know

we can do a better job on this important issue, and now is the time to start doing it.

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. BOND, Mr. INOUYE, Mr. LUGAR, Mr. WARNER, Mr. BIDEN, and Mr. DEWINE):

S. 934. A bill to amend the Public Health Service Act to reauthorize the adolescent family life program, provide for abstinence education, and for other purposes; to the Committee on Labor and Human Resources.

ADOLESCENT FAMILY LIFE AND ABSTINENCE EDUCATION ACT

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. BOND, Mr. INOUYE, Mr. COCHRAN, and Mr. HARKIN):

S. 935. A bill to amend the Internal Revenue Code of 1986 to increase the limit on the credit for adoption expenses and the exclusion for employer-provided adoption assistance for the adoption of special needs children, and to allow penalty-free IRA withdrawals for adoption expenses; to the Committee on Finance.

ADOPTION PROMOTION ACT

Mr. SPECTER. Mr. President, I have sought recognition to introduce the Adolescent Family Life and Abstinence Education Act of 1997, and the Adoption Promotion Act of 1997. This legislation updates similar legislation which I introduced in the 104th Congress. The abstinence legislation is cosponsored by Senators SANTORUM, BOND, INOUYE, LUGAR, WARNER, BIDEN, and DEWINE, and the adoption legislation is cosponsored by Senators SANTORUM, BOND, INOUYE, COCHRAN, and HARKIN.

This legislation, Mr. President, is directed at one of the most controversial and divisive issues confronting America today, and that is the issue of abortion. In my judgment, this is the most divisive issue confronting the United States since slavery. While I am personally very much opposed to abortion, I do not believe that it can be controlled by the Government. I think it is a matter for families, for women, for rabbis, ministers and priests, and it is essentially a moral issue.

But I believe there is a consensus and general agreement on working toward the elimination of abortion which most Americans would find agreeable from all perspectives. I think that America is not pro-abortion, but there is a disagreement as to whether the choice of women can be controlled by the Federal Government. One area of agreement is that we ought to do everything we can to discourage premarital sex among teenagers, unintended pregnancies, and the abortions which follow.

Senator Jeremiah Denton was a leading sponsor of abstinence education when he served in the Senate, and in 1987, more than a decade ago, I took up Senator Denton's cause in maintaining funding for abstinence education in the Appropriations Subcommittee on Labor, Health and Human Services, and Education. Last year, as chairman of that subcommittee, we increased the funding for abstinence education very substantially, but there has not been an authorization bill for some time. This legislation would call for an authorization up to some $75 million a year. I think we are not going to be able to get there in the immediate future, but I think that is a target where we ought to have authorization to give the Appropriations Committee ample room to work.

I have visited schools around the country. I have found it very much to the point to talk in very direct and candid terms to teenagers in schools about the problems of drugs and about the importance of abstinence, and there is an interest I think among teenagers in wishing to discuss it in an open and frank way. What young women need is to have counter peer pressure which would move toward abstinence. On Friday, March 15, 1996, I had the opportunity to kick off the Commonwealth of Pennsylvania's Teen Pregnancy Prevention Week at Central High School in Philadelphia. During that week, communities throughout Pennsylvania conducted special activities to promote pre-marital abstinence as the healthiest way to prevent teen pregnancy and the many other physical and emotional consequences of early sexual activity.

Last April, I visited Carrick High School in Pittsburgh, where I met with students who are involved in an abstinence program. I also visited the Susquehanna Valley Pregnancy Service in Lancaster, which works with young people who have taken pledges of abstinence and counsels them on overcoming peer pressure with counter peer pressure. I met and discussed abstinence and other issues with students at Susquehanna Township High School in Harrisburg, Manheim Township High School in Lancaster, Cedar Cliff High School in New Cumberland, Central York High School in York, and Liberty High School in Bethlehem.

Throughout the 104th Congress, I conducted hearings on the issues of teen pregnancy, abstinence education, and adoption in my capacity as chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education. Numerous witnesses shared their expertise and experiences. I ask unanimous consent a complete list of these witnesses be printed in the RECORD as exhibit 1.

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

(See exhibit 1.)

Mr. SPECTER. The legislation I am introducing today builds on the significant progress made in the 104th Congress, where we enacted tax credits for adoption and authorized, through the welfare bill, an additional $50 million for fiscal years 1998 to 2002 to provide abstinence education. As my colleagues may recall, I introduced similar legislation in the 104th Congress on April 29, 1996.

At the outset, let me provide my colleagues with a brief summary of the legislation. My first proposal would reauthorize and expand the Adolescent Family Life Program, providing $75 million annually to promote abstinence education for teens. My second proposal would increase the tax credit for adopting special-needs children to $7,500 and would permit penalty-free withdrawals from individual retirement accounts for adoption expenses. These two bills complement my efforts to advocate adequate prenatal care, especially for teens, through the Healthy Start Program. We know that in most instances, prenatal care is effective in preventing premature births. I saw my first 1-pound baby more than a decade ago. It is really a startling sight, a child no bigger than my hand, carrying scars for a lifetime and costing as much as $400,000 in medical care per child over a lifetime, according to the most recent data from the National Commission to Prevent Infant Mortality.

Mr. President, nearly 200 years ago, the French writer Alexis de Tocqueville is said to have observed that ''America is great because she is good, and if America ever ceases to be good, America will cease to be great.'' His analysis is timeless.

It is impossible to be a public official today, to travel throughout States such as Pennsylvania and elsewhere in the United States, without recognizing that America's problems are more moral than material. As we have tried to steer toward a growing economy and a balanced budget, we have seen a growing consensus that all our goals must rest on a restored ethic of personal responsibility. A crisis of values, in fact, underlies many of the public policy problems the Senate addresses on a daily basis. This has impressed upon me the need for people of strong moral commitments to enter public service and public debate, so that we may confront the underlying problems together and move our Nation forward.

While the news media offer us a monthly snapshot of leading economic indicators, it may be that our leading moral indicators are more telling, such as the staggering number of teenage pregnancies and the rapid rise in juvenile crime, which suggest that the erosion of the American family continues unabated. Further, today more than 50 percent of American marriages end in divorce, meaning that millions of children face at least some instability in their home environment. Marriage is obviously important in that a strong family structure, based on a commitment of mutual support and respect, is vital for children. On the subject of family values, I speak with considerable pride about the manner in which my parents and my siblings have respected the institution of marriage. In addition to my own marriage of 44

years and my parents' marriage of 45 years, my brother, Morton, and his wife, Joyce, were married for 51 years until his death in 1993. My sister, Hilda, and her husband, Arthur Morgenstern, celebrated their 54th wedding anniversary in April 1997. My sister, Shirley, was married to Edward Kety for 46 years until his death in 1995. My son, Shanin, and his wife, Tracey, celebrated their 10th wedding anniversary on June 29, 1996. So our family totals 250 years of marriage, and counting.

On this critical question of the health of America's families, the grim statistics are worth airing. The number of teenage pregnancies in the United States continues to reach alarming levels. According to data compiled by the Alan Guttmacher Institute, in 1992, the most recent year for which statistics are available, approximately 931,000 women aged 15 to 19 became pregnant. Further, the National Center for Health Statistics reports that there were 500,744 births to women aged 15 to 19 in 1995, and an additional 12,318 births to women under 15 years of age. By comparison, the United Nations Population Division reports that the United States teenage birth rate, 64 births per 1,000 females aged 15 to 19 for the period 1990–95, is the highest in the industrialized world. France and Japan report some of the lowest teenage birth rates, at 9 and 4 births per 1,000 females, respectively. Another leading moral indicator is the rapid increase in the number of unwed teenage mothers. According to Child Trends, Inc., the percentage of births to mothers under age 20 that occurred outside of marriage rose from 48 percent in 1980 to 76 percent in 1994.

Teenage mothers face more complications in childbirth, and their children are 50 percent more likely to be born premature. These children also have a greater risk of dying in the first year of life, suffering developmental problems, and becoming teen parents themselves. Further, the Office of Population Affairs of the U.S. Department of Health and Human Services reports that 80 percent of children born to unwed teenage mothers who have not completed high school live in poverty. By contrast, of those children born to 20-year-old married parents who are high school graduates, only 8 percent live in poverty. In addition, more than three-fourths of unmarried teen mothers began receiving Aid to Families with Dependent Children [AFDC] within 5 years after the birth of their first child. A report released in 1996 by the Robin Hood Foundation estimated that adolescent childbearing costs the taxpayers $6.9 billion each year in welfare and food stamp benefits, medical care expenses, lost tax revenue, incarceration expenses, and foster care. To me, this necessitates a strong response from concerned citizens, the clergy, and public officials.

We can, and we must, confront our leading moral indicators head-on. We must press harder in the fight to reduce the alarming number of teenage pregnancies in the United States. And, when a child comes into the world as the result of an unintended pregnancy, we must do all that we can to ensure that it is raised in a loving, stable family environment. It is the American family, of course, that chiefly bears these responsibilities. Nonetheless, I believe that the government can play a role and that we in the Congress must pursue legislative avenues to strengthen the social fabric and family stability of our Nation.

My first legislative proposal, the Adolescent Family Life and Abstinence Education Act of 1997, would reauthorize the existing Adolescent Family Life Program, known as title XX, a valuable program which focuses directly on the issues of abstinence, adolescent sexuality, adoption alternatives, pregnancy, and parenting. If you want to reduce the number of abortions performed in the United States, teaching children to resist negative peer pressure is a starting place.

In 1981, Congress, with bipartisan support, established the Adolescent Family Life Program as the only Federal program of its kind. The program was reauthorized in 1984, and its authority expired in 1985. Since then, the program has been funded through annual appropriations bills. As chairman of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I pressed to appropriate $14.2 million for the Adolescent Family Life program in fiscal year 1997, an increase of $6.5 million over fiscal year 1996. Within that amount, $10.8 million is provided for abstinence demonstration programs.

A major focus of the Adolescent Family Life prevention projects is delaying the onset of sexual activity, thereby reducing the incidence of adolescent pregnancy as well as the transmission of sexually transmitted diseases. Investing in programs that prevent unintended teenage births to unwed mothers is also vital in this time of budgetary constraints. Addressing the problem of teenage pregnancy, which alone costs the government about $6.9 billion each year, will save millions of dollars in welfare costs.

Since its inception, the Adolescent Family Life Program has supported approximately 196 care and prevention demonstration projects and 63 research projects. On April 10, 1996, I met with officials at Mercy Hospital in Pittsburgh, which has received a 2-year, $1 million grant to create a care network to meet the physical, emotional, psychological, and educational needs of pregnant and parenting adolescents, and to expand upon school-based education programs. The results there have been significant.

Now, more than 10 years after the authority for this valuable program expired, it is vital that Congress reauthorize the Adolescent Family Life Program to stem the staggering emotional and financial cost of teenage pregnancy. My legislation, the Adolescent Family Life and Abstinence Education Act of 1997, would authorize $75 million in Federal spending annually between now and fiscal year 2001 for the Adolescent Family Life Program, substantially higher than the $30 million authorized in 1985. My legislation would also amend title XX of the Public Health Service Act to state expressly that the education services provided by the recipients of Federal funds should include information about abstinence.

Updating Federal law to expressly advocate abstinence education provides necessary guidance to the Department of Health and Human Services. I have also proposed amending the law to require the Secretary of Health and Human Services to ensure, to the maximum extent practicable, that approved grants reflect a geographic diversity with adequate representation of both urban and rural areas. Further, to address concerns raised by Pennsylvania constituents, my legislation would establish a simplified, expedited application process for groups seeking title XX demonstration project funding of less than $15,000. I urge my colleagues and others to join me in the effort to reduce teenage pregnancies and make America a good society by supporting this legislation.

The legislation on adoption, Mr. President, builds upon legislation I introduced last year with my distinguished colleague from Pennsylvania, Senator SANTORUM, who is the principal cosponsor on both of these bills. Our legislation, and there are many others in the field, provided for a $5,000 tax credit for adoption. There are many children in America who need homes, and many people in America who would like to adopt, but it is a very, very expensive proposition. I was pleased that Congress adopted legislation last year providing a $5,000 tax credit for adoption, $6,000 in the case of a special needs child, and this legislation would build on that to provide for an additional $1,500 for special needs children, for a total of $7,500. Another provision in this bill would allow for a $2,000 withdrawal tax free from individual retirement accounts.

Far too many children are left to grow up in foster care without ever experiencing the rewards of being a permanent family member. When couples find that they are not able to conceive their own children or that it is not medically advisable, many consider adoption. Many other couples blessed with their own children consider adopting another child out of a sense of love and community, particularly where a child has been in foster care.

Recognizing that the costs associated with adoption can be prohibitive, Congress passed the Small Business Job Protection Act of 1996 last August, which provided a nonrefundable tax credit for qualified adoption expenses,

such as reasonable and necessary adoption fees, court costs, attorney fees, and other expenses related to a legal adoption. The act also contained a tax exclusion for benefits received under employer-sponsored adoption assistance programs. Both the tax credit and the exclusion of benefits are capped at $5,000 per child, or $6,000 per child in the case of a special needs adoption, and are fully phased out for adjusted gross incomes above $115,000. During Senate consideration of this legislation, I wrote to Majority Leader Dole and Finance Chairman ROTH urging the inclusion of a $7,500 tax credit for special needs adoptions, rather than $5,000 as contained in the House-passed bill. I was pleased that the final bill included a higher level of $6,000 for special needs adoptions, but this is just not enough.

We should be doing more to encourage, in particular, the adoption of children with special needs. Under current law, a child with a special need is one who has a mental, physical or emotional handicap, or who falls into a specific age, gender or minority group, which requires assistance to place that child with adoptive parents. This clinical explanation belies the frustrating condition of these children. A New York Times op-ed column by David S. Liederman, Executive Director of the Child Welfare League of America, published on May 9, 1996, stated that there are some 21,000 children with special needs waiting to be adopted, and another 65,000 in the care of welfare agencies, awaiting legal clearance to be made available. Many of these children have been placed in foster care because of parental neglect and abuse, exposure to drugs or HIV infection, serious emotional and physical disabilities, and other problems. These children, especially those with physical disabilities, are often very expensive to raise, which further compounds the difficulty of placing them in adoptive families.

