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Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rev. Lane Davenport, the Church of the Ascension and St. Agnes, Washington, DC.

PRAYER

The guest Chaplain, Rev. Lane Davenport, the Church of the Ascension and St. Agnes, Washington, DC, offered the following prayer:

O God, the fountain of all wisdom and graciousness, whose statutes are good and whose law is truth; we humbly beseech Thee, as for the people of the United States in general, so especially for their Senate; that Thou wouldest be pleased to direct and prosper all their consultations, to the advancement of Thy glory, the peace of the world, the safety, honor, and welfare of Thy people; that all things may be ordered and settled by their endeavors, upon the best and surest foundations, that peace and happiness, truth and courage, mercy and justice, religion and piety, may be established among us for all generations. These and all other necessaries, for them, and for all mankind, we beg in Thy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Idaho.

SCHEDULE

Mr. CRAIG. Mr. President, this morning the leaders' time is reserved and there will be a period for morning business until 10 a.m. with Senators permitted to speak for up to 10 minutes each. At 10 a.m., the Senate will begin consideration of the conference report to accompany H.R. 2002, the Transportation appropriations bill.

The majority leader has announced that there will be no rollcall votes prior to 2:15 today. The Senate will recess from 12:30 to 2:15 for the weekly policy conferences to meet.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. KYL). Under the previous order, there will now be a period for the transaction of morning business.

The Senator from Nevada is recognized.

THE DEATH PENALTY

Mr. REID. Mr. President, almost 2 years ago, Senator BRYAN and I traveled with a mother to Arlington Cemetery. We traveled there because her son, just a month before we went to Arlington, had been gunned down on an interstate near Lovelock, NV. He thought a car was stalled, and as he approached the car to offer his assistance, the driver of the car came from the car and brutally murdered this Nevada highway patrolman. What the police officer, officer Carlos Borland, did not know was that the man driving the car was an escaped convict from North Carolina.

It was one of the saddest occasions in which I have ever participated. It was a cold winter day. The entire attendance at the funeral was Senator BRYAN, Senator REID, and the mother of this young man, her only child. She was very proud of him. He was an exemplary student in high school. He had had a great record in the military and chose as his life's profession that of a police officer. She was devastated.

Mr. President, the story does not end there, however, at least for his mother. A week ago, in a Reno newspaper, the Reno Gazette-Journal, wrote an article on the status of various death row cases. Officer Borland's mother is quoted in this news article as saying, ''My son gave his life for his State and his country. Give (Sonner)''—the man who killed her son—''the death penalty and he lives for 40 or 50 years. That's not a death penalty. They lie to us.''

''We have a death penalty and it's being thwarted by murderers,'' the article goes on to say.

Mr. President, the reason I mention this is because Nevada has the highest per capita death row population in the entire Nation, more than double that of Texas. The State of Texas has recently executed its 100th inmate since 1977.

It does not matter whether you are for or against the death penalty. The fact is we are a country of laws and the laws should be carried out, and it is wrong what is happening throughout this Nation and in Nevada. People get the death penalty, and as the mother of this executed highway patrolman says, ''My son gave his life for his State and his country. Give (Sonner)''—this is the murderer—''the death penalty and he lives for 40 or 50 years. That's not a death penalty. They lie to us.'' She goes on to say he will probably live longer than she will. Why is this going on?

Let me give you the death sentence appeal process in Nevada, and it is similar in a lot of different places. First, automatic first appeal before the Nevada Supreme Court. If it is denied, you have a petition for a rehearing before the Nevada Supreme Court. If that is denied, you have a petition before the U.S. Supreme Court. If that is denied, you have a postconviction relief petition in the trial court, and if that is denied you appeal again before the Nevada Supreme Court. If that is denied, you petition for rehearing before the Nevada Supreme Court. If that is denied, you go to the Supreme Court.

This is the second time. If that is denied, you petition before a Federal court. If that is denied, then you petition for a rehearing in the same court. And if that is denied, you go to the ninth circuit, or whatever other circuit if it is not in Nevada. If that is denied, you have a petition for a rehearing. If that is denied, you go to the U.S. Supreme Court. If that is denied, then you go back to the Federal Court and take each step over and over again.

This is simply not right. As everyone is aware, this body passed comprehensive habeas reform earlier this year as part of the Antiterrorism Act. We must see to this legislation being signed into law.

It is time to put an end to the endless appeals. Why do I say that? Take the small State of Nevada. In Nevada, a man by the name of McKegue, in August 1979, killed William and Irene Henry during a robbery. He entered prison in August 1971. He was sentenced to die. He is still there. Edward T. Wilson stabbed to death a Reno police officer, Jimmy Hoff. On June 25, 1979, he was committed to be executed. He is still alive. Robert Ybarra, in 1979, murdered a girl outside Ely, NV. He is still alive even though he has been sentenced to death. Ronnie Milligan, he murdered a 77-year-old woman on July 4, 1980. He is still alive even though he has been sentenced to death. Mark Rogers murdered two women and a man outside of a mining camp near Lovelock, NV. He is still alive even though he has been sentenced to death.

Mr. President, I ask unanimous consent that this entire article be made a part of the RECORD so that we can spread on the RECORD of this Congress what is taking place in Nevada and is taking place in almost every State in the Union where there is a death penalty, which is far the majority, and as this newspaper article indicates that people are laughing at the law because it is farcical.

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

[From the Reno-Gazette-Journal, Oct. 21, 1995]

TRIMMING TIME ON DEATH ROW

(By Bill O'Driscoll)

It's been a year since the parents of slain Nevada Highway Patrol Trooper Carlos Borland heard a Lovelock jury give his killer, Michael Sonner, the death sentence.

Sonner, who once said he wanted to die, is now appealing. And Maria Borland says she may die of old age before the North Carolina escapee is executed by lethal injection for shooting her son along Interstate 80 in late 1993.

''My son gave his life for his state and his country,'' she said. ''Give (Sonner) the death penalty and he lives for 40, 50 years. That's not a death penalty. They lie to us.''

Her husband says Sonner's execution won't bring back their son, but until it happens, justice won't be complete.

''(Sonner) is in confinement with three meals a day, free dental and medical—somethings that people on the street can only fantasize having,'' Jimmy Borland said.

The Borlands are not alone. The number of inmates on Nevada's Death Row stands at 76, including Duc Cong Huynh and Alvaro Calamboro, both convicted for the January 1994 killings of Peggy Crawford and Keith Christopher at a Reno U-Haul rental.

But just five inmates have been executed since the death penalty was reinstated in 1977, none against his wishes.

A state lawmaker is creating a committee to draft recommendations for Congress and the 1997 Nevada Legislature on how to shorten the distance from conviction to execution.

''We have a death penalty and it's being thwarted by murderers.'' said Sen. Mark James, R-Las Vegas, who hopes to gather 25 to 30 lawmakers, judges and law enforcement officers on the panel.

''I see no reason why we can't get a finality within two years, even with safeguards,'' said Washoe District Attorney Dick Gammick, who will be on the panel. ''There has to be a time when we say, 'That's enough.' ''

Keith Munro of the attorney general's office said the biggest problem is the turnover in attorneys along the way. Each usually tries to return the appeals process to the beginning so as not to inherit the previous lawyer's work.

''Death sentence cases are very complex. Attorneys get tired of them and want to get off. But you can't address that in legislation,'' he said.

The dizzying appeals process is one that always allows an inmate to try again, Munro said, but with each repeated step, the excuse to get there cannot be used anew.

Still, ''You can litigate these cases until they wheel the inmate out of the death chamber,'' he said.

But there are some time-saving measures already in place. James and others applaud the Nevada Supreme Court for its rule several years ago requiring daily transcripts in capital murder trials to keep lawyers abreast of the cases.

James said two bills that are bogged down in Congress would expedite appeals where they clog the most: the federal courts.

On the other end of the table, State Public Defender James J. Jackson admits the process is a long one, but often necessarily so.

''A lot of the reason why cases get hung up in the federal courts are concerned about a lack of effective counsel,'' Jackson said. ''Yeah it could be more expedited, but when you're talking about the ultimate penalty, yeah, it'll take more time.

Nevada has the highest per-capita Death Row population in the nation, more than double that of Texas, which recently executed its 100th inmate since 1977.

But Texas is the exception, due largely to the lack of attorneys for inmates even up to the time of execution, said Michael Pesceta of the Nevada Appellate and Post-Conviction Project, a Las Vegas-based non-profit agency for the defense of Death Row cases.

''In a 'giddyap' state like Texas, it's not uncommon for a lawyer to see a case for the first time three weeks or a month before the scheduled execution,'' Pescetta said. ''Justice is geared to denying cases and getting on with it, It's not pretty. In Nevada, at least there's an attempt to take more care.''

In fact, he said, Nevada is typical of most of the 38 other states where the death penalty is allowed.

But Pescetta senses changing winds in Nevada, saying, ''The political landscape has gotten considerably meaner.''

James denies any political motivation in forming an ad hoc committee to study reforms.

''The people have said they want the death penalty. We have to do something,'' he said.

Jimmy Borland agrees.

''They're technically entitled to two appeals. But we're not playing a baseball game here,'' he said. ''If you're going to have a death penalty, then do it.''

DEATH SENTENCE APPEAL PROCESS

The many steps on the road to execution in Nevada:

Automatic first appeal before Nevada Supreme Court. If denied:

Petition for rehearing before Nevada Supreme Court. If denied:

Petition before U.S. Supreme Court. If denied:

Petition for post-conviction relief in trial court. If denied:

Appeal before Nevada Supreme Court. If denied:

Petition for rehearing before Nevada Supreme Court. If denied:

Petition before U.S. Supreme Court. If denied, either:

Petition before federal court; if denied, then petition for rehearing in same court; if denied, appeal to 9th Circuit Court of Appeals; if denied, petition for rehearing; if denied, appeal before Supreme Court, if denied, then back to federal court and each step thereafter may be repeated, but at each step inmate must explain why he didn't use excuse before. Or:

Petition for post-conviction relief in trial court; if denied, then appeal to Nevada Supreme Court; if denied, then appeal to U.S. Supreme Court. If denied, back to trial court and each step thereafter may be repeated, but at each step inmate must explain why he didn't use excuse before.

NEVADA'S LONGEST ON DEATH ROW

Kenneth McKegue, 42, of Watsonville, Calif. Sentenced in Washoe County Aug. 2, 1979 for murders of William and Irene Henry during a robbery Dec. 21, 1978. Entered prison Aug. 6, 1979. Age at time of offense: 32.

Edward T. Wilson, 36, of Mountain Home, Idaho. Sentenced in Washoe County Dec. 14, 1979, for stabbing death of Reno Police Officer Jimmy Hoff June 25, 1979. Entered Nevada prison Dec. 19, 1979. Age at time of offense: 20.

Robert Ybarra, Jr., 42, of Sacramento. Sentenced in White Pine County July 23, 1981 for Sept. 29, 1979 murder of a girl outside Ely. Entered prison July 24, 1981. Age at time of offense: 26.

Ronnie Milligan, 45, of Murfreesboro, Tenn. Sentenced in Humboldt County Aug. 31, 1981, for murder of a 77-year-old woman July 4, 1980. Entered prison Aug. 25, 1981. Age at time of offense: 30.

Mark Rogers, 38, of Taft, Calif. Sentenced in Pershing County Dec. 1, 1981, for murder of two women and a man Dec. 1, 1980, in a mining camp outside Lovelock. Entered prison Dec. 3, 1981. Age at time of offense: 23.

Priscilla Ford, 66, of Berren Springs, Mich. Sentenced in Washoe County April 29, 1982, for Thanksgiving Day murder of six people in downtown Reno in 1980 when Ford drove her car down a crowded sidewalk. Entered prison April 30, 1982. Age at time of offense: 51.

Patrick McKenna, 49, of Leadville, Colo. Sentenced Sept. 3, 1982 in Clark County. McKenna murdered his cellmate in the Clark County Jail Jan. 6, 1979. Entered prison Feb. 23. Age at time of offense: 32.

Tracy Petrocelli, 44, of Chicago. Sentenced Sept. 8, 1982 in Washoe County for murder of an automobile salesman. Entered prison Sept. 8, 1982. Age at time of offense: 30.