The legislation I am introducing today, the Adoption Promotion Act of 1997, would increase the tax credit and the exclusion of benefits received under employer-provided adoption assistance for special needs adoptions from $6,000 to $7,500. While it is often much less expensive to adopt a special-needs child than a typical infant, related costs may arise, such as the remodeling of a house to accommodate a physically handicapped child. Increasing the tax credit and exclusion to $7,500 will help to defray such additional expenses.

Finally, I have included a provision in my legislation to allow the penalty-free withdrawal of up to $2,000 from an Individual Retirement Account [IRA] to help cover the costs of adoptions. I understand that a tax credit is simply inadequate to cover all the expenses associated with adoption, and I believe the Federal Tax Code should encourage savings and reward taxpayers, rather than penalizing them for the wise use of their hard-earned money. I have supported other efforts in the past that would allow the use of IRA funds for personal capital expenses such as the purchase of a family home, investment in college education, or payment of medical expenses. In my judgment, using IRA funds for adoption expenses is equally meritorious.

Given the substantial prior support in both the Senate and House for tax incentives to promote adoption, I am hopeful that my colleagues will favorably consider the mix of incentives contained in the Adoption Promotion Act of 1997 and enact this legislation in the near future. By reducing the financial hurdles to adoption, I hope we will be able to give new hope to the thousands of children who live in foster care awaiting the chance to be brought into a loving family environment on a permanent basis.

In conclusion, Mr. President, I urge my colleagues to join me in restoring the health of America's families by supporting the Adolescent Family Life and Abstinence Education Act of 1997 and the Adoption Promotion Act of 1997. I ask unanimous consent that the full text of these bills be printed in the CONGRESSIONAL RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Adolescent Family Life and Abstinence Education Act of 1997''.

SECTION 2. DEFINITIONS.

Section 2002(a) of the Public Health Service Act (42 U.S.C. 300z–1) is amended in subparagraph (4)(G) by inserting ''and abstinence'' after ''adoption''.

SECTION 3. GEOGRAPHIC DIVERSITY.

(a) Section 2005 of the Public Health Service Act (42 U.S.C. 300z–4) is amended by adding after subsection (a) the following:

''(b) In approving applications for grants for demonstration projects for services under this title, the Secretary shall, to the maximum extent practicable, ensure adequate representation of both urban and rural areas.''.

(b) Section 2005 is amended by redesignating subsections (b) and (c) as subsections (c) and (d), respectively.

SECTION 4. SIMPLIFIED APPLICATION PROCESS.

Section 2006 of the Public Health Service Act (42 U.S.C. 300z–5) is amended by adding the following:

''(g) The Secretary shall develop and implement a simplified and expedited application process for applicants seeking less than $15,000 of funds available under this Act for a demonstration project.''

SECTION 5. AUTHORIZATION OF APPROPRIATIONS.

Section 2010(a) of the Public Health Service Act is amended to read as follows—''(a) For the purpose of carrying out this title [42 U.S.C. 300z et seq.], there are authorized to be appropriated $75,000,000 for each of the fiscal years 1997 through 2001.''.

S. 935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Adoption Promotion Act of 1997''.

SEC. 2. INCREASE IN LIMIT ON CREDIT FOR ADOPTION EXPENSES AND EXCLUSION FOR EMPLOYER-PROVIDED ADOPTION ASSISTANCE FOR ADOPTION OF SPECIAL NEEDS CHILDREN.

(a) CREDIT.— Section 23(b)(1) of the Internal Revenue Code of 1986 (relating to dollar limitation) is amended by striking ''$6,000'' and inserting ''$7,500''.

(b) EXCLUSION.—Section 137(b)(1) of the Internal Revenue Code of 1986 (relating to dollar limitation) is amended by striking ''$6,000'' and inserting ''$7,500''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 3. DISTRIBUTIONS FROM CERTAIN PLANS MAY BE USED WITHOUT PENALTY TO PAY ADOPTION EXPENSES.

(a) IN GENERAL.—Section 72(t)(2) of the Internal Revenue Code of 1986 (relating to exceptions to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following:

''(E) DISTRIBUTIONS FROM CERTAIN PLANS FOR ADOPTION EXPENSES.—Distributions to an individual from an individual retirement plan of so much of the qualified adoption expenses (as defined in section 23(d)(1)) of the individual as does not exceed $2,000.''.

(b) CONFORMING AMENDMENT.—Section 72(t)(2)(B) of the Internal Revenue Code of 1986 is amended by striking ''or (D)'' and insert '', (D) or (E)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments and distributions after December 31, 1996.

EXHIBIT 1

WITNESSES TESTIFYING BEFORE THE APPROPRIATIONS SUBCOMMITTEE ON LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, ON ABSTINENCE EDUCATION

JULY 11, 1996, WASHINGTON, DC, 9:30 AM

Allan Carlson, Ph.D. President, Rockford Institute; Gracie Hsu, Policy Analyst, Family Research Council; Dr. David Hager, Member of the Physician Resource Council for Focus on the Family, Advisory Board Member for the Medical Institute for Sexual Health; Kathleen Sullivan, Director, Project Reality; and William Devlin, Director, Philadelphia Family Policy Council.

JULY 22, 1996, PITTSBURGH, PA, 9:15 AM

Father Kris Stubna, Secretary for Education, Diocese of Pittsburgh; Cathy Hickling, Editor, Expression Newspaper, Pittsburgh, PA; Amy Scheuring, Director of the Human Sexuality Alliance, Gibsonia, PA; Jacquetta Henderson, Abstinence Educator, Braddock Hills, PA; and Dr. Bradley J. Bradford, Chairman, Department of Pediatrics, Mercy Hospital of Pittsburgh, Pittsburgh, PA.

JULY 29, 1996, LANDISVILLE, PA, 10:30 AM

Rebecca Lovett, Director, Teen/Parent Program, School District of Lancaster, PA; Reverend Roland K. Smith, Youth President of Pennsylvania, United Pentecostal Church International; Father David Sicoli, St. Anthony's Catholic Church, Founder of the C.O.U.R.T. abstinence program; Robert Turner, Director of Student, Discipleship, and Family Ministries, Baptist Convention of Pennsylvania and South Jersey; Emily Chase, Director of Educational Services, Capital Area Pregnancy Center; and Ann Marie Kalloz, Sexuality Education Coordinator, St. Francis Xavier Church, Gettysburg, PA.

JULY 29, 1996, SCRANTON, PA, 2:00 PM

Molly Kelly, Director, Philadelphia Abstention Program; Dr. David Madeira, Better Health Center, Shavertown, PA; John Plucenik, Director, ARC Learning Center, Kingston, PA; Kathy Yaklic, Director of

Youth and Young Adult Ministries, Diocese of Scranton; Mary Louise Schaeffer, Executive Director, Maternal and Family Health Services of Wilkes-Barre; Henry Hewitt, Principal, Scranton Preparatory High School; and Reverend Frank Bissol, Elkdale Baptist Church, West Clifford, PA.

By Mr. THURMOND:

S. 936. An original bill to authorize appropriations for fiscal year 1998 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; from the Committee on Armed Services; placed on the calendar.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

Mr. THURMOND. Mr. President, I am pleased to favorably report out from the Committee on Armed Services an original bill, without a written report, which is a second version of the national defense authorization bill for fiscal year 1998.

This bill is identical to S. 924, the national defense authorization bill for fiscal year 1998, ordered reported by the Committee on Armed Services on June 12, 1997, except that it does not contain sections 311, 312, and 313, pertaining to depot-level activities of the Department of Defense, which were contained in subtitle B of title III of that bill.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. HATCH, the name of the Senator from Colorado [Mr. ALLARD] was withdrawn as a cosponsor of S. 3, a bill to provide for fair and accurate criminal trials, reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, reduce the fiscal burden imposed by criminal alien prisoners, promote safe citizen self-defense, combat the importation, production, sale, and use of illegal drugs, and for other purposes.

S. 10

At the request of Mr. HATCH, the name of the Senator from Colorado [Mr. ALLARD] was withdrawn as a cosponsor of S. 10, a bill to reduce violent juvenile crime, promote accountability by juvenile criminals, punish and deter violent gang crime, and for other purposes.

S. 121

At the request of Mr. MOYNIHAN, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 121, a bill to amend the Internal Revenue Code of 1986 to provide for 501(c)(3) bonds a tax treatment similar to governmental bonds, and for other purposes.

S. 127

At the request of Mr. MOYNIHAN, the names of the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. DASCHLE], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 127, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 224

At the request of Mr. WARNER, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to Medicare to enroll in the Federal Employees Health Benefits program, and for other purposes.

S. 364

At the request of Mr. LIEBERMAN, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 394

At the request of Mr. HATCH, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Ohio [Mr. DEWINE], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States.

S. 496

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island [Mr. REED] was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 513

At the request of Mr. MACK, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Minnesota [Mr. GRAMS] were added as cosponsors of S. 513, a bill to reform the multifamily rental assisted housing programs of the Federal Government, maintain the affordability and availability of low-income housing, and for other purposes.

S. 536

At the request of Mr. GRASSLEY, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 536, a bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

S. 570

At the request of Mr. NICKLES, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 570, a bill to amend the Internal Revenue Code of 1986 to exempt certain small businesses from the mandatory electronic fund transfer system.

S. 625

At the request of Mr. MCCONNELL, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 625, a bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

S. 770

At the request of Mr. NICKLES, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 770, a bill to encourage production of oil and gas within the United States by providing tax incentives, and for other purposes.

S. 923

At the request of Mr. SPECTER, the names of the Senator from New Jersey [Mr. TORRICELLI], the Senator from Oklahoma [Mr. NICKLES], the Senator from Oklahoma [Mr. INHOFE], the Senator from West Virginia [Mr. BYRD], the Senator from California [Mrs. FEINSTEIN], the Senator from Colorado [Mr. CAMPBELL], and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 923, a bill to deny veterans benefits to persons convicted of Federal capital offenses.

SENATE RESOLUTION 71

At the request of Mr. WYDEN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Resolution 71, A resolution to ensure that the Senate is in compliance with the Congressional Accountability Act with respect to permitting a disabled individual access to the Senate floor when that access is required to allow the disabled individual to discharge his or her official duties.

SENATE RESOLUTION 98

At the request of Mr. BYRD, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from New Mexico [Mr. DOMENICI], the Senator from Texas [Mr. GRAMM], the Senator from Minnesota [Mr. GRAMS], the Senator from Mississippi [Mr. LOTT], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Virginia [Mr. ROBB], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Alabama [Mr. SESSIONS], the Senator from New Hampshire [Mr. SMITH], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of Senate Resolution 98, A resolution expressing the sense of the Senate regarding the conditions for the United States becoming a signatory to any international agreement on greenhouse gas emissions under the United Nations

Framework Convention on Climate Change.

SENATE RESOLUTION 102—RELATIVE TO INDIAN INDEPENDENCE DAY

Mr. SPECTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 102

Whereas India is the world's largest democracy and shares with the United States the system in which the supreme power to govern is invested in the people;

Whereas the people of India drew upon the values of the rule of law in creating a representative democracy;

Whereas India and the United States share a common bond of being former British colonies;

Whereas India's independence was achieved pledged to the principles of fairness, dignity, peace and democracy;

Whereas these and other ideals have forged a close bond between our two nations and their peoples;

Whereas August 15, 1997 marks the 50th anniversary of the end of the struggle which freed the Indian people from British colonial rule; and

Whereas it is proper and desirable to celebrate with the Indian people, and to reaffirm the democratic principles on which our two great nations were born: Now therefore be it

Resolved, That August 15, 1997 is designated as Indian Independence Day: A National Day of Celebration of Indian and American Democracy. The President is requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. SPECTER. Mr. President, I am submitting this resolution commemorating the 50th anniversary of India's independence. This resolution will designate August 15, 1997, as ''Independence Day for the Nation of India,'' a day of celebration of Indian and American democracy.

On August 15, 1947, India came into existence and has been dedicated to democracy and the rule of law for the past 50 years. It is a multiethnic country of 950 million people, who speak more than 18 major languages and hundreds of dialects.

I have had the pleasure to visit India on a number of occasions, most recently with the distinguished Senator from Colorado, Senator BROWN, in August 1995, when we met with Prime Minister Rao. That was a fascinating meeting when the Prime Minister immediately undertook a discussion of the necessity to have the subcontinent nuclear free. Regrettably, there has been much controversy, much tension between Pakistan and India. On that occasion, Prime Minister Rao emphasized his desire to see the subcontinent nuclear free.

The next day, Senator BROWN and I had occasion to visit with Prime Minister Benazir Bhutto in Islamabad and talk to her about establishing a nuclear free subcontinent.

Later, Senator BROWN and I wrote jointly to President Clinton urging that the President invite the Prime Ministers of India and Pakistan to the White House to see if a nuclear free subcontinent might be accomplished with the assistance of the good offices of the United States.

I am delighted to see my distinguished colleague from Pennsylvania, Senator SANTORUM, assuming the Chair, the lofty position of presiding over the U.S. Senate. I am glad to see my colleague here.

Back to my resolution. India's democracy has thrived over the past 50 years, testimony to the fact that principles of freedom are not limited to the most prosperous countries of the West, but a country which has become independent and democratic, notwithstanding its problems with its economy.

There are strong links between the two nations, India and the United States. We are both former British colonies and, in our own civil rights struggles of the last generation, great Americans, such as Dr. Martin Luther King, borrowed the concepts of peaceful dissent from India from the teaching of India's independence leader, Mahatma Gandhi.

The number of Indian, Americans living in the United States continues to increase steadily. The rich cultural heritage and traditions of the Indian people contribute to the great diversity of the United States of America.

Relations between our countries have seen some difficulties, and there are still areas for improvement, but our mutual values of democracy and the rule of law bridge these differences.

I submit this resolution because it is proper and desirable to celebrate with the Indian people and to reaffirm the democratic principles which our two great nations cherish. I ask the American people to join with me in celebrating 50 years of India's independence.

AMENDMENTS SUBMITTED

THE JOHN F. KENNEDY CENTER PARKING IMPROVEMENT ACT OF 1997

CHAFEE AMENDMENT NO. 412

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill (S. 797) to amend the John F. Kennedy Center Act to authorize the design and construction of additions to the parking garage and certain site improvements, and for other purposes; as follows:

Page 3, line 7, strike ''or''.

Page 3, line 12, strike the first period and all that follows and insert ''; or''.

Page 3, after line 12, insert the following:

''(C) any project to acquire large screen format equipment for an interpretive theater or to produce an interpretive film that the Board specifically designates will be financed using sources other than appropriated funds.''.

Page 4, strike lines 9 through 14.

Page 4, line 15, strike ''5'' and insert ''4''.

Mr. CHAFEE. Mr. President, today the Committee on Environment and Public Works is reporting a bill, S. 797, the John F. Kennedy Center Parking Lot Improvement Act, as ordered reported on June 5, 1997. I am also filing a technical amendment to the bill which corrects a potential problem with respect to the funding of any large screen format equipment for an interpretive theater for the Kennedy Center. The purpose of the amendment is to ensure that the Board of Trustees of the Kennedy Center are prohibited from using appropriated funds for acquisition of such equipment.

THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998

LAUTENBERG AMENDMENT NO. 413

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill (S. 924) to authorize appropriations for fiscal year 1998 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:

Strike out section 3138.

THE VETERANS BENEFITS DENIAL ACT OF 1997

SPECTER (AND OTHERS) AMENDMENT NO. 414

Mr. SPECTER (for himself, Mr. TORRICELLI, Mr. NICKLES, and Mr. INHOFE) proposed an amendment to the bill (S. 923) to deny veterans benefits to persons convicted of Federal capital offenses; as follows:

On page 1 lines 4 and 5, strike ''or state''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Wednesday, June 18, 1997, at 9 a.m. in SR–328A to receive testimony regarding U.S. agricultural exports.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, June 18, 1997, to conduct a markup of the committee's legislative submission for the budget reconciliation package.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, June 18, 1997, at 10 a.m. on Asia trade II.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, June 18, for purposes of conducting a Subcommittee on Forests and Public Land Management hearing which is scheduled to begin at 2 p.m.

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

COMMITTEE ON FINANCE

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, June 18, 1997, beginning at 10 a.m. in room SH–216, to conduct a markup on budget reconciliation.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, June 18, 1997, at 9 a.m. for a hearing on S. 314, the Freedom From Government Competition Act, and opportunities for competitive contracting.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, June 18, 1997 at 10:30 a.m. in room 106 of the Dirksen Senate Building to conduct a joint hearing with the House Committee on Resources on S. 569/H.R. 1082, to amend the Indian Child Welfare Act of 1978.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, June 18, 1997, at 9:30 a.m.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Senate Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, June 18, 1997, at 10 a.m. to hold a hearing on human rights abuses in China: U.S. visa policy changes and other possible responses.

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

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. LOTT. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, June 18, 1997, at 2 p.m. on NASA International Space Station.

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

COMMITTEE ON ARMED SERVICES

Mr. SPECTER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, June 18, 1997, in order to report out S. 858, the intelligence authorization bill, and other matters at 4:45 p.m.

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

ADDITIONAL STATEMENTS

STATE DEPARTMENT AUTHORIZATION BILL

● Mrs. FEINSTEIN. Mr. President, I am pleased to have lent my support to H.R. 1757, the 1998–99 State Department authorization bill, which passed last night. There is much that I support in this bill, and I wanted to take a few minutes today to discuss this bill and my vote.

With its provisions to reorganize America's foreign policy institutions and to press for reform at the United Nations I think it is fair to say that this bill is one of the most far-reaching and important bills that we will consider this Congress.

For well over a decade the United States has been steadily reducing the amount of money it devotes to international affairs agencies and programs. When current figures are adjusted for inflation, the cuts in recent years have been significant—50 percent since 1984.

I was pleased when the administration requested a much-needed increase in funds for international affairs in the 1998 budget request. And I am pleased that this bill has, on the whole, preserved those funds.

The international affairs budget authorized in this bill will go a long way toward righting the inequities of American international affairs spending of the past decade, and toward creating an efficient framework to support America's global leadership in the millennium to come.

Just as important as authorizing funds for the conduct of American foreign policy, this bill also takes an historic step in working with President Clinton and Secretary Albright to create a new foreign affairs structure for the 21st century.

Many of our current foreign policy institutions were created during the cold war, with specific missions and goals in mind.

The reorganization plan put forward by the administration and supported by this bill reflects the need to preserve the unique skills and capabilities of each of the current agencies with the requirement that our institutional arrangements reflect the new demands guiding the conduct of U.S. foreign policy.

By the end of 1999 the result of this bill will be a new streamlined foreign policy structure, drawing on the best people and practices of the old agencies, and fully capable of meeting the new challenges of the 21st century.

Most importantly, from my perspective, this bill preserves some flexibility for the administration in its implementation of the President's plan.

I opposed the reorganization plan we considered in the last Congress, because it denied the President the flexibility he needs to carry out our foreign affairs. This reorganization plan suffers from no such flaw.

I would also like to take a little time to express my support for the plan to repay the United Nations the arrears our Nation owes it and for reform of the United Nations that is contained in the bill before us, S. 903.

I support this package of repayment of arrears and reform benchmarks for one simple reason: because I believe a strong and effective United Nations is fundamentally important to the national interest of the United States.

I am an unabashed supporter of the United Nations. Now that our colleague, Senator Claiborne Pell, has retired, I believe I am the only Member of this body to be in attendance at the founding of the United Nations in my hometown of San Francisco 52 years ago. I was not a delegate, as was Senator Pell—I was a bit younger then—but I am proud that I was able to help the host city celebrate that important occasion.

As mayor of San Francisco, I had the honor and privilege of presiding over the 40th anniversary celebrations in 1985, and 2 years ago, I traveled with many of my colleagues to San Francisco for the 50th anniversary celebrations.

These milestones mean a great deal to me, not because of their historical interest so much as because of their significance in the life of the United States. My own belief is that if the United Nations did not exist, we would have to invent it.

I am not among the United Nations' major detractors. I do not believe for 1 minute that the United Nations is somehow out to impose its will on the United States, or to intrude on our sovereignty. I reject outright the paranoid fantasies of those who warn of the specter of U.N. taxation or a U.N. army, or the U.N. leading inexorably toward world government.

The United Nations serves American interests each and every day. Through the U.N. High Commission for Refugees, it feeds and clothes homeless refugees in time of war. Through U.N. development programs, it helps the poorer nations of the world develop their

infrastructures. It provides a forum for negotiating multilateral agreements on arms control, protecting the environment, and other matters that affect all nations.

The U.N. specialized agencies also address problems that know no political borders. The World Health Organization fights diseases like AIDS that destroy the lives of those they afflict, and, if left unchecked, threaten countless others. The International Labor Organization helps keep track of forced labor and child labor, leading to multilateral efforts to improve working conditions around the world.

Perhaps most importantly, the United Nations helps promote peace and security in trouble spots around the world. The United Nations is probably best known for peacekeeping. While Americans often remember the debacles of Bosnia and Somalia, few realize that U.N. peacekeepers are helping maintain peaceful borders and facilitate peaceful transitions in such places as the Golan Heights, Macedonia, Angola, and Kuwait.

The United Nations also enables the United States to cooperate with our allies to carry out missions that are important to U.S. and international security. With U.N. approval, the United States led the nations of the world to expel Saddam from Iraq in Operation Desert Storm. The United Nations continues to enforce sanctions on Iraq and monitor Iraqi weapons programs.

Because all of these operations require the approval of the U.N. Security Council, the United States, which has a veto on that Council, must approve them. These operations are never forced down our throats. To the contrary, our leadership role and our veto allow us to leverage the United Nations to conduct operations that are in our interests, but with the burden shared among our allies.

For all of these reasons, I value the United Nations and believe it is imperative that we help it regain a sound financial footing. The United Nations' current financial difficulties are threatening to render it unable to implement many of its most important programs. And the biggest portion of the United Nations' shortfall is directly attributable to the United States' failure to pay its arrears.

So the payment of these arrears is no trivial matter. It is the best—perhaps the only—way to ensure the United Nations' survival as a force for international peace and security in the post-cold-war era.

Now, I share the view of the Senator from Indiana, who rightly pointed out that our payment of these arrears is not voluntary. It is an obligation under treaty commitments, signed and ratified according to our Constitution.

But I also recognize something else. The political reality dictates that if we are to pay any arrears to the United Nations, they must be accompanied by a package of reform benchmarks.

Over 4 months ago, the majority leader convened a working group of House and Senate authorizers and appropriators, Republicans and Democrats, to work with the administration on resolving the arrears question.

As the ranking member of the International Operations Subcommittee, I was involved in this task force from the beginning, and my staff attended virtually all of the subsequent meetings, until Senator HELMS and Senator BIDEN began the detailed endgame negotiations.

In the very first meeting of this task force, Secretary of State Albright came to discuss the administration's proposal, which was essentially for Congress to appropriate all of the arrears—$1.021 billion—up front, and to attach no conditions to their payment.

In the room were a number of leading Republican authorizers and appropriators, as well as the majority leader. As I recall, the only Democrats in the room for much of the meeting were the distinguished ranking member of the House International Relations Committee, LEE HAMILTON of Indiana, and myself.

Even then, Mr. HAMILTON and I—two strong supporters of the U.S. role in the United Nations—told the Secretary of State that, as sympathetic as we were to the need to pay these arrears, the administration's proposal did not stand a chance. We said it then, and I say it here today: The votes are not there for repaying our arrears without reform benchmarks.

So the negotiations commenced, and they continued through literally hundreds of hours. Both sides have made significant concessions. The administration, which wanted to pay all the arrears up front, certainly has. Anyone who saw the early Republican proposals, which called for payment of only a portion of the arrears, over 5 years, and with many more, potentially unachievable benchmarks, knows that the distinguished Senator from North Carolina has given a lot.

But the final result of these talks is a package that calls for a tough, but achievable, series of reforms to be implemented by the United Nations over the next 3 years, while the United States pays off $819 million in U.N. arrears, a figure that is the Administration's bottom line. These reforms include greater oversight of budgets and personnel, phasing out obsolete programs, and, perhaps most importantly, a reduction in the U.S. share of the assessed budget from 25 to 20 percent.

From the beginning, I felt that 3 years was about the right length of time for this package, and I argued that in the task force. It is long enough to give us some leverage to ensure the reforms are enacted, but not so long that the other member States do not believe it is credible that we will pay our debts.

Make no mistake, achieving these reforms will take a great deal of work. Some of them, such as the reduction of the U.S. share of the budget, which the other member States must agree to, will require our U.N. Ambassador to employ all of his negotiating skills. Others will require the committed effort of the Secretary General, Kofi Annan—a man I believe is genuine in his desire for real reform.

I acknowledge that this process is not perfect, and that there will be resentment among other nations who feel that Congress is unilaterally dictating what should be multilateral decisions. I understand that.

But these arrears must be paid. And the political reality is that our choice is either to pay these bills in this fashion, over 3 years, while working with the United Nations for reforms, or not to pay them at all. That, to me, is an easy choice. I want to pay our arrears and strengthen the United Nations.

In addition to the two major achievements of U.N. reform and State Department reorganization, this bill also contributes to furthering American interests in the world in a myriad of smaller, though not less significant, ways. Let me provide three such examples.

This bill authorizes funds which will go to the International War Crimes Tribunal, and which will help assure that those who committed genocide and rape in Rwanda and Bosnia are brought to justice.

It lends our support to the work of the Asia Foundation, which, through innovative public-private partnerships is able to leverage Federal resources to effectively promote U.S. political, economic, cultural, and security interests throughout the Pacific rim.

And this bill authorizes funds which will go to support vitally needed infrastructure and new information technology at our embassies and missions.

I have been to many of the crumbling and inadequate State Department facilities throughout the world, and can attest from first-hand experience the importance of these efforts.

As I stated earlier, it is my belief that this bill, with its United Nations and reorganization provisions, takes a significant step in the right direction on several critical issues which Congress has been wrestling with for the past several years. Moreover, the cooperation and hard work of the distinguished chairman and ranking member of the Foreign Relations Committee on this bill, also marks, I believe, a return to a spirit of bipartisan cooperation on foreign policy. I am proud to have been able to cast my vote in support of this bill.●

SALVE REGINA UNIVERSITY'S 50TH ANNIVERSARY

● Mr. CHAFEE. Mr. President, I am pleased to announce the 50th anniversary of Salve Regina University, in Newport, RI. Salve Regina University is a private coeducational university of the arts and sciences, administered by the Sisters of Mercy. In commemoration of this milestone, the U.S. flag will be flown over the Capitol Building on September 2, 1997.

As part of its 50th anniversary celebration, Salve Regina will host yearlong activities, open to all, centered around the theme ''The Enduring Power of Vision: Tradition, Achievement, Challenge.'' These activities, including a conference on cultural and historical preservation, will take place on the university's 60-acre campus, bordering on the famed Cliff Walk in Newport.

Mr. President, you may be interested to know that since the enrollment of its first class on September 24, 1947, the university has expanded to offer 29 undergraduate majors in the arts and sciences and 16 graduate programs, including a Ph.D. in Humanities.

I am particularly pleased that the continued success and achievement of Salve Regina will be celebrated this year. And I am very proud to congratulate Salve Regina University for its 50 years of dedication and excellence in education.●

ANNOUNCEMENT OF POSITION ON VOTE—AMENDMENT NO. 382

● Mr. HARKIN. Mr. President, on Tuesday, June 17, I was unable to vote. I would have voted ''yes'' on the Lugar amendment No. 382 to S. 903, the Foreign Affairs Reform and Restructuring Act of 1997.

I believe that the United States should pay our debt to the United Nations. However, I also believe that change and reform in the United Nations are essential if the United Nations is to be revitalized. The U.S. dues for the regular U.N. budget and for international peacekeeping should be reduced. These cost-saving goals can be achieved but we will have to convince our allies and friends, who will have to bear a larger portion of the costs as our contributions decline, that we are serious about our leadership and our compliance with our obligations. That is why I believe that Senator LUGAR offered a reasonable solution to wipe the slate clean of our arrears and clear the way to pursue the U.N. reforms that will make it a more viable institution.