Roberto Miranda, 52, of Havana, Cuba. Sentenced Sept. 9, 1982, in Clark County for stabbing victim to death during a robbery. Entered prison Sept. 17, 1982. Age at time of offense: 38.

Thomas Nevius, 39, of Plainfield, N.J. Sentenced Nov. 11, 1982 in Clark County for shooting victim during a burglary. Age at time of offense: 24.

Mr. REID. I think it is time we make the law do what it says. What we need

is to make sure that these never-ending appeals are terminated. We need to have a process so the people have their day in court or maybe 2 days in court and that they have the appeal process once and maybe twice but not dozens of times.

The time has come to speak out against this. It is too bad that we have to have the death penalty. I personally support it. If we are to have these laws on the books they ought to be enforced.

Whether or not you agree with the death penalty, you should agree that the law, whatever it is, should be carried out, and in this area it simply is not. If we are going to have a death penalty, we must ensure finality of justice after appeals have been exhausted. I think we should set very strict limits on what appeals should be allowed.

So, Mr. President, I call upon Members of this body, especially the Judiciary Committee, to use whatever authority they have to move legislation along that has been before this body before so that these writs of habeas corpus and other interminable delays be put to rest. We must move forward to end this endless appeal process that simply meets no standard of justice.

I appreciate the gravity of the capital offense, but at some point we have to ask, why, why do we even have these laws if we never carry out the sentence of the court. The current imbalance robs the victims and their families of the justice they deserve. It undermines the public's confidence in the system. I believe it also undercuts the deterrent effect of the death penalty.

Thank you, Mr. President.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

BOSNIAN SERB ATROCITIES

Mrs. HUTCHISON. Mr. President, I rise today to talk about the resolution that was passed, the sense of the Senate, last Friday unanimously by this body, speaking in the strongest terms to President Milosevic, who is, even as we speak, on his way to the United States to begin peace talks. I wanted to talk about it this morning because we did not really have a chance to debate it fully last Friday.

I wanted to pass it last Friday because I wanted the message to be on the record over the weekend about the continuing reports of atrocities, murders, and robberies taking place right now in the former Yugoslavia in the northwest area around Banja Luka. I want to highlight this, Mr. President, because we are hosting three Presidents Wednesday for peace talks, and there are still atrocities being reported in this area. I ask, how can we sit down at a peace table with three warring factions when the war is still going on?

So today I am going to talk about the sense-of-the-Senate resolution that was passed, and I am going to ask President Milosevic when he sets foot in the United States to announce that these atrocities will stop, that neutral people will be able to go in and get an accounting for as many as 2,000 men that have not yet been heard from.

A U.N. report released 2 weeks ago charges that Bosnian Serbs are still conducting a brutal campaign of ethnic expulsion. Despite the cease-fire, Bosnian Serbs have been subjecting non-Serbs to untold horror, murder, rape, robbery, forcing people from their homes, and other atrocities.

According to the Assistant Secretary of State for Human Rights, John Shattuck, since mid-September and intensifying between October 6 and 12, many thousands of civilians in northwest Bosnia were systematically forced from their homes by paramilitary units, sometimes abetted by local police who were either too scared or unwilling to intervene, and in some instances by Bosnian Serb Army officials and soldiers.

These unfortunate events implore us to move with extreme caution regarding American involvement in this conflict. The intentions of the parties involved, now more than ever, call for prudent, not precipitous, judgment. Examples of ethnic cleansing persist in northwest Bosnia according to the U.N. reports based on interviews with refugees before and after the October 12 cease-fire.

Assistant Secretary John Shattuck has now gained access into that area. As many as 2,000 men have been separated from the main group of refugees. U.N. officials are trying to determine their fate amid fears that they may have been executed or sent to the front lines as forced slave laborers. The United Nations also reports that during the latest wave of expulsions, Moslems from Bosanski Novi near Banja Luka, were rounded up at the bus station. Draft-age men were separated from the rest and were held for 5 days without food or water. The U.N. spokesman in Zagreb reported that many refugees have been given just a few minutes to flee their homes and that girls as young as 17 have reportedly been taken to the woods and raped. Elderly, sick, and very young refugees have been driven to remote areas and forced to walk long distances on unsafe roads and cross rivers without bridges.

The United Nations has condemned this barbaric treatment of civilians in the strongest possible terms. According to the U.N. High Commissioner for Refugees, more than 2,000 Moslems and Croats have been forced from their homes since mid-September in Bosnian-Serb-controlled areas. Only about 10,000 are believed to remain, which before the war was home to a half million Moslems and Croats. And what is most distressing is the evidence we have seen of recent atrocities committed by the Serbs after the cease-fire was signed on October 12. It appears that, as a result of recent Bosnian and Croatian advances, the Serbs have lost ground. In an attempt to consolidate their control, they are engaged in a campaign of systematic and widespread abuse aimed at cleansing the territory they still hold of remaining Croats and Moslems.

With peace talks scheduled to begin in the United States tomorrow and with the President having clearly indicated his intention to send as many as 20,000 American troops into the heart of this conflict, these new reports of Serbian atrocities are of grave concern and should give us pause.

For the Bosnians, this latest outrage by the Serbs must seem to be a dreadful repeat of what happened last summer during the Serb conquest of Srebrenica in eastern Bosnia. In that episode, thousands of men were taken out and executed by firing squad, according to survivors, and, in fact, the reports just this weekend in the Washington Post confirmed new sightings of mass graves where thousands of people are buried. These sightings were made from satellite photos taken by our intelligence sources. So we know the horrible stories of what happened at Srebrenica, as reported by refugees, is, in fact, unfortunately and sadly true.

But what is even more unfortunate, Mr. President, is that things like this may continue as we speak, and we must do something about it. We must learn from what happened in Srebrenica and recognize that they could be doing it right now, and we must protest.

In fact, Mr. President, the Senate did protest. We passed a resolution that says the following:

> It is the sense of the Senate that the Senate condemns the systematic human rights abuses against the people of Bosnia and Herzegovina. With peace talks scheduled to begin in the United States on November 1, 1995, these new reports of Serbian atrocities are of grave concern to all Americans.
>
> The Bosnian Serb leadership should immediately halt these atrocities, fully account for the missing, and allow those who have been separated to return to their families. The International Red Cross, the United Nations agencies, and human rights organizations should be granted full and complete access to all locations throughout Bosnia and Herzegovina.

This resolution was passed unanimously by the U.S. Senate last Friday. We must act now to make sure that these atrocities are stopped and that neutral sources are able to verify that they have stopped and account for the 2,000 missing men.

President Milosevic is going to set foot in Wright-Patterson Air Force Base very shortly today. He should immediately announce—and we call on him to immediately announce—that these forces of terror have been stopped, that these atrocities have been stopped. And to show his good will in these peace talks, he should immediately allow for an accounting of the missing people in Bosnia right now. That would be the very first and best step he could make to show that he is, indeed, sincere about wanting to bring peace to this area.

Mr. President, the Senate spoke forcefully. I hope we are being heard. If we can stop even one murder from happening, it will be worth it.

I wanted to draw attention to the very strong statement that the Senate made last week. I hope that we can use this opportunity, as President Milosevic comes into our country, to ask him to show his good faith by saying that people will be accounted for and the atrocities will stop.

Thank you, Mr. President. I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho [Mr. CRAIG] is recognized.

ATROCITIES IN THE FORMER YUGOSLAVIA

Mr. CRAIG. Mr. President, let me join my colleague from Texas in her most clarion call this morning to the humanity of the world that this Nation be a part of stopping the atrocities that are allegedly going on in the former Yugoslavia. It is, without question, a great human disaster under any measurement.

I appreciate the words of my colleague from Texas this morning. She has been an outspoken, clear voice on this issue for the last good many weeks as these reports have come in to remind us and push this Senate and this country in the direction of causing a settlement to occur there that is just for both sides. I thank my colleague for that.

TRANSPORTATION APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. LAUTENBERG. Mr. President, the Transportation appropriations bill for fiscal year 1996 which the Senate will consider and pass today is of vital importance to the State of New Jersey. As the most populated State in the Nation, efficient and effective transportation is critical to the economic well-being of my State.

This year's Transportation appropriations bill provides more than $650 million in transportation investment to my State. This investment provides good paying jobs in the short term and in the long term will create and maintain the infrastructure that New Jersey needs to attract and keep a strong work force.

Mr. President, I would like to highlight some of the important provisions in this year's bill which I was able to secure for the Garden State.

Transit is an intricate part of northern New Jersey's transportation plan. The single largest component of New Jersey's transit initiatives is the urban core. I appreciate the cooperation that I received from Chairman HATFIELD on funding the Secaucus transfer portion of New Jersey's urban core at $80.25 million. Once completed the Secaucus transfer will link the Bergen and Mainlines to the northeast corridor, providing access to Newark and midtown Manhattan for Bergen County residents. To date I have secured a total of $436 million for urban core projects.

In addition to the urban core and transit formula assistance, New Jersey will be receiving $12.5 million to begin construction of the Hamilton Intermodal Facility, $1.15 million to develop a park-n-ride facility on the Garden State Parkway at interchange 165 and $3 million to support the National Transit Institute at Rutgers.

While this bill will provide New Jersey drivers with transit alternatives, it also recognizes that cars will continue to play a major role in travel within the State. Total highway program spending in the bill amounts to $19.9 billion, an increase of $454 million over last year, and nearly 96 percent of the ISTEA authorization. New Jersey should expect to receive some $500 million in formula highway assistance as a result of this funding level.

To make roads in New Jersey as productive as possible this year's bill includes $1.5 million for TRANSCOM. TRANSCOM is a consortium of 15 transportation and public safety agencies in New Jersey, New York, and Connecticut. Over half of the congestion on my region's roadways is due to traffic incidents and it is TRANSCOM's mission to improve interagency response to such incidents. The funding will be used by TRANSCOM to build upon existing programs to provide the region's transportation agencies with the tools necessary to strengthen their transportation management activities and their delivery of services to the traveling public.

Mr. President, on March 23, 1994, shortly before midnight, a 36-inch-diameter pipeline ruptured catastrophically in Edison Township, NJ. The explosion and fire eventually destroyed eight buildings in the Durham Woods apartment complex. An estimated 2,000 residents were displaced due to the explosion. It was only through the diligent and heroic efforts on the part of numerous local and State agencies that the pipeline explosion did not cause numerous fatalities. This year's bill includes $28.75 million to allow the office of pipeline safety to aggressively prevent another Edison from ever happening again.

In addition to the funding this bill provides to New Jersey, it also includes other bill and report language of interest to my constituents.

The legislation before us today honors one of the great statesmen of New Jersey, former Congressman Bill Hughes. Renaming the FAA Tech Center the William J. Hughes Technical Center is a deserved tribute to Bill. It is a fitting show of appreciation for his hard work on behalf of the people of the Second District and the State of New Jersey.

Mr. President, included in this year's committee report is language which continues to direct the FAA to withhold Federal funding from runaway expansion at Princeton Airport until an environmental assessment is completed, and community involvement is certified by Secretary of Transportation Peña. This is not just an air noise issue. It is a quality of life issue. I am hopeful that we can continue to operate the Princeton Airport in a manner that is compatible with community needs.

The coast of New Jersey is the State's recreational and economic jewel. A provision in this year's bill prohibits the Coast Guard from closing any multimission small boat units. The Coast Guard had recommended closing a number of its rescue stations, including four in New Jersey–Shark River, Townsend Inlet, Salem, and Great Egg.

Mr. President, having better, more efficient transit systems and roads will improve the quality of life for thousands of commuter on a daily basis. I am glad that as ranking minority member of this Transportation Appropriations Subcommittee I was able to secure this funding, as well as the bill and report language for New Jersey.

COMMEMORATION OF HUNGARIAN INDEPENDENCE DAY

Mr. DOLE. Mr. President, last week, the people of Hungary commemorated the 39th anniversary of the Hungarian people's massive uprising against Soviet Communist dominated rule. October 23, Hungarian Independence Day, marked a time when thousands of armed citizens battled the Red Army's military might and held the country for some 2 weeks. President Arpad Goncz, whom I met with last week, was one of those who risked his life for his country's freedom—long delayed, but finally achieved. The bravery of those freedom loving Hungarians, 10,000 of whom risked and lost their lives, will be remembered forever.