I am hopeful that when this bill emerges from the conference committee the 38 benchmarks mandated in title XXII of the bill as pre-conditions for our payment will be addressed and corrected.●

FAIRNESS IN AMERICA'S DAIRY INDUSTRY

● Mr. ABRAHAM. Mr. President, I rise today to speak once again of one of the greatest impediments to a free market system for U.S. dairy: the Northeast Interstate Dairy Compact.

The compact as approved by Secretary Glickman permits six States in the New England area to set the minimum price paid to dairy producers above the minimum price guaranteed by the federal milk marketing order system. I believe this type of artificial price increase will inevitably lead to an overproduction of milk in the New England area. Unfortunately, this may serve to further reduce milk prices paid to dairy farmers in Michigan and in other regions of the country. Subsidizing an already subsidized industry is totally unnecessary and, in my opinion, creates a dangerous precedent in allowing regions or States to set up artificial trade barriers. This seems to contradict the intention of last year's freedom to farm bill: removing price controls and taking Government out of farming.

I supported the freedom to farm bill because it eliminates agriculture subsidies and gives American farmers the ability to choose which crops to grow. This bill was of paramount importance to the promotion of free markets in the global economy for this Nation's agriculture producers. I was disheartened when the Northeast interstate dairy compact slipped into the farm bill conference report at the last moment. It is my hope that Congress will correct this flaw and move U.S. agriculture one step closer to establishing a true market economy.●

THE 70TH WEDDING ANNIVERSARY OF THE DAVISES

● Ms. LANDRIEU. Mr. President, I rise today to recognize the 70th wedding anniversary of Gerald and Billie Davis Jones of West Monroe, LA. They celebrate their anniversary today with a large gathering of family and friends. The Joneses have been model citizens and contributed to their church and community in both large and small ways. We salute them for their impressive stability and wish them continued happiness together.●

BISMARCK RECEIVES ALL-AMERICAN CITY AWARD

● Mr. DORGAN. Mr. President, I rise today to congratulate the city of Bismarck, ND, for recently being named an ''All-America City.''

This honor comes as no surprise to those of us who have been proud to call Bismarck home. But for many years, weather reports of blowing snow and subzero temperatures enabled us to keep what we call the good life in Bismarck a well-guarded secret. With this award and new national prominence, residents of Bismarck, ND, can no longer be modest.

Bismarck is a place where the quality of life is good, the economy is growing, and the threat of crime is practically nonexistent. Our kids can go to good schools without worrying about carrying knives or guns and they can play outside on their streets after dark. It is a place where people still get to know their neighbors and where hard-working people can make a decent wage. Unemployment for the city is a mere 2.7 percent, well below the national average of 4.8 percent.

But now our secret's out—and I'm pleased it has been done with such honor. Only 10 cities receive the All America City designation each year from the National Civic League. This year, 120 cities applied and only 30 were chosen as finalists. By surpassing the 20 other cities nationwide to win the award, Bismarck gained a title and prominence that will surely attract new businesses, increase population, and provide new opportunities for growth in our State.

Bismarck currently has a population of close to 50,000 residents—most of whom are very hard-working, civic minded people who get involved in the decisions that affect their community—which is one of the main reasons the city was chosen for this award. While Bismarck received recognition from the judges for three of its projects, the city was singled out for its unique city sales tax allocation. In Bismarck, citizens have a share in the decision of where their city sales tax is spent. The judges applauded this unique approach to local government that gives taxpayers input for city projects. What a remarkable idea.

Bismarck was also recognized for its Suicide Prevention Task Force and some local programs produced at the Anne Frank exhibit, including a 10-minute script that pokes fun of images that some people have of Bismarck and North Dakota.

Again, I want to congratulate the city of Bismarck for receiving this prestigious All-America City Award. It is exemplary of the good people and good quality of life that we've always enjoyed in our State.●

MR. PATRICK BISTRIAN, JR.

● Mr. MOYNIHAN. Mr. President, I rise to pay tribute to Mr. Patrick Bistrian, Jr., of Amagansett, NY, on the occasion of his retirement from the board of education of the Amagansett Union Free School District after 30 years of service.

As a student, Pat Bistrian earned recognition in both academic and athletic pursuits. He held almost all the high school track and field records. Local legend has it that some of them still stand today. His leadership in school evolved into a devotion to community service.

Throughout his 30 years on the board, he never wavered in his commitment to the children of the Amagansett School District. Guided by common sense and an admirable dose of doggedness, his can do attitude was always applied for the good of the children. After a fire destroyed the school gymnasium in 1975, Patrick Bistrian fastidiously saw to every detail regarding the replacement of the building. To his credit, the facility exceeded even the grandest expectations and came in under budget.

While voluntarism has now become fashionable throughout the land, the concept is not new to Patrick Bistrian; for him, it is a way of life. I am certain the Members of the Senate join me in saluting Patrick Bistrian for his 30

years of selfless commitment to the Amagansett community. Much like his athletic accomplishments in track and field, he has left behind a legacy that will surely go unrivaled for some time to come.●

''ILLUSORY GAME OF ARMS CONTROL''

● Mr. KYL. Mr. President, during the recent Senate debate over the Chemical Weapons Convention, a great deal of discussion centered on the proper role of arms control agreements. I recommend the Washington Times op-ed by Sven Kraemer, who served as Director of Arms Control at the National Security Council during the Reagan administration to anyone interested in the subject. I ask that it be printed in the RECORD.

The op-ed follows:

[From the Washington Times, May 11, 1997]

ILLUSORY GAME OF ARMS CONTROL

(By Sven Kraemer)

''They cry 'peace,' but there is no peace.'' Jeremiah's lament about the false prophets of peace applies tragically to the false prophets of arms control who won Senate ratification of the proposed Chemical Weapons Convention (CWC) recently. They cry ''arms control,'' but there is no arms control.

CWC supporters saw the CWC as an ''arms control'' talisman to ward off evil powers and ''to ban forever the scourge of chemical weapons from the face of the globe.'' They proclaimed it a global ban although the CWC is far from global in its list of banned chemical precursors and in the number of states likely to sign or to ratify it. They proclaimed it as ''arms control'' while admitting it cannot be effectively verified or enforced and it cannot stop, and even risks abetting, proliferation.

Such false prophets and fatal flaws are tragically common to other ''arms control'' items on President Clinton's radical agenda headed for Senate review. These include proposed ''bans'' on nuclear testing, biological weapons, fissile materials and land mines, a START III ''framework'' that vitiates START II, and a Helsinki summit agreement setting new limits on missile defenses. They don't build foundations or bridges for arms control in the 21st century, but are more like bungee jumps. Counting on miracles, spectacle and concessions rather than effective measures to control and protect against arms, they miss both the opportunities and the obligations of serious arms control and responsible leadership.

CWC supporters claimed years of political legitimacy for the CWC and declared that a ''no'' vote would destroy U.S. leadership, wrecking a long effort to establish high international arms control norms and placing the United States on the side of pariah states. But it is a ''yes'' vote that puts the United States on the side of pariahs. A ''no'' vote would have embarrassed a few officials, but would have marked a principled U.S. stand, supported by American public opinion, against a fatally flawed arms control approach that rewards pariahs and rogues, lowers already low arms control standards and seriously endangers our own security.

NEXT STEPS

The required leadership won't come from the White House and its misguided Senate supporters. The task of critique, reinvention and leadership will come from the unprecedented coalition of courageous senators, former Cabinet-level officials, key businessmen, and leaders of some 40 citizens groups who joined in opposition to the CWC and who want serious arms control, serious defense, and serious protection of our citizens' rights. CWC funding and implementation legislation provide early opportunities for such leadership in correcting the treaty's fatal flaws. The extraordinary Kyl-Lott-Helms, et al. ''Chemical and Biological Weapons Threat Reduction Act'' passed by the Senate the week before the CWC vote, will be an excellent foundation for that effort.

For the future, CWC opponents will be more dubious than ever about the administration's blizzards of misinformation and the next items on Mr. Clinton's radical agenda. Their concerns are backed by Luntz polls that show the American people to be overwhelmingly opposed to treaties like the CWC which cannot be effectively verified or enforced, which create costly and intrusive new U.N.-style international bureaucracies, and which endanger U.S. rights and weaken U.S. security. The administration and its Senate supporters have been put on notice.

To silence such critics and undermine potential long-term opposition, Clinton CWC supporters have sought political cover by invoking George Bush and even Ronald Reagan for their efforts. A George Bush signature was presented as necessarily guaranteeing effective ''arms control,'' and the CWC was even declared a ''Reagan treaty.'' In the wake of the Senate vote, such claims require new review and rebuttal.

The Bush signature guarantees nothing. Grave flaws were evident in the CWC when it was rushed to signature in the closing days of the Bush presidency in January 1993. In the four years since then, changed global conditions have turned these flaws into deadly gambles. Left standing, the CWC flaws, high-risk Clinton arms control and defense policies, and dangerous international developments (notably including severe proliferation problems fostered by Russian and Chinese violations which the Clinton administration rewards instead of engages) will be heading the United States into the bull's eye of disaster.

THREE REAGAN LESSONS AND LEGACIES FOR THE FUTURE

The invocation of Ronald Reagan on behalf of the CWC and similar spurious arms control efforts is particularly ironic. Mr. Reagan's understanding of history and his approach to arms control are repudiated by the CWC's underlying assumptions, provisions and impact. Mr. Reagan often spoke of the historic reality that arms control agreements were routinely violated by dictators and rogues unfettered by the democratic hopes, principles and processes of the American people and their allies. He often spoke of the high cost paid in lives and treasure for trust in such agreements, including those from the 1970's, which were being systematically violated by the Soviet Union. His strategy of ''peace through strength'' won the Cold War in part because he redefined arms control in terms of its contribution to America's security, not as a matter of trust in a ''process'' or as an end in itself.

DEALING WITH DICTATORS AND ROGUES

Enforcing compliance, ending proliferation: From the beginning of his presidency, Ronald Reagan's arms control approach rejected the prevalent lowest common denominator approach of his predecessors in negotiations with dictators and rogues, and focused instead on mastering the task of working with democratic allies effectively to constrain, deter and defend against such evil powers. This task is more important than ever in today's world as Iraq, Iran, North Korea, Libya, Syria and their chief suppliers in Moscow and Beijing routinely violate a wide range of anti-proliferation and other arms control agreements and as the Clinton administration fails to enforce these treaties or even to implement U.S. laws providing sanctions for such behavior.

To start with, Mr. Reagan insisted that violations of existing treaties had to be exposed and corrected before new ones could be signed. And for chemical, biological and toxin weapons, the first two years of the Reagan presidency focused on assessing and reporting such violations and seeking correction, especially concerning Soviet Production and use. The Reagan compliance reports were unprecedented in accurately presenting the threat and in pressing the case for establishing higher norms for international arms control compliance. Thus, when he had Vice President George Bush table a preliminary draft CW Convention in April 1984, half of the press and diplomatic kit made available by the White House and the vice president provided detailed information on troublesome Soviet activities that had to be corrected before CW arms control could begin to be taken seriously.

Mr. Reagan's CWC draft did not contain the ''poisons for peace'' language of the current CWC's Article XI which requires ''the fullest possible exchange of chemicals, equipment and information'' and which forbids ''the maintenance of restrictions.'' Nor did his CWC draft contain the other pro-proliferation clause, Article X, which declares that ''nothing in this Convention shall be interpreted as impeding the rights of States Parties to request and provide assistance bilaterally.''

EFFECTIVE VERIFICATION, ENFORCEMENT AND INSURANCE CAPABILITIES

Mr. Reagan insisted that serious arms control treaties had to impose real, verifiable and enforceable restrictions, not the ''nuclear freeze''-type illusions demanded by the Soviet Union and favored by the self-styled U.S. ''arms control'' lobby. Thus, he proposed the ''zero option'' for Intermediate-Nuclear Forces in 1981 and a ''deep cuts'' Strategic Arms Reduction Treaty in 1982. And when a draft CW Convention was tabled in Geneva in 1984, Mr. Reagan insisted on an interagency and international work program focused on a long-term effort to try to develop such effective restrictions in the future. Reflecting this Reagan imperative, George Bush told the Geneva press: ''Let's try to use this as a beginning, a place to get a start on the negotiations.''

Mr. Reagan insisted that effective arms control required U.S. security capabilities in place to provide the insurance of high-confidence U.S. verification, enforcement and defense, and he required that such capabilities be certified for each arms control proposal by the U.S. intelligence community and the Joint Chiefs of Staff. For chemical weapons, he required enhanced intelligence, robust anti-chemical defenses, and a small residual stock of modern chemical weapons to provide enforcement and negotiation leverage until a period near the end of the final weapons destruction date.

In addition to such U.S. insurance capabilities for specific arms control treaties, Mr. Reagan's Strategic Defense Initiative, introduced in March 1983 (a year before the draft CWC was tabled), provided for deterrence and defense based on protection rather than on his predecessors' dubious Cold War policy of Mutual Assured Destruction (MAD). The American people, and people around the world, were to share the benefits of the accelerated development and deployment of advanced U.S. theater and strategic defenses to be available against missiles—the delivery system of choice most threatening in the use

of chemicals, toxins and other weapons of mass destruction. As late as 1992, George Bush and Boris Yeltsin agreed that at least a limited global anti-missile defense system (GPALS) would be important to security and stability.

In contrast to the Reagan defense insurance policies, the United States is not only unilaterally eliminating its chemical stockpiles, a move other nations are not following, but the Clinton administration is cutting back several hundred million dollars in U.S. chemical defense investment, reducing its intelligence, dumbing down theater missile defenses, and further postponing the national missile defense deployments required to protect the American people against growing threats from rogues and from accidental launches.

PROTECTING U.S. CONSTITUTIONAL RIGHTS AND U.S. SOVEREIGNTY

Mr. Reagan's arms control policies insisted on assuring U.S. constitutional rights and protecting U.S. sovereignty. His CWC interagency work program reflected the requirement to study and to try to resolve the serious Fourth and Fifth Amendment dilemmas raised by extensive CWC reporting, regulatory and inspection requirements, which in the current CWC potentially affect the rights and budgetary and proprietary interests of up to 8,000 U.S. companies. Unlike the current CWC, Mr. Reagan's draft CWC of 1984 had the United States and other permanent members of the U.N. Security Council as five guaranteed members of the CWC Executive Council, and required a Preparatory Conference and other forums to operate by consensus, providing a U.S. voice and veto when CWC provisions and processes required amendment.

As the Senate now reviews CW implementing legislation, funding requirements and other elements of the radical Clinton agenda, it should send its own veto on behalf of U.S. security and serious arms control. In the face of the globe's gathering storms, it is not too late ''to provide for the common defense'' and to prevent the historic tragedy now unfolding because of U.S. reliance on ''arms control'' illusions.●

HALTING NEW DEPLOYMENTS OF LANDMINES

Mr. DODD. Mr. President, I rise today in support of the bill to halt the unmitigated spread of landmines sponsored by Senator LEAHY and Senator HAGEL. In particular, I laud Senator LEAHY's tireless efforts in lining up over half the Members of the Senate behind this important legislation. Also, Senator HAGEL's experience as an Army sergeant in Vietnam and his unrelenting support for veterans and the military make his leadership role on this bill quite appropriate.

This bill would halt new deployments of U.S. antipersonnel mines starting on January 1, 2000. What better way to open the new millennium than to clamp down on these hidden, unmanageable devices that kill or injure someone somewhere every 22 minutes.

Let's not lose sight of the fact that landmines kill and maim without impunity—men, women, and children alike will continue to lose their lives or limbs as long as landmines remain buried around the globe. That attribute, the completely random killing, sets these devices apart from all other weapons of war, with the possible exception of weapons of mass destruction. Yet, even a hydrogen bomb cannot kill a child playing in a pasture a decade after the bomb was dropped.

Today there are 100 million land mines in 68 countries that wait potently to explode, be it tomorrow, years from now, or decades hence. More soldiers, U.N. peacekeepers, and children will surely lose their lives before the world acts to stem the tide of these horrible weapons. The question is: How many hundreds more must die needlessly before we pursue vigorously a treaty banning antipersonnel landmines?

Late last year, the U.N. General Assembly resolved, without a single dissenting vote, to do just that. Having introduced that resolution in our customary role as world leader, we must now take action.●

WENDY GRAMM'S GRADUATION SPEECH GIVEN AT TRI STATE COLLEGE

● Mr. DOMENICI. Mr. President, I ask to have printed in the RECORD a graduation speech given by Wendy Gramm at Tri-State College. I think it is an inspirational message to young people. Wendy, while very accomplished in her own right, is also the wife of Senator PHIL GRAMM. While this speech is about a significant man in her life, she recalled stories about her father, not her husband.

The central message of the speech is drawn from the personal experiences of three generations of Wendy Gramm's family. Mrs. Gramms' father graduated from this institution of higher learning with a degree in engineering.

During this commencement, Wendy was awarded an honorary doctorate degree from her father's alma mater. In her speech, Wendy talked about the traits that made her father successful. Mrs. Gramm's point is that these same traits can make the graduating class a success. These traits include: define goals, work hard, show leadership, practice the highest standard of ethics.

Wendy Gramm gave the students her definition of what makes a leader: ''Leaders lead by example, and must show honesty and fairness always.''

The text of the speech follows:

Congratulations to graduates, parents, teachers, relatives and friends. You've done it and you deserve congratulations.

All too often we work so hard, focused on where we are going, and fail to stop and enjoy what we've accomplished. You've heard it before—and it's true—life is not a destination, but a trainride, so enjoy the ride. Enjoy your accomplishments today. Pat yourself on the back. And take time to thank those who helped you.

This is a special day for you—and for me, too. I will celebrate receiving this honorary degree—and will make everyone call me doctor-doctor for today. Today is also special because my father graduated from TriState, 61 years ago. My mom is here, as well as much of my family—my husband, one son (the other is studying for exams), and two sisters and a brother-in-law.

Let me tell you his story, because I believe his story has lessons for all of us today. The stories also illustrate what I believe are essential qualities of leadership and rules for a full, happy, and successful life.

My grandparents came from Korea at the beginning of the century to work in the sugar cane fields of Hawaii. They came as contract laborers, meaning they paid for their way over by agreeing to work in the sugar cane fields for a number of years—new indentured laborers. They came with nothing, not even knowing the language. They came looking for freedom and opportunity.

My father, Joshua, was the second in a family of 12 children.

The first story is about having dreams and goals in life. When my father was in high school, there was an essay contest—students were asked to write an essay about what they could do to make this a better country. Dad thought and thought, as the minutes ticked by and the blank page stared up at him (you know the feeling). He wondered, what could a beach bum like Joe Lee do that would affect a whole country? The answer came to him in the middle of that contest—he could do the most for his country if he made something of himself.

He won the contest and $25, a small fortune in the early 1930s.

The essay contest helped define his goals in life, and he decided to pursue his dream—of becoming an engineer and making something of himself. He started college at the University of Hawaii, but ran out of money. So he worked in a laundry.

The next summer a classmate of his told him he was going to Tri-State College to study engineering. My grandmother told my father—I'll give you money for transportation to Indiana—the rest is up to you.

Dad set a goal, and worked hard—to find a way to reach the goal. A second important quality for success is commitment to a goal. And dad was committed. Upon arriving in Angola, he lived first few days on day old bread and pork and beans—still loved p&b.

He found room and board in the home of the postmistress in town, and helped in the yard and tended the furnace. She was a kind a gracious lady, and dad couldn't believe it when he visited her 25 years later in 1950. She looked exactly the same!

The first job he applied for was at a restaurant. The restaurant owner told dad that he was thinking of getting a dishwashing machine. My dad said he could wash dishes faster and better than the new dishwashing machine—he would race the machine for the job. My father won the race and the job.

He worked his way through Tri-State, generally holding three jobs at the same time, working in two restaurants, as a tree surgeon and painting trim on houses, along with his furnace tending and yard work.

The third important quality for leadership and success is my favorite story about Tri-State. Dad had gone to class where they went over a test they had taken. During the class, Dad realized that the professor had made a mistake and had given him a higher grade than he deserved. So we went up to the professor after class and told him of the error. The professor then said that he had deliberately made mistakes on all the students' tests, and Dad was the only student who came up to him and admitted it. I don't remember the punch line—I believe the professor gave Dad an A for the test—but the punch line isn't important. What is important is that Dad had the highest standards of ethics.

Perhaps the most important quality of a leader is the highest level of integrity—leaders lead by example, and so must show honesty and fairness always.

Regrets? Not having gone to a big 10 football game. Remember what I said earlier about enjoying your day, and the train ride.

Dad lived his life like the engineer he was—organized, efficient, prepared, never procrastinating, and finishing each job on time or before.

He moved back to Hawaii after graduating in 1936, and met Angeline Lee (Lee is a common name in Hawaii). He arranged a date—and, like the engineer he was, showed up for the date one week early. But mom liked him anyway, and they got married, had four children, and Dad died shortly after his 50th wedding anniversary.

The principles he lived by—don't brag, just do a good job, and rewards will come; be prepared and organized and just go ahead and do the job; be fair and honest. These principles and the leadership qualities he exhibited—vision, commitment and integrity—worked well for him—he became the first Asian American ever to be an officer of a sugar company in the history of Hawaii.

Recap: my grandfathers cut sugar cane by hand, my father became VP of the same sugar company, and when I chaired the Commodity Futures Trading Commission Presidents Reagan and Bush liked to point out that I oversaw the futures trading of all American commodities, including cane sugar.

This is the American Dream.

The story I have told you is not just the story of my family, Tri-State University, or leadership. It is not the story of an extraordinary family, but the story of an ordinary family in an extraordinary country.

It is the story of America, where ordinary people can and do accomplish extraordinary things.

So congratulations once again. I wish you good luck and every success.

As you go out into the world, remember this day. Remember your accomplishment. I also hope you will remember my family, the American Dream, and Tri-State's role is making that American Dream for our family and for me.

I also hope that you will come to appreciate that great American Dream Machine—freedom and free enterprise—and that you will work to preserve and protect it so that the Joshua Lees of tomorrow can have a dream, maybe come to Tri-State, and go on to be a success, a leader, and make better lives for themselves, their families, their communities, and their country.

And may you do the same and have great success and happiness.●

DISASTER SUPPLEMENTAL APPROPRIATIONS AND RESCISSION ACT

● Mr. DORGAN. Mr. President, I am pleased that I can finally tell the people of North Dakota that a disaster relief package has finally been passed by Congress and signed by the President. I am pleased that I can finally tell tens of thousands of individuals and business owners, who were devastated by the worst winter on record in North Dakota followed by a millennial flood, that help is on the way.

Everyone who has watched the news over the past 2 months has been moved by both the devastation and the determination of the citizens of North Dakota. You watched our people working side by side, day and night to sandbag their homes, their schools, and their businesses. The dramatic photos on every TV station are a living legacy of what community is all about. It was neighbor helping neighbor. In the end, Mother Nature won the battle, but we fought the good fight and we did it together.

Despite 9 blizzards which dropped more snow in North Dakota than in any other year on record; despite storms which killed more than 125,000 head of livestock and knocked out hundred of miles of power lines; despite a millennial flood which forced the evacuation of 50,000 people from Grand Forks; despite the fact that many North Dakotans have lost their homes and all their worldly possessions, we North Dakotans will continue to work together to rebuild our cities, our businesses, and our communities in order to preserve a way of life which we all cherish.

We are a strong, proud, and resolute people. We will face the challenges ahead with courage and commitment. But with damages expected to be in the billions, we could not proceed without the Federal support provided in the disaster relief bill.

With this bill and the assistance that flows with it, the disaster victims in North Dakota and the other flood ravaged States can begin the long and painful process of recovery. The money provided in the relief bill will allow them to make informed decisions about their lives, their homes, and their businesses. They have waited too long for this help. But the wait is over. Help is on the way, and rebuilding and healing can begin.

I would like to thank all the Members of the Senate and House Appropriations Committees for their help in working with me to ensure that sufficient assistance to address the incredible needs of North Dakota, South Dakota, and Minnesota was ultimately included in the disaster relief bill. Individually and collectively, we have suffered a disaster of catastrophic proportions which has required an exceptional response, and that is what the disaster relief bill provides.

There are many people to thank as for their help on the disaster appropriations bill. At the top of the list are Senators STEVENS and BYRD who were extremely helpful and supportive throughout every step of the process. Without their personal intervention and continuous support, many items and millions of dollars would not have been included in the final package. On behalf of all the people of North Dakota, I want to thank them for their generous assistance.

Let me just list a few of the items in the disaster bill which will have a direct bearing on our ability to rebuild:

$3.4 billion for FEMA, a significant portion of which will go to the Upper Midwest region.

$500 million in community development block grants. This is the most flexible form of disaster assistance and the most crucial component to allow for buyouts. While all disaster States are eligible for this assistance, we anticipate that the majority will go to the Dakotas and Minnesota.

$134 million in emergency agricultural assistance for the Upper Midwest, including

$50 million for a new livestock indemnity program which will help North Dakota farmers and ranchers who have lost close to 125,000 head of livestock;

$15 million in Department of Agriculture funds to purchase floodplain easements to reduce hazards to life and property due to the floods; and

$5 million for the interest assistance program to provide additional funding for guaranteed, low-interest loans to farmers.

$20 million to reimburse school districts who have had to educate additional children who were dislocated by the floods.

$15 million for all preconstruction and design work for an outlet from Devils Lake to the Sheyenne River.

$27.9 million in Corps of Engineers funding for North Dakota from the flood Control and Coastal Emergencies program.

$600,000 for Ramsey County to mitigate damages to the sewer system from flooding, if necessary.

About $20 million for the Corps of Engineers to raise the levees at Devils Lake.

$210,000 for North Dakota's national parks.

$3.9 million for the BIA in North Dakota.

$265,000 for the Indian Health Service in North Dakota.

$6.1 million for North Dakota to repair damaged freight rail lines.

$9.3 million to the Fish and Wildlife Service in North Dakota.

$840,000 for the U.S. Geological Service in North Dakota.

Department of Education waiver authority language which will permit the Department to help students having difficulty meeting application and other statutory deadlines regarding Federal education funds.

Language which allows States greater flexibility in using its child care and development block grant funds to help families in nonemployment related activities relating to the cleanup and recovery.

A provision which directs the Office of Management and Budget to work with universities damaged by the floods in revising and extending their Federal grants, contracts, and cooperative agreement.

In order to provide my colleagues with more detailed information on plans for enhanced diking at Devils Lake, ND, I ask to have printed in the RECORD a letter from the St. Paul District of the Corps of Engineers dated May 19, 1997.

There are many people beyond the Congress to thank for their support in the wake of a series of historic and devastating disasters in North Dakota. Above all, I want to thank the people of North Dakota who, despite their losses, have refused to be overcome. They have displayed a remarkable

sense of courage, caring and conviction throughout the ordeal. Never have I been more proud to represent the State of North Dakota than I am now. They are the best citizens in the country. They know the meaning of neighbor. Whenever and wherever they were able, they extended a hand to those less fortunate.

The great spirit of our people is embodied in the mayor of Grand Forks, Pat Owens. While small in stature, she has the heart of a giant. She gave us the courage not to lose courage. Her indomitable spirit held the citizens of Grand Forks together during the worst days of the tragedy, and now is guiding us patiently and compassionately through the recovery.

I also want to thank all the Federal agencies for their long hours and hard work in bringing emergency assistance to relieve the immediate suffering of our citizens. They have done a magnificent job under extremely trying circumstances, and we are grateful for their superhuman efforts. James Lee Witt, the Director of FEMA, has been the guiding light in this endeavor. He came to North Dakota and personally witnessed the devastation, and then rushed personnel and resources into the State to assess damages and provide emergency assistance. He has also coordinated the activities of other Federal agencies in trying to get assistance to those in need as quickly as possible. That process is ongoing, and James Lee remains the stalwart in that endeavor. We thank him for all he has done and continues to do.

In conclusion, let me thank my colleagues once again for their help in passing an historic disaster relief bill. North Dakotans are grateful for the helping hand the disaster relief bill provides. Recovery will be a long and painful process, but we will face the challenges ahead with courage and commitment. With our prairie faith to guide us, we will rebuild, we will recover, and we will be a stronger community.