As Hungary's Foreign Minister Lazlo Kovacs told a gathering at a Budapest ceremony last week, ''the heirs of 23 October 1956 are all those who * * * today contribute with their sacrifices to the creation of a flourishing, democratic, and independent Hungary.'' The Hungary of 1995 is well on the road to full democracy. In my meeting last week with President Goncz, we discussed Hungary's economic progress, its successful participation in the Partnership for Peace, as well as NATO expansion. No doubt about it, Hungary will be among the first of the new democracies in Eastern Europe to join NATO and I look forward to that day—which I hope will be in the near future. In addition, we discussed Hungary's concerns about the treatment of Hungarian minorities in the region, and developments in the Balkans. President Goncz and I both agreed that a fair peace settlement in the former Yugoslavia, fully recognizing the rights of all nationalities, was crucial for any kind of permanent regional stability. I assured President

Goncz that Hungary enjoys the friendship and support of the Congress.

ORDER OF PROCEDURE

Mr. CRAIG. I ask unanimous consent that the remainder of the time this morning and such time as may be necessary be involved in a special order.

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

A HISTORIC BUDGET RECONCILIATION BILL

Mr. CRAIG. Mr. President, last Friday night, or early Saturday morning, this Senate passed a historic budget reconciliation bill that said to our country: We heard you. We heard you. We believe you. And we are, with every effort, attempting to reduce an ever-growing Federal Government that has consumed an increasingly larger part of the gross domestic product of this country, progressively enslaving the taxpayer to a higher and higher portion of the gross work of that taxpayer.

Now, it is interesting that today is Halloween, and guess what is happening out there? The Democrats are, once again, yelling ''Trick or treat, America.'' They are saying, ''Boo,'' to Americans. Once again, they are trying to frighten, or use the tactic of fear in driving the American public in a direction that they have said so clearly for so long that they do not want to go.

What did we hear in the debates of last week and over the weekend, as members of the other side were speaking in opposition to the action that the Congress spoke to? They are saying that Republicans are ghouls, goblins, monsters, vampires, demons, and werewolves, as it relates to the care and concern of the people of this country. They are saying that we want to take seniors' health care away, that we want to attack low-income and working people, that we want to kick students out of college and kick poor people out on the streets, that we want to dirty the water and cause the air to be unbreathable and, of course, to let people die in industrial accidents.

How could the average American really believe that anybody who seeks public service in this country to formulate public policy would want to do any of those things? Well, I suspect you might slip a little of that by during Halloween and talk about the scariness, talk about the pranks and the tricks that are being played out there.

Let me tell you, it is not Halloween. It never will be Halloween. It should never be Halloween. What is it? It is the harvest season of the last election; that is what it is. The Republican Party heard so loudly and so clearly what the American people were saying, and we are responding. The budget resolution of last Friday evening spoke about harvesting the economic security for seniors by providing for a Medicare program that has long-term stability, so they cannot be frightened or scared into thinking that their security is in jeopardy. It is about the harvest of more jobs by creating a productive economy, by controlling debt and deficit structure in this country that, by every economist's projection, is costing us anywhere from 2 to 2.5 percent growth in the domestic product of this country, which spells lack of opportunity or less opportunity for our young people. That is the harvest season of what the Republican Party is attempting to do, what this budget resolution is all about, and the work that will go on in the next several weeks before we put that on the desk of the President for his consideration.

What does it say in the end? It does not say, ''Boo''; it does not say, ''Trick or treat''; it says to the American people that there will be a higher standard of living for all, that the expectation, in a generational sense, will continue to be there for a better, more productive lifestyle in our country, because we had a Government that did not get in our way, that did not strangle the great ingenuity, humanity, and the energy of this country. That is what we are saying on this Halloween day—no trick or treat and no boos.

I am always so saddened when the other side attempts to use a cultural battle or attempts to frighten people in their effort to convince them that their policy is better than the ones we put forth. Let us debate it on its merits. Let the American people objectively decide what is best for them and then send that to us in the message that they did so clearly last November.

At this time, let me yield to my colleague from Wyoming to speak to this issue.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

A DISTORTED APPROACH TO PUBLIC POLICY

Mr. THOMAS. I rise to join my friend from Idaho to talk a little bit about what is happening. It is an appropriate day. I was in Wyoming this weekend and saw some of the ads that were clothed in masks and costumes, seeking to portray something that I think is not inherent in what we are doing here. It concerns me a great deal, not only because it represents a different point of view, but, more importantly, it represents a distorted approach to developing public policy.

If, indeed, in this country we believe that public policy should be developed by all of us participating, then those of us who participate—and that is all of us in this country—should have some facts upon which to base that public policy. So I want to talk a little bit about what I think the White House has been doing for some time and what our friends on the other side of the aisle have been doing, which has increased over this weekend, and that is to really distort what it is we are seeking to do.

Those who oppose a balanced budget have been using this mask-and-costume approach to characterize this reconciliation bill that passed last week. Instead of having leadership to deal with what the issues are, there has been this use of words and, I believe, distortion, to scare people into what the impacts of this will be. This has been a marketing scheme that has been going on for some time, that has been devised, I guess, by various kinds of groups in the country, to find those words that have impact and to cause people to be frightened into thinking that a balanced budget will throw this country into turmoil, that saving and strengthening Medicare will result in turning out the elderly without health care, that reforming welfare will throw the poor into the street without support, and that allowing middle-class Americans to retain some of their own money will be a disaster.

Mr. President, I am concerned about how we govern ourselves, and that is what this country is all about. That is what democracy is about. That is why people in Greybull, WY, can participate, as well as people in New York City, in governance. In order to do that, there has to be a basis of facts. There are differences and different views, and that is perfectly legitimate. That is what it is all about. There were young people in my office last week who said: I do not understand why there is this controversy going on, or why this debate is going on. Why do we not just do what is good for America?

If we all agreed on what is good for America, there would be no debate. I suggested to them that if they went back to their senior class in Cheyenne and raised these questions, there would not be unanimity there. There are different views, and they come into play here. There are those who have quite a liberal, populist philosophy that more government is better and more taxes is better. I respect that. I do not agree with it, nor do I think the voters agreed with it in the last election. That is what it is all about.

Rather than having a campaign of fear, mistrust, and misunderstanding, we need to have a campaign of facts and then decide on it. What is the purpose of what we did? It is certainly to respond to voters—that is what government is about—to balance the budget, which is the responsible thing to do; to reform welfare, and that is the responsible thing to do.

Mr. President, I hope that we do begin to talk about the facts and that we do, from both the White House and from our friends on the other side of the aisle, have a clear debate of which way to go, but do it based on the facts and based on different views, based on leadership, direction, and based on what I think the voters have told us in the past.

Mr. President, I yield back my time.

Mr. CRAIG. Mr. President, I now would like to recognize Mr. GRAMS of Minnesota.

ANY WAY THE WIND BLOWS

Mr. GRAMS. Mr. President, I, too, would like to talk a little bit about the budget passed last week and the threatened veto.

President Clinton reminds me lately of the weather vane we used to have atop the barn of my family's dairy farm. Ours happened to be shaped like a rooster, and we always knew which way the wind was blowing because that old rooster would spin around and around with the breeze. Like that old weather vane, the President is spending a lot of time on the roof these days, and he must get awful dizzy up there, testing the wind, shifting his position each time it changes.

Last week, this chamber delivered on last November's mandate by the voters and passed a far-reaching, historic piece of legislation that turns this Government around by balancing the budget and cutting taxes.

With the vote behind us, the budget reconciliation conference committee is now moving ahead with our plan, shaping a bill to send to the President. The newspaper columnists and the TV political panels have been busy reporting on just what President Clinton thinks about what we are doing.

Or rather, on what the polls and his many political advisers tell the President he should be thinking. This is a President, after all, for whom ''taking a tough moral stand'' means finally admitting he raised taxes too much in 1993, and then recanting his story the very next day, blaming his confession on ''sleepiness.''

What the President is apparently hearing when it comes to the budget is that he ought to veto the reconciliation bill.

Let me quote from the Washington Times of October 20:

> The White House is already preparing the post-veto campaign, mapping out travel schedules for Cabinet secretaries and culling poll results to determine the key issues the President will push.

A top White House aide has even been promoted—a battlefield promotion, I guess—as ''assistant to the President.'' His new duties? To ''calculate the political impact of a veto.''

Mr. President, this Congress is tackling the serious issues that come with fundamental reform of the Government, issues like how to preserve the troubled Medicare program, how to save our kids and grandkids from having to carry the load of our debts and deficits, how to stop the welfare system's cycle of dependency, how to give working-class folks the tax relief they desperately need. While we are doing all of that, the White House huddles in its War Room calculating how many political points the President would score by trying to squash our efforts.

It seems President Clinton's advisers have told him that he needs to veto the reconciliation bill to, ''draw policy differences with the Republicans.''

''Without a veto,'' says a White House spokesman, ''you cannot draw the bright lines. And we are in a period where drawing that bright line is everything to the election.''

That election is still more than an entire year away.

Yet at a time when this Nation is desperate for strong leadership from its Chief Executive, a distant election has become the guiding force of this Presidency.

Mr. Clinton's advisers say he is going to veto our budget reconciliation bill. Well, it surely cannot be because his agenda is so fundamentally different from ours.

We are calling for tax cuts, and the President says he wants tax cuts, as well. He supports the child tax credit and has hinted lately that he is agreeable to cutting the capital gains tax.

Our budget plan preserves Medicare by slowing its growth and offering seniors choices—proposals strikingly similar to the Medicare plan touted by the President in his health care reform bill just 2 years ago.

We are also easing back the growth of Government spending, and that is something for which President Clinton has been an advocate. After all, is not that what reinventing Government is all about?

Now, after months of adamantly denying it could ever be accomplished, the President has admitted that balancing the budget in 7 years—not 10, or 9, or even 8, as he originally proposed—was a reasonable goal.

Clearly, the President is moving closer toward us as this budget process continues. But still, he is going to wave his veto pen and just say ''no''—not because he believes in his heart that he must, but because the political winds suggest that he ought to.

That is not leadership.

I suggest to President Clinton that he resist playing politics and involve himself seriously in negotiations that will move this budget forward, on behalf of all Americans—and not stop it in its tracks to placate his political base.

Mr. President, leadership does not mean having a finger sensitive enough to tell you which way the wind is blowing. And as any farmer knows, a flimsy weather vane that sits too long out in the elements is eventually going to wear out and need to be replaced.

Mr. CRAIG. Mr. President, I ask unanimous consent I be allowed 1 minute to close the order.

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

Mr. CRAIG. I thank my colleagues for joining me on this Halloween day. I hope the message that we send to the American people is that the efforts we are involved in here in Congress are not a trick but a treat—a treat rewarding them for the profound statement they made last year in the dramatic realignment of the political structure of this country, toward a time when Government's budgets will be balanced, when its programs will be responsive, as concerned about the taxpayers as it is about those who should be the recipients of responsible and caring Government programs.

So the day of Halloween ought not to be scary, but a profound statement to the American people that their Government in this representative form of government heard them and heard them well.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

Mr. GORTON. Mr. President, I submit a report of the committee of conference on H.R. 2002 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2002), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 20, 1995.)

Mr. GORTON. Mr. President, we are here this morning to present the conference report to accompany H.R. 2002, the fiscal year 1996 Department of Transportation and Related Agencies Appropriations Act. As we all know, the Department of Transportation, like many other departments, is operating under the very strict terms of the continuing resolution. This conference report will allow the Department to operate for fiscal year 1996 without the restrictions of the continuing resolution; but more importantly, it will fund vital programs such as air traffic control, Coast Guard search and rescue, and other critical safety functions.

I am pleased that, in conference with the House, the Senate was able to increase funding for a number of important programs, since the conference allocation for the bill was $100 million higher in budget authority and $193 million higher in outlays than the Senate-passed bill. This year, the problems facing the conferees were the same as those faced in the past—that is, how to strike the best possible balance between the operational needs of the Federal Aviation Administration and the Coast Guard with sufficient funding for the Nation's infrastructure and transportation safety needs. I believe that this agreement provides a balanced and fair solution for the challenges we faced.

The conference report before you today contains a total of $12.5 billion in discretionary budget authority and $36.754 billion in outlays. I will quickly review some of the highlights of the bill.

Total Coast Guard funding is $3.375 billion, which is supplemented by an additional $300 million to be transferred to the Coast Guard by the Department of Defense. The conferees are very appreciative of the fine work and cooperation of Senate Defense Subcommittee Chairman STEVENS and House Chairman YOUNG. With these funds, the Coast Guard conference total will be approximately $110 million more than the fiscal year 1995 enacted level.

For the Federal Aviation Administration, a total of $8.2 billion has been provided, which includes $4.6 billion for FAA's operations; over $1.9 billion for associated facilities and equipment purchases; and $1.45 billion for grants in aid for airport construction. In addition, the conference agreement directs FAA to institute personnel and procurement reforms which are desperately needed. The conferees believe that these reforms will allow the FAA to operate more efficiently. I should point out that these reforms are fully supported by the administration. The reform provisions contained in this bill will not become effective until April 1, 1996, which will allow for sufficient and adequate review by not only the appropriate authorizing committees, but also by all affected FAA employees and systems users.

For the Federal Highway Administration, the bill includes a total of almost $20 billion—$17.55 billion for the Federal-aid highway formula program, and $2.3 billion for those highway programs which are exempt from the obligation ceiling. Highway spending in fiscal year 1996 will be nearly $500 million higher than the comparable fiscal year 1995 levels.

In the transit area, the bill provides a total of slightly more than $4 billion, which includes $400 million for transit operating assistance; $666 million for transit new starts construction; and $333 million for discretionary grants in the bus and bus-related facilities area.

In the rail area, it should be pointed out that Amtrak has been provided a total of $635 million: $305 million will be for operating expenses; $230 million will be for Amtrak's capital purchases; and $100 million is set aside for Amtrak's transition costs.

In closing, Mr. President, I would like to point out to the Members that there were several provisions included by the Senate which were dropped in conference. The provision which designates the National Highway System was not included because the conferees were assured by both the chairman of the House authorizing committee, Mr. SHUSTER, and the chairman of the Senate authorizing committee, Mr. CHAFEE, that the conference on the National Highway System bill is making progress, though perhaps not as quickly as we had hoped, and that with passage of the NHS bill, States will soon be in receipt of the $5.4 billion in apportionments that are being held in abeyance pending enactment of the NHS.

The conferees also agreed to drop a provision which allowed the States flexibility in dealing with an across-the-board cut contained in ISTEA known as section 1003. The National Highway System authorizing conferees have assured us that this issue, too, will be addressed in the NHS conference agreement.

The Senate proposal regarding State-regional infrastructure banks has been deleted from the appropriations bill. However, I have it on good assurance from the chairmen of the House Transportation Infrastructure Committee, that the State infrastructure banks proposal, in a somewhat scaled-down form, will be included in the NHS conference agreement, and will allow both transit and highway projects to participate in the infrastructure bank program.

I also want to inform the Members that the Senate proposal regarding air traffic controllers' revitalization pay, which would have phased out this 5-percent bonus over a 3-year period, has been deleted. The conferees heard from the administration and from many individual controllers that this would have a demoralizing effect on FAA personnel, and that the cut suggested by the Senate, $45 million, would have been especially detrimental as FAA institutes personnel reforms.

Finally, I should point out that the House-initiated proposal which would have moved DOT employees on worker's compensation rolls to retirement rolls, upon eligibility, has been deleted, so that nothing in this bill affects employees' existing rights under worker's compensation and retirement rules.

I want to thank all the Members of the conference for their support on reaching this agreement. I especially want to thank my ranking Member, Senator FRANK LAUTENBERG of New Jersey, for all his valuable time and insights in fashioning this conference agreement. I also want to acknowledge Mr. FRANK WOLF of Virginia, who chaired the conference on behalf of the House and Mr. COLEMAN, the House ranking Member. I believe it was a spirited conference which was entered into in good faith. I believe all the conferees were interested in producing a bill which meets this year's difficult funding challenges in a fair and balanced way.

Not at all incidentally, Mr. President, that, I believe, will be signed by the President of the United States and will not be a part of the disputes in which we are continually engaged.

We have been told by the administration that the President will sign this bill upon receipt. As a result, I urge adoption of the conference report for H.R. 2002, Fiscal Year 1996 Transportation and Related Agencies Appropriations Act.

The PRESIDING OFFICER. The Senator from New Jersey [Mr. LAUTENBERG] is recognized.

Mr. LAUTENBERG. Mr. President, I rise in support of the conference report on H.R. 2002, the transportation appropriations bill for fiscal year 1996.

First, I thank my colleague from the State of Washington for his able work on the subcommittee and for managing the bill this morning. We worked together on many issues and it is a pleasure to be able to stand here with him this morning.

I support this bill, but with considerable reluctance. When it comes to addressing the transportation needs of this country, this bill falls short. Yet, in many areas, fortunately, this bill does not accept some of the more draconian and counterproductive measures called for in the budget resolution or in the House bill. For that I am grateful.

This conference agreement cuts $800 million in outlays from the fiscal year 1995 funding levels for the Department of Transportation. And, while it is over a half a billion dollars higher than the severe reductions called for under the Senate-passed budget resolution, it still signals a sizable disinvestment in our Federal transportation infrastructure.

This is not the direction our country ought to be heading. Consider the fact that, between 1972 and 1990, the United States' public investment in infrastructure as a percentage of GDP ranked dead last of the six other G–7 nations. Among those nations that have the largest economies and the most power, we are last when it comes to investment in infrastructure. During the same period, the 1972 to 1990 period, the average productivity growth in the United States also ranked dead last.

In recent years, Japan's investment in infrastructure as a percentage of its GDP was roughly three times that of the United States. To catch up even for 1 year, we would need to increase spending on infrastructure by more than a quarter of a trillion dollars. This widening investment gap is bad news for America's ability to compete in the 21st century, and it undermines our ability to provide essential jobs that will raise living standards.

Recognizing that reality, over 400 of our Nation's leading economists have urged our Government to increase public investment. With the extraordinary congestion that we face on our Nation's highways and runways across our country, we must do no less, even within the current budget environment.

My remarks are in no way intended to reflect on the distinguished chairman of this subcommittee, Senator HATFIELD. Those of us on the Transportation Subcommittee were extraordinarily fortunate earlier this year when our full committee chairman,

Senator HATFIELD, accepted the chairmanship of this subcommittee. I was delighted to hear that he made that decision. Throughout the year, he has skillfully guided the subcommittee through extensive hearings as well as an amicable markup and conference. Senator HATFIELD demonstrated his characteristic fairmindedness, openness and good judgment throughout the process, and I am grateful for the considerations he gave to my concerns throughout the year.

Separate from the funding levels contained in the bill, I am pleased to report that Senator HATFIELD and I were successful in retaining in the conference agreement several of the important policy positions articulated in the Senate bill.

As it relates to the Coast Guard, for instance, the conference agreement retains the provision allowing the commandant to realign his existing search and rescue stations, as well as reallocate billets throughout the Coast Guard to achieve his rebalancing goals.

Under the provision, however, dozens of local communities will be spared the upheaval and the worry of losing their Coast Guard search and rescue presence entirely, and that includes several communities in New Jersey, in Oregon, and in several other States.

The bill before us also includes the provisions for FAA personnel and procurement reform that was included in the Senate bill. Under this provision, absent the enactment of other legislation, the FAA Administrator will be authorized to reform his agency's personnel and procurement processes by April 1, 1996.

Both the Commerce Committee and the House Transportation and Infrastructure Committee are currently working on a comprehensive reform legislation for the FAA. In fact, I recently testified before the Commerce Committee on this legislation. It is my sincere hope that this legislation will be enacted and supersede the provisions in the appropriations bill.

The issue of personnel and procurement reform is a very complex one that requires the input of all affected parties, including the air carriers, general aviation, the unions representing the FAA's employees, and others. I expect the language in the appropriations bill will continue to serve as a strong incentive—if I may characterize it as the pebble in the shoe—to bring all parties to the table to agree on necessary reforms, because I frankly think, as many do, that they are overdue.

I should mention that, during conference committee deliberations on FAA personnel reform, both Congressman COLEMAN and myself sought to ensure that bill language would be included in the conference report ensuring that no new personnel scheme would be put into place that would bar the rights of FAA employees to be a member of the union.

While we were only successful in including the relevant language in the statement of managers, I have obtained an assurance from Secretary Peña that absolutely no measures will be included in the FAA's personnel reform plan that will undermine the ability of FAA employees to be members of a union, just like other people who work for the companies in the country.

Perhaps the most critical decision reached by the conferees as it relates to aviation is the final funding level for the FAA's operations account. The final funding level will be $4.646 billion—almost $50 million more than the House-passed level and almost $100 million more than the level passed by the Senate.

Mr. President, we have a wonderfully safe aviation system in this country. While we have all been disturbed by aviation accidents in recent months, a dispassionate review of the relevant statistics reveals that this past year was not one of the worst years for aviation safety. The fact is that usage of the air traffic control system continually grows but without the kinds of investment I believe is necessary to bring it up to the current and future needs.

The funding level for this account was, perhaps, the greatest deficiency in the Senate-passed bill. As the transportation appropriations bill moved to conference, the administration made clear the priority it attached to adequate funding for FAA operations.

It was a program that gave all the conferees, frankly, a great deal of worry.

I am very pleased that the conferees found a way to fund this account at a level more closely resembling the President's request. Importantly, as part of this effort, we were able to eliminate the provision in the Senate bill imposing a 5-percent pay cut on air traffic controllers.

Frankly, these people are under great stress, and great strain. The last thing that we need to do is worry them further by threatening their ability to attend to their personal and family needs.

I am very pleased, especially during this period of heightened anxiety over the adequacy of our air traffic control system, that we are not imposing a pay cut on our already overworked air traffic controllers.

There are several conference decisions with which I strongly disagree. I find it outrageous, quite frankly, that the Senate conferees receded to the House provision prohibiting the DOT from increasing the corporate average fuel economy standard in 1996.

Simply put so everybody understands it, this provision will prohibit the DOT from requiring the manufacturers of light trucks—a very popular vehicle in America—from trying to do even slightly better in terms of fuel efficiency. Everyone sees the quantity of imported oil we bring into this country increasing. I think it is an outrageous condition for America—to be hostage to foreign suppliers. It is not the way we ought to be going, if we can avoid it. One way we can avoid it is by conserving more here.

This provision is being forced through the process on an appropriations bill because it could not be adopted through freestanding legislation. While I was very disappointed in the outcome, I want to commend Senator GORTON for his leadership in sticking up for the Senate position on this item.

Other areas of deep disappointment for me are the deep cuts included in the bill for transit formula assistance and pipeline safety activities. Transit operating assistance is being slashed by 44 percent. To make matters worse, the conference agreement changes the formula in a way that poses an additional hardship on our major urban areas.

Members need to be aware that a cut of this magnitude will necessitate service reductions and fare increases across the country. Every Senator will have constituents that will pay more money for less transit service. We are talking about longer waits for the bus to get home from work and more cars on our already congested highways.

The Senate budget resolution called for transit operating subsidies to be phased out entirely. I hope that after the experience of a 44-percent cut this year, my colleagues will join with me in saying that enough is enough. I hope that next year we can hold the line and stem the hemorrhage in this program.

Last year's tragic pipeline explosion in Edison, NJ, served as a wake-up call for the entire Nation as to the need to beef up our efforts to ensure pipeline safety. Our Nation's pipeline infrastructure is aging rapidly. President Clinton's budget recognized this reality and requested a 13-percent increase for pipeline safety.

The conferees, however, turned around and cut these activities 16 percent below last year's level—a cut of 26 percent below the President's request. I only hope that it will not require another pipeline explosion with either massive pollution or loss of life to get my colleagues to recognize our extraordinary needs in this area.

So once again, Mr. President, I want to thank Chairman HATFIELD for his consideration throughout the development of this conference agreement. My unhappiness with the bill does not reflect at all on his leadership. What it does say is that this country is not investing enough in its transportation infrastructure. By some accounts, the U.S. ranks 50th or worse in comparison to other industrialized nations, in terms of per capita investment in infrastructure. It is outrageous.