The letter follows:

DEPARTMENT OF THE ARMY, ST. PAUL DISTRICT, CORPS OF ENGINEERS,
St. Paul, MN, May 19, 1997.

Hon. BYRON DORGAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR DORGAN: Thank you for your recent inquiry on the requirements to modify the levee work underway at the City of Devils Lake, North Dakota to provide protection from a lake level at elevation 1450. This letter will describe the work required to provide this additional protection.

The levee project at the City of Devils Lake that is currently under construction is a raise of the Federal levee project built by the Corps of Engineers in the 1980s under the Continuing Authorities program. The ongoing construction is raising and extending the existing levee system to provide an increased level of protection from the lake. The original levee was design to protect against a lake level of elevation 1440. The ongoing construction will protect against a lake level five feet higher, to an elevation 1445. The top of levee is being constructed five feet higher than the design lake level to provide the necessary freeboard to handle wind, waves & ice action.

The current work was started in 1996 when the lake was at elevation 1437, approaching the protection level of the original levee, 1440. The early National Weather Service forecast for the lake level this summer was elevation 1440.5, well within the level of protection being provided by the current work. However, in mid-April this year, the National Weather Service increased the forecast lake level by three plus feet to elevation 1443.5 to 1444, projecting this level to be reached in July 1997. Based on this revised forecast lake level, it is necessary to consider additional protection by raising the levee system even higher than currently being constructed.

An additional levee raise to provide protection against a lake level of 1450 is highly desirable and can be constructed cost effectively. The additional work required to provide this higher level of levee protection, with appropriate freeboard, would consist of the following features:

Increase the height and base width of the existing earthen levee sections.

Extend and modify the levee alignment to tie into high ground at the new top of levee elevation. This could include the extension of the line of protection to areas which were not previously considered practical to protect, but which due to the higher level of protection may now be necessary and effective;

Increase the extent and thickness of the riprap on the lakeward side of the levee to assure adequate erosion protection;

Modification of the pumping stations and/or installation of another pumping station, and modification of interior drainage facilities to accommodate increases in the drainage area behind the levee protected and increased pumping head;

Additional road relocation work and closures at levee crossing; and,

Additional utility relocation work.

If you have any questions regarding the above information, or wish to discuss this matter further, please contact me.

Sincerely,

J.M. WONSIK,
Colonel, Corps of Engineers District Engineer.●

SOLVING CITIZEN BAND RADIO INTERFERENCE PROBLEMS

● Mr. ABRAHAM. Mr. President, I rise today in support of S. 608, a bill offering potential relief to neighborhood residents victimized by the illegal use of a citizen band [CB] radio. In Grand Rapids, MI, and in other towns in Michigan and across the country, CB operators have boosted the power of their signal using equipment prohibited under FCC regulations. As a result, nearby residents have been unable to watch television, listen to their radios, or have a telephone conversation without experiencing interference from a neighbor's illegal use of a CB radio.

Currently, there exists a series of rules governing the appropriate use of CB radio, including restrictions on equipment and frequencies, duration of broadcast, and appropriate content. Due to a change in priority, the FCC no longer investigates related interference complaints. The Commission merely sends individuals a packet of information outlining steps which can be taken to reduce the interference. Unfortunately, these solutions have been met with only limited success. In many cases, after having exhausted all available options, residents are left with no legal recourse. In addition, when residents turn to local authorities, they are denied assistance. Because of the Communications Act of 1934, the Federal Government has exclusive authority to regulate radio frequency usage and to enforce related rules. Therefore, State and local authorities are prevented from enforcing FCC rules already in existence.

This is where S. 608 would provide a remedy. This bill, which I have cosponsored, would give limited authority to State and local governments to enforce FCC rules governing CB radio equipment. I would like to emphasize this legislation will not jeopardize the exclusive regulatory jurisdiction of the FCC, neither will it impose added requirements on State and local governments. This bill merely allows localities to enforce rules already in effect, thereby giving citizens a legal recourse in solving radio interference disputes.

Mr. President, I view this legislation as a small, yet simple approach to solving CB radio interference problems. I urge my colleagues to support this bill, and I look forward to working with Senator FEINGOLD to secure its passage.

I ask that the text of a Grand Rapids City Commission resolution in support of S. 608 be printed in the RECORD.

The material follows:

GRAND RAPIDS, MI, *May 7, 1997.*

Senator SPENCER ABRAHAM,
Southfield, MI.

DEAR SENATOR ABRAHAM: Enclosed is a certified copy of Resolution 63295 approved by the Grand Rapids City Commission on April 29, 1997, which encourages you and all the members of the Michigan Congressional Delegation to support Senate Bill S. 608 which changes Federal Communications Commission rules to allow states and local units of government to enforce certain regulations regarding the operation of citizen band radio equipment.

Sincerely,

MARY THERESE HEGARTY,
City Clerk.

Enclosure.

Your committee of the whole recommends adoption of the following resolution encouraging Senator Abraham and the Michigan Congressional Delegation to support Senate Bill S. 608 which would amend the Federal Communications Act of 1934 to allow state and local governments to prohibit citizens band radio equipment and operations which are not authorized by the Federal Communications Commission and to enforce those regulations.

J. H. LOGIE, JAMES C. KOZAK, ERIN J. WILLIAMS, SHARON WEST, LINDA SAMUELSON, ROY L. SCHMIDT.
Committee of the Whole.

Com. Kozak, supported by Com. Schmidt, moved adoption of the following resolution:

Resolved, that the City Commission encourages Senator Spencer Abraham and all the members of the Michigan Congressional Delegation to support Senate Bill S. 608 which changes Federal Communications Commission rules to allow states and local

units of government to enforce certain regulations regarding the operation of citizen band radio equipment.●

INDIAN EDUCATION

● Mr. CAMPBELL. Mr. President, today, I lend my support of the resolution my colleague Senator DOMENICI has introduced to bring the quality of Indian education on par with the rest of America. Increasing the quality of education available to our Native American youth will go far in solving many of the problems facing tribal governments and Indian people.

This resolution acknowledges that the facts are discouraging. Indian youth lead all ethnic and racial groups in drop-out and poverty rates. Their juvenile delinquency rate continues to grow faster than the rest of young people in America. Both Indian reservation and Bureau of Indian Affairs schools are severely underfunded from a programmatic standpoint. These schools attempt to provide services to their children in spite of substandard facilities—facilities that no parent should have to send their child to and that no teacher should have to work in. These schools are understaffed and Indian educators are sorely underpaid.

As this resolution makes clear, the United States has a moral and legal obligation to provide or aid tribal governments in providing quality education to American Indian and Alaskan Native youth. This responsibility is recognized in treaties, Executive orders, court decisions, and statutes. Yet, the disturbing facts that I have just mentioned make it clear that this obligation is not being met. It is my hope that this resolution will be the first step in building awareness of the current state of Indian education that will allow us to focus on a pragmatic solution.

The importance of Indian education cannot be overstated. It holds the key to solving the most prevalent and devastating problems in Indian country: grinding poverty and the absence of opportunity for Indian youth.

I am drafting legislation to address the unemployment problem on reservations by helping tribes create jobs and attract businesses. But in addition to a lack of capital and an abundance of regulatory obstacles, tribes face the challenge of filling jobs with trained people. Education and job creation must go hand-in-hand if tribes are to improve the standard of living for their members. Only through education will Indian tribes be able to solve problems such as unemployment, economic development, and achieving higher standards of living.

At a recent Indian Affairs Committee hearing, a member of the Office of Juvenile Justice stated in his testimony that ''while violent crime is falling in American cities, it is rising on American Indian reservations.'' Additionally, a report released by the Federal Law Enforcement Training Center reveals that over the past 5 years gang related crimes, in the form of drive-by-shootings and homicides, have increased by more than 500 percent in some Indian communities. Mr. President, it must be understood that many of the problems facing Indian youth today center on the erosion of their culture. Too often, Indian children lack pride in who they are, where they live, and where they come from. This lack of self-esteem has caused consequences that ripple through the lives of Indian youth such as high drop-out rates and a growing juvenile delinquency and gang problem. As we resolve to better the quality of education for Indian children, we must strive to do so while acknowledging the importance of promoting Indian culture.

Mr. President, as the 105th Congress proceeds, I urge my colleagues to join in supporting this resolution.●

BENNETT AMENDMENT TO STATE DEPARTMENT AUTHORIZATION BILL

● Mr. KYL. Mr. President, I rise in support of the amendment offered by Senator BENNETT, which urges the administration to enforce the Gore-McCain Iran-Iraq Nonproliferation Act of 1992.

There is wide agreement among leaders in the Congress and the administration that the proliferation of weapons of mass destruction [WMD] and advanced conventional weapons is one of the key national security threats facing the United States today. In fact, in 1994, President Clinton issued Executive Order 12938 declaring that the proliferation of weapons of mass destruction and the means of delivering them constitutes ''an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States,'' and that he had therefore decided to ''declare a national emergency to deal with that threat.'' The President reaffirmed this Executive order in 1995 and 1996.

But despite declaring a national emergency, the administration has been unwilling to take actions which would reduce the threat we face, such as enforcement of the nonproliferation laws passed by the Congress and signed by the President. For example, the administration has refused to invoke sanctions on China for the transfer of advanced C–802 antiship cruise missiles to Iran as required by the Gore-McCain Nonproliferation Act of 1992. This act requires the United States to impose sanctions on any entity that transfers ''goods or technology so as to contribute knowingly and materially to the efforts by Iran or Iraq (or any agency or instrumentality of either such country) to acquire chemical, biological or nuclear weapons or to acquire destabilizing numbers and types of advanced conventional weapons.''

The administration's failure to invoke sanctions as required by law is particularly disappointing in light of the statement then-Senator AL GORE made on the Senate floor on October 17, 1991, about the need for strong actions to combat proliferation. Mr. GORE urged governments around the world to make sales of sensitive technologies ''high crimes under each country's legal system; to devote the resources necessary to find those who have violated those laws or who are conspiring to violate them, and to punish the violators so heavily as to guarantee the personal ruin of those who are responsible, and to easily threaten the destruction of any enterprise so engaged.''

In 1996, China sold C–802 antiship cruise missiles and fast-attack patrol boats to Tehran. The C–802 has a range of 120 km with a 165 kg warhead and is especially lethal due to its ''over-the-horizon'' capability. In an interview last year, Vice Adm. Scott Redd, commander of the U.S. Fifth Fleet expressed concern that the C–802 gave the Iranian military increased firepower and represented a new dimension to the threat faced by the U.S. Navy in the Persian Gulf.

On April 10, 1997, former U.S. Ambassador to China, James Lilley, testified to the Senate that Iran planned to increase the survivability and mobility of its force of C–802's, by mounting some of the missiles on trucks, which could use numerous caves along the gulf coast for concealment. And just this morning, Secretary of Defense Cohen announced that Iran had successfully tested an air-launched version of the missile earlier this month.

Yet despite these facts, the administration has narrowly interpreted its legal obligations and has not invoked sanctions on China for the sale of these missiles to Iran. The administration concedes that the missiles are advanced, but claims the sale was not destabilizing, thereby dodging the requirement to impose sanctions.

As we saw in 1987, when 37 sailors died from the impact of one missile on the U.S.S. *Stark*, cruise missiles like the C–802 pose a dangerous threat to U.S. forces and our allies in the gulf. The presence of the U.S. Navy in and around the Persian Gulf is critical to the fragile equilibrium of that region. Iran's possession of C–802 cruise missiles threatens this equilibrium and is clearly destabilizing. As Secretary Cohen said this morning, ''Iran's word and action suggests that it wants to be able to intimidate neighbors and interrupt commerce in the Gulf.''

Mr. President, the time has come for us to back up our words about the terrible threat we face from weapons of mass destruction and advanced conventional arms with actions. Actions that will reduce the threat we face by punishing those countries that supply these dangerous weapons to irresponsible regimes like the one in Iran. We should begin by enforcing the nonproliferation laws currently in place. The amendment sponsored by Senator BENNETT is a meaningful step in the

right direction. I urge my colleagues to support its passage.●

ORDERS FOR JUNE 19, 1997

Mr. GRASSLEY. Mr. President, on behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Thursday, June 19. I further ask consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then be in a period of morning business until 1 p.m., with Senators permitted to speak therein for up to 5 minutes, with the following exceptions: Senator KENNEDY for 15 minutes, Senator TORRICELLI for 20 minutes, Senator COLLINS for 10 minutes.

Mr. BYRD. Reserving the right to object, would the Senator allow me a couple of minutes so that I can check with another Senator? I may want to make a unanimous-consent request on another matter.

Mr. GRASSLEY. Mr. President, I will yield for the purpose of the Senator from West Virginia to propound a unanimous-consent request, and then I will resume following that.

STAR PRINT—S. RES. 98

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, on June 12, Senator HAGEL and I and other Senators introduced Senate Resolution 98, expressing the sense of the Senate regarding the conditions of the United States becoming a signatory to any international agreement on greenhouse gas emissions under the U.N. convention. On that same day, in addition to Senator HAGEL and myself, 44 Senators cosponsored that resolution, making the total 46.

Since that time, 14 additional Senators have indicated an interest in being cosponsors. So I will read their names shortly. But in addition to requesting a star print of Senate Resolution 98, I indicate for the RECORD a substantive change in the resolution. It is required that there be a substantive change in order for there to be a star print. I want a star print to show the additional 14 Senators' names. The additional names are: Senator AKAKA, Senator COATS, Senator COCHRAN, Senator DOMENICI, Senator GRAMM, Senator GRAMS, Senator LOTT, Senator MOSELEY-BRAUN, Senator ROBB, Senator ROCKEFELLER, Senator SESSIONS, Senator SMITH of New Hampshire, Senator SPECTER, and Senator STEVENS.

Now, Mr. President, the substantive change would be in the form of an additional ''whereas'' clause. I will read it:

Whereas, it is desirable that a bipartisan group of Senators be appointed by the majority and minority leaders of the Senate for the purpose of monitoring the status of negotiations on global climate change and reporting periodically to the Senate on those negotiations: Now, therefore, be it''.

That is the new ''whereas'' clause, and those are the words that would constitute the substantive change.