Everybody knows that efficient transportation helps us move goods, helps us move people, helps us become more efficient, more competitive, and provide for a quality of life far better than that which is saddled with air pollution, delays caused by congestion, time away from family, and time away from business appointments.

Mr. President, one of the things that we talked about and all of us feel so

deeply here about is the diminution of the quality of life in our country, about how difficult it is for families to make a living where both mother and dad go out to work because it requires two workers to earn what one used to earn. Do you know who pays the heaviest price for that? It is the children. It is those who miss parental contact during the evening hours and the daytime hours.

If this transportation system of ours continues to break down, continues to lack the ability to service our needs, it will impose an even heavier burden on the family. It is pretty simple.

So, Mr. President, I am going to support this bill. It is the best that we could get done in the current budgetary environment. The administration has signaled definitively that President Clinton will sign this conference report.

There are only 2 other appropriations bills that have been signed out of the 13 thus far. That is military construction and agriculture. We will look forward to having this bill signed. We also ask our colleagues who are in committees of jurisdiction—the Commerce Committee and the Environment and Public Works Committee on which I sit, to expedite their action on the transportation authorization bills. Those bills, like this bill, will be critical to the functioning of our country.

Mr. President, with that I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington [Mr. GORTON] is recognized.

Mr. GORTON. Mr. President, I understand that the distinguished senior Senators from West Virginia and Arizona wish to be heard on this issue, and I understand that each wishes that we have a recorded vote.

Accordingly, I ask for the yeas and nays on the conference committee report.

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

The yeas and nays were ordered.

Mr. BYRD addressed the chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. Mr. President, I did not sign the conference report on the Transportation appropriations bill. Why did I not sign the conference report? I did not sign it because I thought that it was patently unfair in its treatment of rural States like my own State of West Virginia. Why did I think that it was patently unfair to rural States like my own State of West Virginia? Because it does not allow one single dollar for the earmark of highway projects—not one—while it proceeds to earmark $687 million for 31 rail transit projects in many areas of the country, and it also earmarks $333 million in 81 instances for buses and bus-related facilities throughout the country. In other words, the conference report contains 112 earmarks amounting to over $1 billion for mass transit projects in urban areas and areas more densely populated, while it refuses to earmark one thin dime for areas that are not served by mass transit but which have to depend upon highways for the transportation of people and goods.

Mr. President and Senators, lend me your ears! I come not to bury mass transit projects but to praise them. I compliment Senators and Members of the other body who have successfully made the case for earmarking mass transit and bus moneys for cities and towns in their States and congressional districts. They are doing exactly what they should be doing. I do not find fault with that. I come not to bury justified earmarks but to praise them. I have always believed that the elected representatives of the people in Congress, both Houses, are in a better position to know the needs of their constituents in the States and congressional districts they serve than is some unelected bureaucrat downtown who otherwise would make the arbitrary decisions as to how much and where transportation dollars will be spent.

I have been in the Senate 37 years, and I have been a member of the Senate Appropriations Committee throughout all of those 37 years. I was chairman of the Senate Appropriations Subcommittee on Transportation, the subcommittee which has jurisdiction over this bill. I was chairman of that Subcommittee on Transportation from March 31, 1971, to July 18, 1975—in other words, over 4 years. I served as chairman of the Senate Appropriations Committee for 6 years during the 101st, 102d and the 103d Congresses, and I never—never—opposed the earmarking of appropriate moneys for rail and other mass transit projects. At the same time, I have also supported the earmarking of moneys for meritorious highway projects, not just in West Virginia but throughout the United States. Yet, in this conference report on appropriations for transportation, highway projects are blatantly—blatantly—discriminated against. There is not one copper penny—not one—not one copper penny for highway projects.

Is that wise? Is that good national transportation policy? Are highways not an important part of the national transportation system?

When the Transportation appropriations bill was passed by the Senate, it contained $39.5 million for nine highway demonstration projects throughout the country. One of these projects, costing $9 million, was in West Virginia.

Mr. President, $39.5 million for highway transportation projects is mere chicken feed—chicken feed—as compared with $1 billion for mass transit and bus transportation; yet, it was at least chicken feed. The House conferees on the Transportation appropriations bill took the position that no moneys—none—no moneys could be earmarked for highways. No matter how needed, highway projects were to get zero dollars—zero dollars! A policy had been laid down by the House Appropriations Subcommittee chairman that there would be no highway funds earmarked at all—none! It is my understanding that several Members of the House of Representatives sought to have funding for highway projects included in the bill, but they were confronted with the policy that was to be the rule of thumb, the line in the sand—no highway projects; none!

There have been news reports that earmarkings were being done away with in the Transportation bill; there would be no more such earmarkings. The so-called ''pork-busters'' breathed a sigh of relief—hallelujah! No earmarks! Henceforth, highway moneys should be distributed strictly by formula. Thus, a level playing field, it was claimed, was being created for the distribution of highway dollars. A new breed of legislator was in the saddle. Move over, John Wayne, a new breed of legislator was in the saddle. ''Down with earmarks'' was the battle cry!

Yet, Mr. President, earmarking is not dead. It is very much alive and is more robust than ever. And the Transportation appropriations conference report is proof of it with $1,020,000,000—that is $1 for every minute since Jesus Christ was born—$1,020,000,000 for rail and other mass transit projects, all earmarked in this conference report, all earmarked.

Mr. President, I come not to bury earmarks, but to praise them. In this particular bill I support every earmark. But as one who, while serving on the Appropriations Committee for 37 years, has never objected to the practice of earmarking, I ask, what justice—what justice—is there in a transportation policy that blatantly discriminates against highways? What wisdom, what reasonableness, what sweet reasonableness, what logic can there be in a transportation policy which says, ''Come one, come all'' to earmarks for mass transit, but which completely closes the door—closes the door—to highways. How sanctimonious can we get? On the one hand we say we have done away with earmarks in the bill; on the other hand, the bill is full of earmarks. This is sheer hypocrisy, sheer hypocrisy.

There is also a $200 million appropriation in this conference report for the Washington metro system. Now, I do not regret that. I do not oppose that funding. I have supported the funding for this Metro mass transit system in the past. Last year there was $200 million; the year before that, there was $200 million, and I believe the year before that, there was $170 million for the Washington metropolitan transit system. Fine. I have no problem with that. Thus, ''I am constant as the northern star, of whose true fix'd and resting quality there is no fellow in the firmament.'' Hence, Mr. President, I come

not to bury the Washington metropolitan transit system, but to praise it.

I have been much criticized in past years for getting earmarks for highway projects in West Virginia. The cynics call these highway projects ''pork.'' Are mass transit projects pork? I ask you, Mr. President, are mass transit projects pork? Whether we talk about mass transit or whether we talk about highways, these all constitute infrastructure. And infrastructure is important to the country and the country's economy. Both mass transit and highways are important and vital components of the national transportation system. Mass transit can be adapted to certain areas of the country, but not all areas. Some areas simply must depend for the most part upon highways.

Why should areas that can only be served by highways be deprived? Why should they be denied Federal highway dollars? Are rural areas not a part of America? Are the taxpayers who live in rural areas not Americans, too? Are not their tax dollars just as good as the tax dollars of those who live in urban areas, mass transit areas? A transportation policy that proclaims to the skies that earmarks are evil is a sanctimonious and hypocritical transportation policy when it pronounces the sentence of death on one particular kind of transportation earmarks, while loading the bill down with earmarks for other transportation modes. Such a transportation policy, Mr. President, is not only unfair, it is also unwise. It is penny-wise and pound-foolish. Monies spent on highways provide not only short-term jobs but also result in long-term financial returns for the whole national economy, many times over.

Now, the ancient Persians knew this. Darius Hystaspes—the Great—paid great heed to roads, which he greatly extended and improved.

The Egyptians, the Carthaginians, and the Etruscans all built roads. They did not have mass transit. They did not have buses. They built roads.

The truly great road builders were the Romans. We have all heard that all roads lead to Rome. The Romans knew how to lay down a solid base and how to give the road a pavement of flat stones. They knew that the road must have a crown, that it must be higher in the middle so as to drain water away, and that ditches should be dug alongside to carry away the water. Some Roman roads are still in use even today. And every Senator, I am sure, who has visited Rome and traveled out to Tivoli, for example, has traveled on old Roman roads, built 2,000 years ago.

Great roads the Romans built that men might meet,
And walls to keep strong men apart, secure;
Now centuries are gone, and in defeat,
The walls are fallen, but the roads endure.

Now, by contrast, early roads in America were very poor. The trip from New York to Boston in colonial days was truly an adventure. You can say that about some of the roads in West Virginia as well—even today. When I was in the State legislature 50 years ago, almost 50 years ago, 48 years ago, West Virginia had less than 10 miles of divided highways.

In the early 1800's, settlers were moving in great numbers to the West. In 1811, work was begun on a road that led away from Cumberland, MD, toward the West. It was to reach as far west as Vandalia, IL. This was the National Road, the old Cumberland Road. And I am sure that the Presiding Officer, Senator CAMPBELL, who presides over the Senate today with a degree of skill and dignity that ''is so rare as a day in June,'' has traveled with his motorcycle over that old Cumberland Road. The Chair is not supposed to respond, but I see him smiling.

Well, this was the National Road, the old Cumberland Road. For many years it was the chief line of travel for thousands of settlers on their way to the West. Before 1838, Congress had spent nearly $3 million—think of it; Congress had spent nearly $3 million—of Federal funds on that road. Henry Clay was a strong proponent of getting Congress to advance money for building the road. O that Henry Clay were a Member of this Senate today! Or a Member of the other body today—he served in both bodies; he was once Speaker of the House. O that he were here today to plead the cause of highways! He who advocated his national system of public improvements that made sense, and they still make sense today. Henry Clay was a strong proponent of getting Congress to advance money for building that road.

I find it ironic, Mr. President, that the ancients—the Persians, the Etruscans, the Egyptians, the Carthaginians—knew the importance of having good roads and sought to expand their network of roads, yet, we in the Congress, the present-day beneficiaries of the lessons of history, look upon highways with disdain, as evidenced by this transportation appropriations conference report.

There were other voices, Mr. President, not so ancient which also may be summoned in support of building transportation infrastructure. Thomas Babington Macaulay said: ''Of all inventions, the alphabet and the printing press alone excepted, those inventions which abridge distance have done most for the civilization of our species. Every improvement of the means of locomotion benefits mankind morally and intellectually, as well as materially, and not only facilitates the interchange of the various productions of nature and art, but tends to remove national and provincial antipathies, and to bring together all of the branches of the great human family.'' That was Thomas Macaulay.

Francis Bacon, a great English Chancellor, a farsighted and learned man, said: ''There be three things which make a nation great and prosperous: a fertile soil; busy workshops; easy conveyance for men and goods from place to place.''

Mr. President, I was in the House of Representatives when President Eisenhower advocated the Interstate Highway System, and I supported it. I was a Member of the U.S. Senate and supported the creation of the Appalachian Regional Commission and the establishment of the network of Appalachian Regional Corridors. I have also consistently supported Federal funding in sharing the costs of building those corridors because of the particular and unique needs of the 13 States in Appalachia.

When the Democrats were in control of the Senate during the years 1989 through 1994, I provided allocations, as chairman of the Senate Appropriations Committee, that would result in the funding of transportation projects across the board—mass transit, bus and bus-related facilities, as well as highways—and throughout the entire country. I never took the position that allocations of funds should be for highways only, I never took the position that allocations of funds should be only for West Virginia, and that earmarks for other transportation modes should be eliminated or done away with. I recognized that a national transportation policy—that is what we are talking about, a national transportation policy—should include several different systems—not just one or two, but several, meaning more than two—highways, mass transit, and otherwise. But that is not the way things are to be done now that the tables have turned. For some unfathomable reason—and ''unfathomable'' goes deeper than the deepest part of the broad Pacific Ocean—highways have been left out! Out! Out! Out with highways!

Mr. President, during a 12-year period, 1973 to 1985, the United States invested three-tenths of 1 percent of its gross domestic product in infrastructure annually; during a 12-year period, the United States invested three-tenths of 1 percent of its gross domestic product in infrastructure annually. Canada, meanwhile, invested 1.5 percent; the United Kingdom 1.3 percent; France invested 2 percent; the then Federal Republic of Germany invested 2.5 percent; Italy invested 2.7 percent; Japan invested 5.1 percent of its gross domestic product in infrastructure annually during that 12-year period. How did that correspond with those same countries' productivity? While the United States was investing only three-tenths of 1 percent of its gross domestic product annually in infrastructure, its productivity grew only six-tenths of 1 percent annually, on the average. In other words, less than 1 percent.

Canada invested 1.5 percent and experienced productivity growth of 1.3 percent. The United Kingdom invested 1.8 percent and had 1.8 percent productivity growth. France invested 2 percent and grew 2.3 percent. The Federal Republic of Germany invested 2.5 percent and enjoyed 2.4 percent productivity

growth annually. Italy invested 2.7 percent, which yielded productivity growth of 1.8 percent. In Japan, productivity growth was 3 percent, while it invested 5.1 percent of its gross domestic product in infrastructure.

So we can see that nondefense public investment translates into increased productivity. Increased productivity means increased economic growth. Increased economic growth means more jobs and, thus, more income for the U.S. Treasury. Increased economic growth also means increased national security. It also means an enhanced competitive position for the Nation. It means a higher standard of living. And increased public investment also encourages increased private investment. And why not? Why would it not?

Mr. President, if you had a company, let us say, and you would like to buy a brand-spanking-new fleet of trucks, all outfitted in bright red paint and chrome, how would you like to put that fleet of new trucks out on roads that are filled with potholes and on bridges in need of repair? How would you like to have your trucks detoured 15, 18, 20 miles around a bridge that was closed because it was unsafe? How much would that cost? How much would it cost you? How much would that lower your productivity? How much would that cut into your profits? You probably would be reluctant to invest in the new trucks at all.

Hence, public investment encourages private investment and is conducive to the profitability of the private sector. Dollars spent on highways not only improve the efficiency, and hence the productivity and economic growth of a region, but they also improve safety on the highways. The decision to eliminate highway funding earmarks in this legislation just does not make sense in terms of our economic growth, our productivity growth, our Nation's transportation needs, our people's safety, or an overall viable transportation policy for this Nation.

Why, then, was such a decision made? What is really going on in this bill with regard to highway projects? What could possibly justify such an arbitrary and shortsighted view of our Nation's transportation needs so as to prompt a total—total—blackballing of highway projects?

In my view, such a tunnel-vision approach could not be engendered by any reasonable contemplation of what makes for sound national transportation policy.

What is going on here is simple kneejerk politics. It is a large fandango aimed at appearing to be ''pure'' on the subject of transportation pork, a large fandango aimed at appearing to be pure on the subject of transportation pork. Highway demos have, over the years, gotten a reputation which, in my view, is largely undeserved. Now that bad reputation is being exploited for political gain—for political reasons.

In news story after news story, highway earmarks have been portrayed as a useless waste of the taxpayers' hard-earned dollars. They exist only to promote the reputation and electability of the politician who does the earmarking, so the story goes. Thus, to appear to be virtuous on the subject of pork, one needs to be tough on that Satan of spending, that Beelzebub of budgeting, the demon of deficits—highway demos.

If one is sufficiently vociferous in stomping the serpent of highway demos, then one can earmark bus and mass transit projects with random abandon. We have banished evil from the kingdom! Now vice can flourish! Hallelujah, how sweet it is! Evil has been banished from the kingdom.

Make no mistake about it, targeting moneys to a specific locality is earmarking. That is what has been done in the case of mass transit and bus moneys in this bill. That is earmarking. If it moos, gives milk, and has an udder, it is undoubtedly a cow—even if one insists on saddling it like a horse. It is still a cow. If it barks, wags its tail, and lifts its leg, it is a dog, no matter how loudly one claims that it thrives only on cat food.

An earmark is an earmark is an earmark is an earmark and no amount of obfuscation can change that.

The conference agreement before us will provide $1.665 billion in discretionary grants for mass transit. Not one penny—not one penny—of that amount will go to West Virginia. Not one. Mr. President, $1.665 billion in discretionary grants for mass transit. Within this amount, roughly $665 million will go out by formula to the major rail transit systems in our major urban cities. West Virginia will not see any of that funding.

West Virginia is not alone. There are other States, as well.

The remaining $1 billion provided for transit discretionary grants in this conference agreement have been completely earmarked—completely earmarked—by the conferees. This includes $333 million in grants for bus and bus-related facilities. Yet, there are only two bus grants that are expressly authorized to receive appropriated funds in the bus category—a grant for the State of Michigan and a grant for Altoona, PA. However, the conferees saw fit to earmark every penny of the funds available for bus and bus-related facilities, for a total of 81 projects.

It has not always been the custom to earmark the entire pot of bus funds. Under section 3 of the Transit Act, these funds are to be distributed based on a merit-based competition conducted by the Federal Transit Administration. Indeed, there are currently applications sitting at the Federal Transit Administration for more than half a billion dollars in bus grants. The applications are there. However, not one—not one—of these applications will be entertained in the coming year.

Why? Because every penny has already been earmarked by the conferees. Just 2 years ago, roughly 30 percent of the funds available for bus and bus facilities were distributed by competition. Four years ago, roughly half the funds were distributed based on competition. In the years before that, the Congress earmarked anywhere between 9 percent and 28 percent of the total amount of funding available for bus grants. The conference report before us provides $687 million for so-called transit new starts—$687 million for so-called transit new starts. These are major construction projects for new, expanded transit systems in our major urban centers.

The conference report agreement earmarks every penny made available under this account for 31 cities across the country. This is true despite the fact that the administration saw fit to request funding for only 12 cities.

Now, I know that it will be claimed that the Nation's highway needs can be completely provided for by formula funding. Just do it all by formula. Just mathematically dribble out highway dollars under an agreed-upon formula. No deviations, please. We have all the highway needs of every State completely scoped out, packaged and arithmetically calculated, all by formula.

How utterly preposterous! How convenient for some States and how detrimental for others.

It should not come as a revelation to anybody that different States have different topographies. Some are flat. Some are hilly. Some are mountainous. Some are both flat and hilly. Some are both flat and mountainous. It should also not come as an intuitive flash of genius to anyone that the economies of the States are different. Some are rural. Some are agricultural. Others are urban centers. Some are dependent upon industry. Many State economies have a combination of both or all of these.

If one understands these quite obvious and undeniable geographic and economic differences that exist among the States, it then follows that some States will need more mass transit money, or more bus money, or more highway money than others. It also then becomes apparent that an exclusively formula-driven approach to highway funding is not going to address the highway needs of each and every State. It costs from $10 to $18 million a mile to build four-lane highways in the State of West Virginia. We have mountains, more than a million hills and mountains in West Virginia. It also, then, becomes apparent that an exclusively formula-driven approach to highway funding is not going to address the highway needs of each and every State.

Thus, the reason for earmarking of highway dollars—in order to address the deficiencies of the Federal highway formula in certain States—can easily be understood, can easily be understood by those who want to understand.

Take a State like West Virginia. We are mostly rural, heavily forested, very mountainous, have very little flat land and few cities of any size. We have few airports, sparse airline service, and heavy fog which frequently impairs landings and takeoffs.

West Virginia receives almost no funding from the $1.5 billion airport improvement program. The most formula funding that my State of West Virginia has ever received from that program was $4.3 million in 1 year. West Virginia ranks 49th in the Nation in the number of air passengers.

I do not like to ride airplanes. When I was a little boy I would write to all of the companies that were advertising in publications that had anything to do with aviation. I thought someday I would like to be an aviator, and sail through the clouds with the greatest of ease. It did not work out like that. I am not so wild about flying anymore.

So we are 49th among the States with reference to air passengers. Compare that to the Dallas-Ft. Worth Airport that has received more than $100 million in a single year for the expansion of that airport from the Airport Improvement Program. Is that pork?

The airport in Charleston, West Virginia—probably the State's busiest airport—was built by hacking off the top of several mountain peaks, shoving that dirt into the valleys and then smoothing and leveling that newly-created surface to make a runway. On a foggy morning, taking off or landing at Charleston can be an exciting experience. And it can also be a fatal one, as we have seen. So, there are not large airports, and therefore, some businesses are reluctant to come to my State because of that drawback. Likewise, blasting through mountains, building tunnels through mountains—John Henry has been dead a long, long time—blasting tunnels through mountains, under valleys and riverbeds in order to build tunnels for mass transit is not extremely practical, to say the least. We have almost no mass transit activity in West Virginia. Can you imagine speed rail transit in West Virginia?

We have almost no mass transit. Of the $2.5 billion that was distributed by formula to the States for mass transit assistance in fiscal year 1995, guess how much West Virginia received? Of the $2.5 billion, West Virginia received less than $650,000. It received $642,000, less than $1 million out of $2.5 billion. That is why we need highways. I know they are looked upon with scorn in some quarters. But West Virginia is part of the Union, the only State that was torn from another State in the throes of a great Civil War. It became a Union State in 1863.

For this coming fiscal year, the conference agreement will lower that level of assistance to West Virginia to $515,000. Out of the $2.5 billion, West Virginia will get a half-million. Think of it. I am not complaining about that. God, in his masterful design, in all of that process of creation, made West Virginia mountainous, so we do not have mass transit. We have to depend upon highways. West Virginia, therefore, receives very little mass transit money, no new airport funds, and is, therefore, left almost completely dependent upon highway funds to satisfy its transportation needs.

Come on, pork busters! Go with me to West Virginia! For commerce, for tourist travel, travel by people within the State and by people passing through on their way to somewhere else, means, for the most part, highway travel, and we need highways. Highways are West Virginia's only ticket—only ticket to economic development.

My State is a poor State. Thank God for West Virginia. It is a land of mountains by God's great will, and it produces mountain men and women. Yes, it is a poor State, always has been, trampled by outside interests. One day I will talk about the great coal barons who lived outside the State but who took the State's resources with the blood and the sweat and the tears of mountaineers who helped to build those fortunes for the absentee owners. So, my State is a poor State, and without adequate highways we will always remain so.

Then, there is the issue of safety. That affects everybody. I was in one head-on collision in West Virginia, on West Virginia State Route 2, in which the driver of the other car was killed.

Safety is important. Again, let us look at my State of West Virginia. As I have said, there is very little flat land. We have roads in some areas that have more hairpin curves than they do straight stretches. They are narrow winding, twisting roads, snaking around and over mountains and up and down steep valleys. In the rain, in the snow, in the dark, in the fog, it is quite a harrowing ride in many parts of West Virginia. Lives have been lost again and again because of these narrow, two-lane, twisting ribbons that crisscross my State. I know. I have traversed almost all of them at some time or other.

It would be an education for some Members to travel with me on some rainy night in the fog when the headlights barely penetrate a car length. Perhaps I should invite some of the opponents of highway money to ride along with me, so that they might enjoy the full flavor of unimproved, two-lane mountain highways. I daresay their antiperspirant would fail them. Maybe then—just maybe—a little sympathy might be forthcoming with regard to those evil highway projects.

This is what my people endure daily in West Virginia. This is what travelers passing through my State contend with. This is what truck drivers—whose time is money—have to deal with when they take a load through West Virginia.

But, what is West Virginia in the grand scheme of things? We are small. We are poor. Who cares about our safety or our economic plight? Maybe we should just crawl back into our hollows and mountain caves and stop bothering everybody.

A patchwork quilt of a nation, where some States thrive and others wither, is not a prescription for a strong national economy. An unbalanced transportation policy, like the one promulgated in this conference report, is a major contributor to that checkered economic picture, and it will not serve this Nation well.

So we can beat our breasts. We can beat our breasts and proclaim to the highest heavens that we have eliminated the earmarks in this bill. But that claim is false. The earmarks are there. They are a little disguised perhaps, but they are there.

We can wave our swords and rejoice that we have slain the dragon of highway demos in this bill. That claim is true. But, that dragon is not a dragon at all, and slaying it will only result in the killing of the economic hopes of rural states dependent on highways for prosperity.

Mr. President, Daniel Webster made my case in 1830 in his second reply to Hayne. On Tuesday, January 26, 1830, he said,

> . . . I look upon a road over the Alleghanies—

He was talking about West Virginia except West Virginia was not a State at that time.