Therefore, I will ask unanimous consent that there be a star print of Senate Resolution 98 which will indicate the additional 14 Senators' names and the additional whereas clause.

May I say, parenthetically, that I think it would be good for the administration to know that there is an independent group of Senators who have status, who have been authorized by the U.S. Senate to monitor the developments and negotiations on global climate change, and who will be authorized to report periodically back to the Senate concerning those developments. That is the purpose of the additional clause, and I, therefore, make that request.

Mr. CRAIG. Mr. President, reserving the right to object—and I will not object—let me again thank the Senator from West Virginia for his leadership in this area and the refinement of this Senate resolution, what he is doing. What now 61 Senators are saying is that this is a very, very important issue for this country, and to the world. And the Senate wants to be active players and observers in the development of this potential treaty because ultimately it gets here to the floor of the United States Senate for us to make that decision.

Senator BYRD has offered us tremendous leadership in this area. I thank him. Mr. President, I, too, know that you have become our leader on this issue, and I appreciate that. Thank you.

Mr. BYRD. Mr. President, if the Chair will momentarily indulge me, may I say that the Presiding Officer of the Senate, Mr. HAGEL, will be conducting the hearings on tomorrow by this subcommittee which he chairs, the subcommittee of the Foreign Relations Committee on this very subject.

I urge Senators to follow the conduct of these hearings. It is my understanding, in talking with Senator HAGEL that there will be subsequent hearings tomorrow. These will be important hearings, and there will be witnesses appearing who will have testimony that I think will be worthwhile to the Senate as it proceeds on the course of following the negotiations, having a voice in them, and, as it were, leaning over the shoulders of the administration as the negotiations take place.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I thank the distinguished Senator from Iowa.

Mr. GRASSLEY. Mr. President, I am a cosponsor of the resolution that the distinguished Senator from West Virginia just spoke of. I applaud him. I associate myself with the kind remarks that the Senator from Idaho made because it is a very forceful tool, and is a very badly needed tool to make sure that our Constitution and our economy is protected.

Mr. FORD. Mr. President, if the Senator from Iowa will yield without losing the right to the floor, let me also join him and the Senator from Idaho, and compliment the distinguished Chair, and my friend from West Virginia, on what is attempted here.

I just watched the statement today that, if this Tokyo plan goes through, all of our energy generating facilities just go right across the border to Mexico. They are excluded. So all our jobs will go down there. All our electricity will come from there because they are excluded and to the detriment of our people.

So I couldn't compliment the Senator from West Virginia more. He has been diligent in this, and I compliment him. And I just hope I can follow his lead. So whatever he needs from me, let me know.

I yield the floor.

Mr. BYRD. Mr. President, I thank both Senators.

The PRESIDING OFFICER. If there is no objection, the previous unanimous-consent request is agreed to.

DRUG FREE COMMUNITIES ACT OF 1997

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 65, H.R. 956.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 956) to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

● Mr. DASCHLE. Mr. President, today the Senate is giving final approval to the Drug-Free Communities Act of 1997. This bill will help protect our children from the deadly danger of drugs. By approving this bill, we are putting more resources in the hands of those who are making a difference in the fight against drugs: parents, teachers, coaches, and civic and religious leaders.

At the same time, though, the bill is fiscally responsible. In this time of tight fiscal constraints, we have created a bill that does not increase the Federal deficit by a single penny. The legislation simply redirects existing Federal funds from less productive areas of the drug control budget to community-based anti-drug coalitions with proven track records in the fight against drugs. What's more, the bill requires a financial commitment from communities that seek funds. The requirement of matching grants will force the communities to demonstrate an even greater commitment to fighting drug abuse before receiving Federal funds.

The Drug-Free Communities Act has attracted the support of more than 150 State and local law enforcement groups, churches, and other organizations. On the national level, it has been endorsed by groups as diverse as Mothers Against Drunk Drivers and William Bennett's Empower America. In my own State, the South Dakota Department of Human Services and Siouxland Cares have also committed their support. As these endorsements suggest, this bill represents a wonderful opportunity to provide meaningful help to community anti-drug coalitions in South Dakota and throughout the country.

I am extremely pleased that my colleagues are supporting this legislation to keep our children away from drugs, and drugs away from our children.●

Mr. DEWINE. Mr. President, I thank the Senator for bringing the Drug Free Communities Act to the floor today. I am proud to be an original cosponsor of this legislation—and I urge all my colleagues to support it today.

We face an epidemic of drug abuse in this country—particularly among children. Substance abuse by young people has more than doubled during the past 5 years, and children are beginning to use drugs at younger ages. This trend has major implications for public health, which include the dangers of long-term addiction and disease. There also are costs to society as a whole in the form of poorer educational achievement, lost productivity, increased health care costs, and higher levels of crime. The most important cost, however, is the tragic loss of the potential and aspirations of many of our young people.

During America's long fight against substance abuse, community-based coalitions have offered a way to turn this situation around. These coalitions have consistently shown that grassroots efforts to educate young people about the dangers of drug abuse do work. It is clear that a Federal drug abuse strategy must complement and enhance community actions wherever possible.

Recognizing the success of community-based programs, the Drug Free Communities Act will enhance programs that work by providing matching grants to community coalitions with proven track records. This is a sensible approach, because it builds on the hard-won, practical experience of people who have been in the forefront of the fight against substance abuse.

America's children are our most important resource, and substance abuse places them at great risk. The Drug Free Communities Act will enhance the ability of communities across the country to protect the health of their young people. This proposal has great potential for success and deserves our wholehearted support.

Mr. SHELBY. Mr. President, I rise today to express support for the Drug-Free Communities Act and I would like to commend its sponsors, Senators GRASSLEY, DASCHLE, DEWINE, and D'AMATO for their efforts in developing this important legislation.

Unfortunately, a recent poll conducted by the Partnership for a Drug-Free America indicated that younger and younger children are using drugs. This poll is only the latest evidence of a very disturbing trend of increasing drug use by young people. It is important that we act to stop drug use and to prevent the devastation that drug use will have on America's young people.

The Drug-Free Communities Act is an important step in this effort. This legislation provides local community groups, who have proven track records addressing teen drug use, with the funding they need to really combat drug usage. The Drug-Usage Communities Act creates an advisory commission, consisting of local community leaders, who will oversee the program and make sure that funds are directed to those groups that are successful in fighting drug use by America's children. The act provides funding only to those groups that can match the Federal dollars with non-Federal funds, ensuring that viable community groups will participate in the program and sustain anti-drug efforts as the fight continues. Lastly, the Drug-Free Communities Act requires no new funding. Funds will come from the $16 billion Federal drug control budget.

This legislation is extremely important to the war on drugs. With the latest news that our efforts are flagging, that children are giving in to the temptation of drugs, we must fight back. The drug dealers are not waiting to approach our children, they never hesitate to make a sale. We cannot delay in fighting for them. We must reinvigorate the effort to protect our children. We must pass the Drug-Free Communities Act.

Mr. FEINGOLD. Mr. President, I'm pleased that the Senate is turning its attention today to the Drug Free Communities Act. As a cosponsor of this legislation, I want to thank Senator GRASSLEY for his leadership in developing the bill and the chairman for agreeing to move it through the committee expeditiously. This is an important bill for children and communities, and it deserves to be passed quickly and signed into law.

The Drug Free Communities Act will provide needed support to local partnerships, which play an important role in helping children and teens to resist drugs. My State of Wisconsin currently has 132 such community-based partnerships—groups of parents, teachers, community and religious leaders, youth advocates, and others who come together to teach leadership skills and provide kids with alternative activities and opportunities.

In Marshfield, WI, for instance, the Wood County Partnership Council has focused on activities to reduce drunk driving by teens. Programs sponsored by the council have included regional teen institutes, parent to parent workshops, and general prevention training of community members.

In Milwaukee, Neighborhood Partners has developed grassroots neighborhood organizations which focus on preventing substance abuse and drug-related crime. These organizations have helped to establish neighborhood watch programs, after school tutorial programs, and block patrols. Two years after founding this partnership, the personal property crime rate in the targeted area fell by 16 percent, as compared with a Milwaukee-wide decrease of 12 percent.

These are the sorts of programs that might apply for funding under the Drug Free Communities Act, in order to help support parents and other community volunteers reach more youths with their important messages.

No new funds will be appropriated under H.R. 956. Instead, funding for qualifying local partnerships will be diverted from the existing $16 billion drug control budget. In order to ensure that the coalitions receiving these Federal dollars are sustainable, grants will be made available only to broad-based, local partnerships that have been active for at least 6 months, and are able to match their Federal awards dollar for dollar, with either cash or in-kind contributions.

Supporting locally-based prevention initiatives is a critical piece of a comprehensive drug control strategy. The Judiciary Committee, on which I sit, spends a good deal of time addressing issues of crime that stem from youth and adult drug use. I'm pleased that today the Senate is focusing, in a bipartisan way, on preventing the root cause of so much crime, by supporting parents and localities in their efforts to prevent youth drug use.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be considered read a third time and 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.

Mr. FORD. Mr. President, reserving the right to object—and I will not object—there is no objection on this side. I would like to note that the distinguished Democratic leader, Senator DASCHLE, who is unable to be here this evening, is a cosponsor of this legislation and endorses it highly.

I have no objection.

Mr. GRASSLEY. Mr. President, I might go beyond that and say this has very, very broad bipartisan support.

The PRESIDING OFFICER. Without objection, so ordered.

The bill (H.R. 956) was passed.

Mr. GRASSLEY. Mr. President, I am pleased that the Senate has passed H.R. 956, the Drug Free Communities Act of 1997, today. Earlier this month, this same bill was approved by a vote of 420 to 1 in the other body. As you know, I, along with 18 of my colleagues, introduced a companion version of this legislation in the Senate

earlier this year. By the close of business today, this legislation has garnered a total of 29 cosponsors.

Mr. President, this is an outstanding show of support for this important piece of legislation. When each of us return home over recess, we meet with the people that we represent. We listen to their problems, and we listen to their solutions. And when we talk about drugs, and talk about what can be done to keep our kids from using drugs, it always comes back to the community. What matters most is what parents, schools, churches, law enforcement, community groups, and businesses do, working together, to keep our kids drug free.

This legislation will support these efforts. It will allow communities with established coalitions, coalitions that have a proven track record, to receive matching funds to support their efforts. It will provide additional resources in the hands of those who make a difference; people that our children respect and listen to: parents. Placing resources at the community level allows parents, teachers, community, and religious leaders to use these funds to make a difference in the lives of our children, our future.

I want to thank my colleagues and co-sponsors on both sides of the aisle. I particularly want to thank Senator DASCHLE, Senator DEWINE, Senator BIDEN, and Senator HATCH and many others for their support and efforts in moving this legislation.

PROGRAM

Mr. GRASSLEY. Mr. President, on behalf of the majority leader, for the information of all Senators, for tomorrow's business it is the leader's hope that the Senate will be able to begin consideration of the very important Department of Defense authorization bill. Also, the leader is hopeful that the Senate will be able to consider the intelligence authorization bill. Therefore, votes can be expected to occur during the session of the Senate on Thursday.

I would remind all Members that there is a lot of work to be done before the Senate adjourns for the July 4th recess. Therefore, the leader would appreciate all Senators' cooperation in order to complete the business of the Senate in a responsible fashion.

ORDER FOR ADJOURNMENT

Mr. GRASSLEY. On behalf of the leader, I ask unanimous consent, if there is no further business to come before the Senate, that the Senate stand in adjournment under the previous order, following the remarks of the Senator from Iowa.

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

DOD's PROBLEM DISBURSEMENTS

Mr. GRASSLEY. Mr. President, I would like to talk about the Department of Defense's [DOD] problem disbursements.

I have spoken on the subject many times in the past.

I would like to speak on it again today because the Pentagon's Chief Financial Officer, or CFO, Mr. John Hamre, claims he's whipping the problem.

His claims do not seem to stand up to scrutiny.

The GAO has issued a new report on DOD's problem disbursements. It is entitled ''Improved Reporting Needed For DOD Problem Disbursements.''

This report rips Mr. Hamre's claims to shreds.

In May 1996, Mr. Hamre claimed he had an $18 billion problem. Now, it's $8 billion and falling.

The GAO says Mr. Hamre is understating the problem by at least $25 billion.

Mr. Hamre is blowing smoke to hide the problem.

He is falling back on the oldest trick in the bureaucrat's book: Redefine the problem to make it appear smaller.

He did it by administrative decree in December 1996.

His decree arbitrarily excludes huge chunks of problem disbursements from official reports to Congress.

He just waved his magic wand and shrunk the universe.

It is not smaller because he cleaned up the books or reconciled delinquent accounts.

He did not do any oldtime bookkeeping to get the job done.

In fact, he did not get the job done. He just wants us to think the did.

Mr. President, to understand what Mr. Hamre is up to, we need to understand problem disbursements. What are they, and why are they a problem?

The GAO says there are three types of problem disbursements: in-transit disbursements, unmatched disbursement, negative unliquidated obligations or NULO's.

An in-transit disbursement is one that is floating in limbo.

The check was written and the bill was paid. But the payment has not been posted to an account.

If Mr. Hamre were on the ball, there would be no in-transits. Transactions should be recorded as they occur. That's basic accounting 101 stuff.

That's how businesses operate.

The Pentagon's accounting guru—Mr. Keevey—says that's the right way to do it. I quote Mr. Keevey:

> Under a good finance and accounting network, you would never make a payment until you check it against the underlying obligation and the underlying records.

If DOD practiced what Mr. Keevey preaches, there would be no problem disbursements. Period.

Congress has been telling DOD to do exactly the same thing every year for the last 3 years.

Section 8106 of last year's appropriations bill says:

> Match disbursements with obligations before making payments.

But the bureaucrats complain: ''No can do. It's just too hard.''

They think it's normal for disbursements to float in limbo for up to 120 days or even longer. For them, a disbursement floating in outer space for 4 months is OK.

It's not a problem disbursement under Mr. Hamre's exclusion policy.

Here's a prime example of how well Mr. Hamre's policy works.

The GAO discovered, for example, that DOD excludes certain ''recurring and routine'' transactions.

Mr. President, you should see what the GAO found in the Pentagon's ''recurring and routine'' basket?