> . . . I look upon a road over the Alleghanies—

This is not ROBERT C. BYRD talking; this is Daniel Webster, the god-like Daniel.

> . . . I look upon a road over the Alleghanies, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the Western waters.

He did not limit it to just one mode of transportation. He was talking about them all. He said,

> . . . I look upon a road over the Alleghanies, a canal round the falls of the Ohio, or a canal or railway from the Atlantic to the Western waters, as being an object large and extensive enough to be fairly said to be for the common benefit. . . . We [New Englanders] look upon the states, not as separated, but as united . . . We do not impose geographical limits to our patriotic feeling or regard; we do not follow rivers and mountains, and lines of latitude, to find boundaries, beyond which public improvements do not benefit us . . . if I were to stand up here and ask, what interest has Massachusetts in a railroad in South Carolina? I should not be willing to face my constituents. These same narrow-minded men would tell me, that they had sent me to act for the whole country, and that one who possessed too little comprehension, either of intellect or feeling, one who was not large enough, both in mind and in heart, to embrace the whole, was not fit to be entrusted with the interest of any part.

That was Daniel Webster. O that we had Webster, or Clay, or both of them in the Senate today. Or in the other body, because they saw beyond the horizon. They saw beyond the geographical limitations, beyond the lines of latitude and the rivers and the ridges of the mountains. They saw a great

country benefiting by that which benefited one part.

Mr. President, I do not ask others to vote against this conference report. As I say, I support every mass transit earmark in the conference report. I support every bus and bus facility earmark in the conference report. I do not come to bury earmarks, Mr. President. I come to praise them. But I will vote against this conference report.

We are one country, Mr. President, and we ought to have a transportation policy that adequately addresses the needs of the whole country. The bill before us falls far short of that laudable goal.

I shall vote against this conference report in protest of the unwise transportation policy that is embraced in this bill.

Mr. President, I ask unanimous consent that a table showing earmarks provided for bus and bus-related facilities, and one showing earmarks for mass transit systems, be printed in the RECORD.

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

BUS AND BUS-RELATED FACILITIES

The conference agreement provides $333,000,000 for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities. The conferees agree that the recommended funding should be distributed as follows:

Project location and purpose	House	Senate	Conference
Arkansas:			
Little Rock, central Arkansas transit transfer facility	0	$1,000,000	0
Fayetteville, intermodal transfer facility	0	5,400,000	0
State of Arkansas; buses	$6,000,000	0	$6,200,000
California:			
Coachella Valley; SunLine bus facility	1,000,000	0	500,000
Long Beach, bus replacement and parts	0	3,000,000	1,500,000
Los Angeles; Gateway intermodal center	8,000,000	15,000,000	8,000,000
San Diego, San Ysidro intermodal center	0	10,000,000	5,000,000
San Francisco; buses	13,480,000	0	6,740,000
San Francisco, BART ADA compliance/paratransit	0	4,460,000	2,230,000
San Gabriel Valley; Foothill bus facilities	12,500,000	0	9,750,000
San Joaquin, RTD replacement	0	10,560,000	5,280,000
Santa Cruz; bus facility	3,000,000	0	1,500,000
Sonoma County; park and ride facilities	2,500,000	0	1,250,000
Ventura County; bus facility	1,200,000	0	600,000
Yolo County; buses	3,000,000	0	1,500,000
Colorado: Fort Collins and Greeley; buses	2,500,000	0	1,250,000
Connecticut: Norwich; intermodal center	3,000,000	0	1,500,000
Delaware: State of Delaware; buses	2,700,000	0	1,350,000
Florida:			
Metropolitan Dade County; buses	4,000,000	16,000,000	10,000,000
Orlando; Lynx buses and bus operating facility	8,500,000	0	4,250,000
Palm Beach County; bus facility	4,000,000	0	2,000,000
Volusia County; buses and park and ride facility	2,500,000	0	1,250,000
Georgia: Atlanta; buses	7,500,000	0	3,750,000
Hawaii: Honolulu, Oahu; Kuakini medical center parking facility	0	8,000,000	4,000,000
Iowa:			
Ames, Marshalltown, Ottumwa, Regions 6, 14, 15, 16; buses and bus facilities	4,000,000	0	2,350,000
Cedar Rapids; hybrid electric bus consortium	0	2,960,000	1,200,000
Ottumwa; global positioning equipment	0	700,000	0
Waterloo; intermodal bus facility	0	1,340,000	670,000
State of Iowa; buses, equipment, and facilities	0	8,000,000	4,280,000
Illinois:			
Chicago replacement buses/communications system	0	13,700,000	0
State of Illinois; buses	20,000,000	0	16,850,000
Indiana:			
Gary and Hammond; buses	520,000	0	260,000
South Bend; intermodal facility	5,000,000	0	2,500,000
State of Indiana; buses and bus facilities	13,000,000	0	6,500,000
Kentucky: Lexington; buses	2,000,000	0	1,000,000
Louisiana:			
New Orleans; bus facility	6,000,000	0	3,000,000
New Orleans; buses	12,000,000	0	6,000,000
Saint Barnard Parish; intermodal facility	3,000,000	0	1,500,000
Massachusetts: Worcester; intermodal center	4,000,000	0	2,000,000
Maryland: Maryland Transit authority, Maryland; buses	10,000,000	16,000,000	13,000,000
Michigan:			
Lansing intermodal transportation center	0	4,180,000	2,090,000
State of Michigan; ISTEA set-aside requirement	10,000,000	10,000,000	10,000,000
Minnesota: Metropolitan Council, Minnesota; articulated buses	15,000,000	0	7,500,000
Missouri:			
Kansas City; Union Station intermodal	0	13,000,000	6,500,000
St. Louis; Metrolink bus purchase	0	10,000,000	3,500,000
State of Missouri; buses and bus facilities	0	11,000,000	7,000,000
North Carolina: State of North Carolina; buses and bus facilities	10,000,000	0	5,000,000
New Jersey:			
Garden State Parkway; park-n-ride at interchange 165	0	2,300,000	1,150,000
Hamilton Township; intermodal facility/bus maintenance	0	25,000,000	12,500,000
Nevada: Clark County, Nevada; buses and bus facility	14,000,000	20,000,000	17,000,000
New York:			
Albany; buses	0	10,000,000	5,000,000
Buffalo; Crossroads intermodal station	1,000,000	0	500,000
Long Island; buses	0	3,000,000	1,500,000
New Rochelle; intermodal facility	1,500,000	0	750,000
New York City; natural gas buses/fueling station	0	10,000,000	5,000,000
Rensselaer; intermodal station	7,500,000	7,500,000	7,500,000
Rochester-Genessee; buses	0	1,400,000	700,000
Syracuse; buses	2,000,000	0	1,000,000
Syracuse; intermodal station	2,000,000	0	1,000,000
Utica; buses	0	6,000,000	3,000,000
Westchester; bus facility	4,500,000	0	2,250,000
Ohio:			
Cleveland; Triskett bus facility	2,500,000	0	1,250,000
Columbia; buses	0	10,000,000	0
State of Ohio; buses and bus facilities	20,000,000	0	15,000,000
Oregon:			
Wilsonville; transit vehicles	0	500,000	250,000
Eugene lane transit district; radio system	0	1,300,000	650,000
Pennsylvania:			
Allegheny County; busway system	8,000,000	10,000,000	9,000,000
Altoona; ISTEA set-aside requirement	2,000,000	0	1,000,000
Beaver County; bus facility	1,600,000	3,300,000	2,450,000
Erie; intermodal complex	0	8,000,000	4,000,000
North Philadelphia; intermodal center	6,000,000	0	3,000,000
Philadelphia; buses	3,000,000	0	1,500,000
Philadelphia; Chestnut Street/alternative fueled vehicles	0	2,000,000	1,000,000
Philadelphia; lift-equipped buses	15,000,000	0	7,500,000
Tennessee: Nashville, Tennessee; electric buses	600,000	0	300,000
Texas:			
Corpus Christi; buses, dispatching system, and facilities	0	1,600,000	2,450,000
Corpus Christi; bus facilities	2,500,000	0	0
El Paso; buses, equipment and facilities	6,000,000	0	5,200,000
El Paso; bus equipment	2,900,000	0	0
El Paso; satellite transit terminal	1,500,000	0	0
Robstown/Corpus Christi bus shelters/curb cuts/transit center	0	800,000	0
Utah: Utah Transit Authority, Utah; buses	3,500,000	0	1,750,000
Virginia: Richmond; downtown intermodal station	0	10,000,000	5,000,000
Vermont:			
State of Vermont; buses and bus facilities	0	6,000,000	3,000,000
Marble Valley; bus upgrades	0	2,000,000	1,000,000
Washington:			
Everett; intermodal center	0	7,000,000	3,500,000
Pierce County; Tacoma Dome station	3,000,000	5,000,000	5,000,000
Seattle; Metro/King County multimodal	0	4,000,000	2,000,000
Seattle/King County; Seattle metro bus purchase	2,500,000	10,000,000	6,250,000
Wenatchee; Chelan-Douglas multimodal	0	2,000,000	0
Wisconsin: State of Wisconsin; buses	20,000,000	0	10,000,000
Total	333,000,000	333,000,000	333,000,000

The conference agreement provides for the following distribution of the recommended funding for mass transit systems as follows:

Project	*Amount*
Atlanta-North Springs project	$42,410,000
South Boston Piers (MOS–2) project	20,060,000
Canton-Akron-Cleveland commuter rail project	2,250,000
Cincinnati Northeast/Northern Kentucky rail line project	1,000,000
Dallas South Oak Cliff LRT project	16,941,000
DART North Central light rail extension project	3,000,000
Dallas-Fort Worth RAILTRAN project	6,000,000
Florida Tri-County commuter rail project	10,000,000
Houston Regional Bus project	22,630,000
Jacksonville ASE extension project	9,720,625
Los Angeles Metro Rail (MOS–3)	85,000,000
Los Angeles-San Diego commuter rail project	8,500,000
MARC commuter rail project	10,000,000
Maryland Central Corridor LRT project	15,315,000
Miami-North 27th Avenue project	2,000,000
Memphis, Tennessee Regional Rail Plan	1,250,000
New Jersey Urban Core-Secaucus project	80,250,000
New Orleans Canal Street Corridor project	5,000,000
New York Queens Connection project	126,725,125
Pittsburgh Airport Phase 1 project	22,630,000
Portland-Westside LRT project	130,140,000
Sacramento LRT extension project	2,000,000
St. Louis Metro Link LRT project	12,500,000
Salt Lake City light rail project	9,759,500
San Francisco BART extension project	10,000,000
San Juan, Puerto Rico Tren Urbano project	7,500,000
Tampa to Lakeland commuter rail project	500,000
Whitehall ferry terminal, New York, New York	2,500,000
Wisconsin central commuter project	14,400,000
Burlington-Charlotte, Vermont commuter rail project	5,650,000

SOUTH-NORTH CORRIDOR PROJECT

The conferees note that the Oregon legislature and Portland area voters have approved $850 million in local and state funds for the South-North corridor project. The conferees support the inclusion of the South-North corridor in the Portland area program of interrelated projects and note that a project financing plan, based on a discretionary (section 3) share of fifty percent of the total

project costs, will be considered should the Portland region seek funding for this project.

ORANGE COUNTY, CALIFORNIA

The conferees are concerned with the delay of the Federal Transit Administration in obligating the funds previously provided in fiscal years 1994 and 1995 for the Orange County Transitway project. The conferees are concerned that the FTA may fail to recognize that the Anaheim Intermodal Transportation Center is not an element of the Transitway project. The conferees, therefore, direct the FTA to work expeditiously to obligate these funds once all pending planning and financial issues are addressed adequately.

KANSAS CITY

Although no funds have been provided for the Kansas City, Missouri light rail project, the conferees believe that based on the results of the recently completed major investment study, the project may have merit and therefore encourage project sponsors to continue to seek federal support in the future.

Mr. BYRD. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THE RECONCILIATION BILL

Mr. BYRD. Mr. President, I heard a great deal of blather this morning about tricking and treating, about that great reconciliation bill that was passed last Friday—it may have been a little after midnight—and that that was a great treat for the American people.