The GAO discovered $4.5 billion of payroll disbursements from automated teller machines or ATM's that were once located on Navy ships.

They just weren't very fresh.

They were so old that their points of origin had disappeared off the face of the Earth. The ships that carried the ATM's have been decommissioned.

Time passed them by.

Most of these ATM transactions were at least 2 years old but some dated back to January 1988, or 9 years ago.

To the average citizen, a check that is not recorded in a checkbook register for 9 years just might be a problem.

But not to Mr. Hamre.

He says it's ''normal and routine'' for a disbursement to float around in outer space for 9 years. ''It's OK. It doesn't count. Not to worry.''

Unmatched disbursements are more troublesome than in-transits.

When in-transits finally reach the accountant's desk, the accountant tries to match the disbursement with its corresponding obligation.

An obligation is like a contractual commitment of money.

When a corresponding obligation cannot be identified, you have a problem—an unmatched disbursement.

In some cases, the hookup is made. Sometimes it takes months or even years. And sometimes, the match is never made.

That's an unmatchable disbursement.

That happens when supporting documentation has disappeared.

When you have a check and no supporting documentation, you have a hot potato.

That's a problem, Mr. President. It's a big problem for anyone responsible for controlling public money.

CFO Hamre found a quick and easy cure for this ugly wart. He just lopped it off.

In 1995, he literally wrote off billions of dollars in unmatchable disbursements.

He just wiped them clean off the books. Problem solved.

When Mr. Hamre did this, I came to the floor and criticized him for doing it. I thought it set a terrible precedent.

Maybe Mr. Hamre had no choice, but when you write off billions of dollars of disbursements, some heads should roll. And it should never happen again.

Sadly, no one was held accountable.

The third category of problem disbursements are NULO's.

With a NULO, you get a quick match, but there is not enough money in the account to cover the check. It is overdrawn.

That could be a violation of the Anti-Deficiency Act, and that's a felony.

There is a fourth category of problem disburements that DOD doesn't report. I did not mention it up front because it is not official. It was invented by the Senator from Iowa.

I call it mismatched disbursements.

I have spoken about Mr. Hamre's illegal progress payment policy several times this year.

Under the Hamre policy, checks are deliberately charged to the wrong accounts. That creates a mismatch.

It is a mismatched disbursement.

A mismatched disbursement is the flip side of an unmatched disbursement. It is a problem disbursement, for sure.

Mr. Hamre's progress payment scheme is producing a whole new category of problem disbursements.

And he doesn't even know it.

DOD makes over $20 billion a year in progress payments.

If most are mismatched—as I suspect—then DOD's problem disbursements exceed the $45 billion figure cited by the GAO.

If this were a $1 million problem, I might not worry so much.

Unfortunately, billions of dollars of public money could be at risk. We just don't know—until DOD gets a good match.

When you have billions of dollars in checks with no documentation and you're writing them off right and left, your accounts are vulerable to theft.

As CFO, Mr. Hamre is accountable for this mess.

Mr. President, Mr. Hamre has been selected by Secretary Cohen to fill the No. 2 spot at the Pentagon.

He would become the Deputy Secretary of Defense. That's a big job.

I am opposed to this nomination.

I will have much more to say about Mr. Hamre in the weeks ahead.

Mr. President, I want to be sure my colleagues understand where I am coming from.

CHIEF JUDGE KAZEN, U.S. DISTRICT COURT

Mr. GRASSLEY. Mr. President, I would like to briefly address an issue I talked about already on June 5. I want to clarify the record regarding an inaccurate Washington Post front-page story on Chief U.S. District Judge George P. Kazen of the southern district of Texas.

To refresh your memory, the Post reported on May 15 of this year that Judge Kazen had stated he was overworked, couldn't manage his caseload and needed more judges. The article then more than implied there was a backlog in his district and there was a crisis across the Nation which was created by the Judiciary Committee playing politics at the cost of justice.

I had hoped we were done talking about that example of inaccurate and misleading reporting, but judging by a remark made Monday here on the floor, I must reiterate what I already said on June 5: there is no backlog in the southern district of Texas, the article III judges of that district, and of most districts of the country, for that matter, assure me that they can handle their caseloads just fine.

I noticed my colleague Senator LEAHY used this article Monday to once again complain about the pace of confirmations. Unfortunately, he has also become a victim of that misguided article.

As chairman of the Judiciary Subcommittee on Administrative Oversight and the Courts, I felt compelled to come before my colleagues and set the record straight on the southern district of Texas. Therefore, on June 5, I gave you the applicable statistics for the district and I gave you the responses my 1996 survey produced for that district. As you might recall, in an effort to keep the lines of communication open between this Congress and the judicial branch, I sent a comprehensive survey to all article III judges last year. Some of the questions in the survey addressed precisely this issue of a backlog. I said on June 5 and I'll repeat it today, both my survey and my communications with our Federal judges clearly show that there is no backlog and that a vast majority of the judges in the southern district of Texas, one of the largest and busiest in the Nation, can more than aptly manage their caseload. By the way, the same holds true for the Nation in general.

When I spoke to you on June 5, I wondered how come Judge Kazen would turn to the Washington Post and create such a different impression from what my research, my figures, and, most importantly, my communications with our Federal judges indicated. Well, it turns out that Judge Kazen was as surprised by the article as I was. You see, I just received a letter from Judge Kazen on June 6 and it has now become clear that Judge Kazen is as much a victim of inaccurate reporting as everyone who ended up reading that article is. According to Judge Kazen, he only talked to the reporter regarding his district's contemplation to move the home seat of a judicial vacancy from Houston to either Laredo or McAllen.

Incidently, the vacancy Judge Kazen was talking about has been around since 1990. It therefore appears that my Democratic colleagues, who are so quick to cry ''politics'' when the Judiciary Committee dares to scrutinize a Clinton nominee, had ample opportunity to fill that seat and for one reason or another they chose not to do so.

Judge Kazen insists in his letter that while the article ultimately quoted him as speaking about judicial vacancies, the conversation he had with the reporter was solely on the proposed move of the future judge's home seat. Judge Kazen further states that the article's focus on filling vacancies was never the focus of his conversation with the Post reporter. If mentioned at all, it was nothing more than a passing reference. Judge Kazen, in his letter to me, is adamant that he never described ''any caseload as being unmanageable.''

Therefore, not Judge Kazen, but the Washington Post used this one example to complain of backlog and unmanageable caseloads. Mr. President, the vast majority of the judges who have responded to my survey, who have written me letters, who have called my offices, or who have come before the Judiciary Committee or my subcommittee are not backlogged and are quite able to manage their caseloads. Judge Kazen's letter to me underscores that fact, and I ask unanimous consent that the letter be printed in the RECORD.

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

U.S. DISTRICT COURT,
SOUTHERN DISTRICT OF TEXAS,
June 6, 1997.

HON. CHARLES E. GRASSLEY,
Chairman, Subcommittee on Administrative Oversight and the Courts,
Senate Hart Building, Washington, DC.

DEAR SENATOR GRASSLEY: Your letter of May 30, 1997, prompts me to seek clarification of what issues you believe that I raised in the Washington Post article of May 15. That article was the result of a telephone call in April from a Texas reporter working for the Post. She inquired about a letter I had written in February to the Democratic members of Congress from southern Texas. The letter had apparently been released to the media by one or more of the recipients, as it had already been the subject of press reports in Texas.

The purpose of my letter was to advise the Representatives that our Court was contemplating a request to the Judicial Council of the Fifth Circuit that the home seat of the judge who would eventually succeed former Chief Judge Norman Black be moved from Houston to either Laredo or McAllen. The possibility of such a move had been discussed off and on during 1996, but no action had been taken. We knew that this position would not be filled immediately, and we could have deferred action until later. However, we learned in February that the Representatives were meeting soon to recommend a nominee to the White House. They were doing so under the natural assumption that the person would sit in Houston. We decided that basic fairness required us to at least alert the Representatives to our plan.

The letter advised that the Court would ''probably'' request the move and that our final decision would be made at a meeting of the full Court in May. The letter stated in general terms why we were taking this step. This included the fact that the four ''border'' divisions of our Court have long borne the burden of one of the heaviest criminal dockets in this country. We advised that scores of new Border Patrol agents are scheduled for assignment to Laredo and the Rio Grande Valley this year, along with projected increases of other law enforcement agents. We concluded that many more agents inevitably will lead to more arrests and more prosecutions in our southern divisions. At least, this

should be the result if the agents do what they are hired to do.

The letter also advised that, for the first time in over twenty years, the chief judgeship of the Court had moved outside Houston. Under our seniority system, it will remain outside Houston for at least the next twenty years. The chief judge has typically been required to take a reduced docket to attend to the administration of this vast district, which consists of seven divisions spread over some 44,000 square miles.

The *Post* reporter had called to ask about the status of this matter. I told her that our plan was still on course. I never described any caseload as being ''unmanageable.'' In response to her questions about the reason for our decision, however, I did try to explain the special pressures caused by an unrelenting criminal docket and why our judges felt the move was appropriate.

I realize that the *Post* article ultimately focused on filling vacancies, but that was not the focus of our conversation. If that topic was mentioned at all, which I cannot recall, it would have been a passing reference to the fact that we have a very old vacancy which we hope can be filled this year. The portions of the article actually quoting me are addressed to the issue of why our Court is seeking to move a judgeship away from Houston. It is our belief that this move is an internal judicial issue, governed by 28 U.S.C. §134(c). If I am mistaken in this regard, or if your subcommittee has concerns about it, I will try to assemble whatever data might be relevant, although this proposal is based to some extent on our best estimate as to the situation as we expect it to be whenever that new judge would be confirmed.

It does not surprise me that some of my colleagues reported to you that their dockets were manageable. It is precisely for this reason that the Houston judges have supported me in the effort described above. Their support is based on certain assumptions. First, we are assuming that Senior Judge Norman Black will be able and willing to carry at least a fifty percent caseload in Houston for the next several years. From June 1992 until December 1996, we had only one senior judge. That was Judge Hugh Gibson, who was helping with Judge Sam Kent's unusually large civil docket in Galveston. Judge Gibson became seriously ill last year and is only now beginning to attempt a comeback. Second, Judge John Rainey has currently been working in three divisions—Houston, Laredo and Victoria. Whenever the new judge arrives, Judge Rainey would drop Laredo and take a larger portion of the Houston docket. We think this is a positive step. Travelling between two divisions is not efficient; travelling among three divisions is grossly inefficient, especially when those three divisions stretch over 300 miles. Third, we are hoping that the Houston filings will not drastically increase during the next several years. If any of these assumptions prove untrue, we may well have to go back to the proverbial drawing board.

I am attaching a newspaper report that a ''record-setting number of U.S. Border Patrol recruits'' are currently undergoing basic training, to be assigned along the Mexican border. Forty-two of these persons are scheduled for the Laredo Sector and 133 for the McAllen Sector. We understand that increases in other law enforcement agencies, together with United States Attorneys, are also planned.

In 1996, the criminal filings in the four ''border'' divisions (Laredo, McAllen, Brownsville, Corpus Christi) were 1239, compared with 1069 in 1995, a 16% increase. As of May 31, the 1997 criminal filings in these divisions are 206 in Brownsville, 130 in Corpus Christi, 175 in Laredo, and 158 in McAllen. These are the results of five months of grand jury work. Projecting those figures over 12 months would yield filings of 494, 312, 420 and 379 respectively. This would make a total of 1605, a 29% increase over 1996. These projections do not consider that, as far as I know, few if any of the new law enforcement agents are actually in place yet. Also, these statistics refer to cases, not defendants. Many of these criminal cases, especially narcotics cases, involve multiple defendants. For example, the 1239 cases filed in the four divisions in 1996 involved 1884 defendants. I am currently processing a single case with 22 defendants. These projections also do not consider any civil filings.

The step our court is proposing is, in my opinion, sound management and would increase organizational efficiency. I would hope that you would applaud our effort to place our resources where the demand is, since I believe that you have previously encouraged the Judiciary to consider precisely this type of move.

Despite the fact that I was not discussing the issue of vacancies with the Post reporter, I do not wish to imply that I am disinterested in that issue. Chief Justice Rehnquist and many others more eloquent and prominent than I have spoken often on the subject. In addition to the new vacancy created by Judge Black, we have a vacancy that has existed since 1990. The nominee currently before the Senate is the third person either nominated or recommended for this position, going back to President Bush. The current candidate was first nominated in late 1995, if I am not mistaken. She was renominated earlier this year. This person is scheduled to sit in Brownsville. As you can see, we are conservatively projecting almost 500 criminal filings in that division this year, apart from any civil filings. The new judge and the incumbent, Filemon Vela, were also due to help Judge Ricardo Hinojosa, who sits alone in McAllen. As far as I know, no one has ever advised our Court that there was any doubt about the need for this position. In fact, based on our statistics, the Judicial Conference of the United States recently recommended that still another judge be added to our Court. The 1996 Biennial Judgeship Survey supporting this request is attached. I am also attaching our latest Magistrate Judge Survey, dated December 1994, prepared by the Administrative Office of the United States Courts, and the 1996 statistics showing the significant amount of work done by our magistrate judges.

Ours is a hard-working, very productive Court, which closed almost 13,000 cases last year, in addition to almost 4500 petty criminal cases closed by our magistrate judges. We realize that we will not get Judge Black's successor, much less a new position, anytime soon. However, we believe it is critical that at least our 1990 vacancy be filled in the reasonably near future. Judge Vela will be taking senior status within three years, and we must have a judge with some judicial experience in Brownsville before the vacancy cycle begins anew.

I hope this letter is helpful. I would be happy to discuss this situation with you at your convenience.

Sincerely yours,

GEORGE P. KAZEN.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER (Ms. COLLINS). Under the previous order, the Senate stands adjourned until 10 a.m., Thursday, June 19, 1997.

Thereupon, the Senate, at 6:24 p.m., adjourned until Thursday, June 19, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate June 18, 1997:

THE JUDICIARY

FRANK M. HULL, OF GEORGIA, TO BE U.S. CIRCUIT JUDGE FOR THE ELEVENTH CIRCUIT, VICE PHYLLIS A. KRAVITCH, RESIGNED.