Mr. President, here it is on my desk. The white papers represent the Senate amendment; the 1,862 pages just in the white. The two blue volumes, 1,839 pages, represent the House reconciliation bill.

These 1,839 pages that represent the House reconciliation bill were given 6 hours—all of 6 hours—of debate in the other body. Think of it, 6 hours! And the 1,862 pages in the Senate amendment were given 20 hours, plus 1 additional hour, I believe, on the Roth amendment, and a minute equally divided on each of various and sundry other amendments. So there you have it, 1,862 pages, a little over 20 hours, parts of 4 days in the Senate!

Now, who under God's vast Heaven knows what is in this bill? Not one Senator, not one Senator out of the 100 Senators, knew when he cast his vote for or against that monstrosity, not one knew what he was voting on! No single committee held hearings on all of this. Different committees held different hearings on parts of it. But no committee person, no committee chairman, no Member of the Senate, no staff person knew everything that Senators were voting on, and most Senators knew very little about it. We simply rubberstamped the package that was sent to the Senate by the Senate Budget Committee, and not all of the members of that committee knew what they were sending to the Senate. Is that legislating? Is that trick or treating?

Mr. President, those who wish to proclaim to the high heavens that this is a great masterpiece will come to find that ''Confusion now hath made his masterpiece,'' and the worm will turn! The American people are going to find out in due time about the Senate's handiwork and the handiwork of the other body—what we passed for a law.

We might as well have been blindfolded. We might as well have had our ears plugged. When a pile of paper like that is acted upon in the course of 42 hours—including time consumed by roll calls—under the restrictions that govern the actions of the Senate on a reconciliation bill, how can one say that the Senate has not perpetrated a gigantic fraud upon the American people? The people send us here to know what we are doing, to know what we are voting on, and we did not. We did not. And God knows that in the heart of every Senator, that Senator has to admit that he did not know what was in that bill. He knew a little here and a little there, but he did not know most of what is in that bill.

So there you have it. That is the colossal trick or treat of the century! Right there it is. Halloween came last Friday. It is over! The kids may go around tonight and pick up a little candy and chewing gum, here and there, but the American people got theirs last Friday night!

Now the two bodies, the conferees of the two bodies have to meet and go over all of this mass of wood pulp and try to make sense out of it and then bring back what will result from the conference, the resolution of the differences between the two bodies. And who knows what differences there are? We will have that conference report up before the Senate one day.

There is no legal requirement, there is no constitutional requirement that I know of that says the Senate has to pass a reconciliation bill. Show me! I do not know of any. There is no doubt that there would be some serious budgetary consequences that would flow from not having a reconciliation bill but we do not have to have one. All we have to do is pass the appropriations bills, raise the debt limit and go home.

Think of it! If we continue to go down that road, all we will need to do is show up for a week, 10 days perhaps, during a whole year. Except for the Byrd rule, if the Senate so instructs the committees, all the committees could just send to the Budget Committee—it is not the Budget Committee's fault—all the other committees could just send to the Budget Committee whatever their pleasures might be, and the Budget Committee would be forced to put all those into one massive bill, and we could just pass that one bill and pass one omnibus appropriations bill and go home. Hot ziggedy dog, go home!

Just spend just a few days here, we have a few votes, go home! Just pass one bill! Just rubber stamp whatever the Budget Committee is forced to send to the Senate floor. Rubber stamp it! That would be another trick or treat for the American people.

Well, Mr. President, it seems to me it is preposterous to even claim that we are legislating with any knowledge or wisdom of what we are doing when we last week passed a bill like that. It was a joke we played on the American people—and a bad one.

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

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

THANKING SENATE STAFF

Mr. BYRD. Mr. President, the conference report has been the subject of praise and criticism and blame. Let me take this opportunity to express my appreciation and, I am sure, the Senate's appreciation to the floor staff under the direction of the Secretary of the Senate, Kelly Johnston, for the outstanding service that the floor staff provided to the Senate during the lengthy debate on the reconciliation bill that was passed in the early hours of the morning on Saturday, October 28.

I commend the hard work and long hours of the legislative clerk, Scott Bates, and his able assistant, David Tinsley, as well as the bill clerk, Kathie Alvarez. But most particularly, Mr. President, I applaud the outstanding efforts of the office of the Parliamentarian of the Senate, the staff of very hard-working and dedicated professionals. That office is under the supervision of the Senate Parliamentarian, Bob Dove. And he is very ably assisted by Alan Frumin, Kevin Kayes, and Beth Smerko, as well as Sally Goffinet.

The reconciliation bill that the Senate adopted last week was a massive and complicated omnibus bill. Many difficult rulings were required of the Parliamentarian, particularly in the context of the often maligned Byrd rule and the need to interpret the consistency or lack thereof of particular amendments with respect to the Byrd rule.

In many of these instances, proponents of amendments argued adamantly and with passion before the Parliamentarians that their amendments were relevant under the Byrd

rule and, therefore, qualified for inclusion in the reconciliation bill. The opponents of such amendments argued just as strongly that a number of these amendments were extraneous or had no budgetary impact and, therefore, did not qualify for inclusion in the reconciliation bill.

The Parliamentarians had the very difficult task of reaching a final determination in questions such as these on the basis of their interpretations of the requirements of the Budget Act in relation to the Byrd rule as well as the precedents of the Senate in this regard. This is a very difficult and thankless responsibility, which, to my knowledge, was carried out without exception on an objective and fair and equitable basis in every instance.

So I congratulate the Parliamentarians on their performance in connection with the record-setting stream of amendments and the interpretations that had to be determined in relation to many of them during the debate on the reconciliation bill. The Senate and the American people owe these hard-working professional staff members our deep gratitude.

I would be recreant if I did not also compliment the majority leader, Mr. DOLE, and the minority leader, Mr. DASCHLE, and the chairman and the ranking member of the Senate Budget Committee, Mr. DOMENICI and Mr. EXON. The two managers of the bill demonstrated great skill, equanimity, and patience in their work.

The majority leader carried a heavy burden. I think he was fair. He was hard driving, but he succeeded in overcoming the difficulties and problems and was successful in getting Senate action on the bill.

Mr. EXON on this side did us all proud. He likewise was fair, patient, and is to be greatly commended.

Mr. DOMENICI is one of the brightest minds in this Senate. That was evidenced in the way he conducted himself during the markup and management of the bill in the committee and on the floor.

And our own minority leader demonstrated great understanding and reached out to all of the members of the minority, as he always does, and, in my judgment, did a masterful job in his work on behalf of the minority and on behalf of the people that we represent.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The Senate continued with the consideration of the bill.

Mr. MCCAIN. Mr. President, I want to take a moment to praise the chairman and the ranking member of the Transportation Appropriations Subcommittee. The conference report they have brought to Senate demonstrates their hard work.

Although I would have dealt with some specific issues differently than the conferees did, they deserve our praise.

However, Mr. President, I do want to comment specifically on a few matters contained in the bill.

First, the House bill as passed contained numerous provisions making appropriations for certain projects contingent upon authorization. I am disappointed that this language was dropped in conference.

If we are going to continue to appropriate funds for unauthorized projects—I would hope that if such an appropriation is made subject to authorization that such language will be preserved.

Second, I am also concerned that in certain accounts the funding levels reported out of the conference are higher than the levels approved by either the Senate or the House. Reprioritization of funds in the conference in this manner does raise many legitimate concerns.

Third, the report to accompany the conferenced bill does contain numerous earmarks not contained in the reports that accompanied either the House or Senate bills. I raise this issue not to criticize, but instead to emphasize for the record that such language does not have the force of law, is not binding, and should only be considered as a recommendation to the administration. I would hope the President and the Secretary of Transportation would use their own judgment and spend these funds in a fair, rational manner based on national priorities.

In past years the Transportation appropriations bill has been riddled with earmarks and pork. I am pleased that this year's bill contains substantially fewer earmarks. To be certain, it does contain earmarks and some pork that I would like to have seen been dropped. But on the whole, the bill deserves our praise and support.

Mr. DOMENICI. Mr. President, I rise in support of the conference report to the Department of Transportation and Related Agencies appropriations bill for fiscal year 1996.

I commend both the distinguished chairman of the Appropriations Committee, Chairman HATFIELD, and the chairman of the House Appropriations Subcommittee on Transportation, Congressman WOLF, for bringing us a balanced bill considering current budget constraints.

The conference report provides $12.7 billion in budget authority and $11.9 billion in new outlays to fund the programs of the Department of Transportation, including Federal-aid highway, mass transit, aviation, and maritime activities.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $13.1 billion in budget authority [BA] and $37.3 billion in new outlays.

The subcommittee is $18 million in BA below its 602(b) allocation, and it is essentially at its outlay allocation.

I urge adoption of the conference report.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the final bill be printed in the RECORD.

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

TRANSPORTATION SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	382	25,376
H.R. 2002, conference report	12,100	11,378
Scorekeeping adjustment	.....	.....
Subtotal nondefense discretionary	12,482	36,754
Mandatory:		
Outlays from prior-year BA and other actions completed	.....	60
H.R. 2002, conference report	582	521
Adjustment to conform mandatory programs with Budget Resolution assumptions	2	−0
Subtotal mandatory	584	581
Adjusted bill total	13,066	37,335
Senate Subcommittee 602(b) allocation:		
Defense discretionary	.....	.....
Nondefense discretionary	12,500	36,754
Violent crime reduction trust fund	.....	.....
Mandatory	584	581
Total allocation	13,084	37,335
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	.....	.....
Nondefense discretionary	−18	−0
Violent crime reduction trust fund	.....	.....
Mandatory	.....	.....
Total allocation	−18	−0

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

TASMAN LIGHT RAIL CORRIDOR, SANTA CLARA COUNTY, CA.

• Mrs. BOXER. Mr. President, I would like to ask the distinguished chairman of the Appropriations Committee if he would engage in a brief colloquy with myself and my colleague from California, Senator FEINSTEIN, regarding a critical San Francisco Bay area transportation project.

Mr. HATFIELD. I would be pleased to address this issue with the Senators from California.

Mrs. BOXER. Thank you, Mr. Chairman. The Tasman corridor light rail project is an integral piece of the local rail agreement fashioned by our regional metropolitan planning organization, the Metropolitan Transportation Commission [MTC]. All of the bay area jurisdictions are a party to this agreement which represents the best in local planning and decisionmaking. When

the California Supreme Court on September 28, invalidated our so-called Measure A, a half-cent sales tax dedicated to many important highway, commuter rail and transit construction projects, the planned-for local match for the Tasman project appeared to be lost. Due to the perseverance of all involved, in the few short weeks since that ruling the Tasman corridor plan has been revised to reflect the new fiscal realities. It has been proposed that only the west extension to Mountain View be built at this time. The 7.5-mile line will cost $125 million less than the original project, and only 50 percent of its funding will be derived from Federal section 3 new start funds. Of the $122 million in proposed new starts funding, some $33 million has already been appropriated and dedicated to the Tasman project by the MTC. The remainder of the funding will come from identified State, local and flexible Federal funding sources authorized under the Intermodal Surface Transportation and Efficiency Act [ISTEA]. This revised plan has the unanimous support of Santa Clara County's Transit Agency Board, and I expect shortly will be approved by the MTC and later included in the California Transportation Commission's revised State Transportation Improvement Program.

I would like to ask the distinguished chairman whether in view of these positive developments, and in deference to the local and regional planning process which has served us so well, he would agree to the following: that if the revised Tasman project secures all requisite Federal, State, and regional approvals in a timely fashion, the $33 million in unobligated balances referenced in the conference report may be provided by the MTC for the commencement of construction on the Tasman west extension.

Mr. HATFIELD. Yes, that is my understanding.

Mrs. BOXER. I thank the Chairman for his understanding and thoughtful response. At this time I would yield to my distinguished colleague from California, Senator FEINSTEIN, for additional comments.

Mrs. FEINSTEIN. I applaud the efforts of many in the bay area who moved quickly after the court's ruling to make the necessary modifications to the proposed Tasman corridor extension. This project is even more cost effective and compelling today and reflects creative land use planning and promising joint development opportunities. The bay area congressional delegation has rallied around this important project. A similar colloquy occurred in the House with Transportation Appropriations Subcommittee Chairman FRANK WOLF. Our efforts here today represent an important reaffirmation of the value of local and regional planning and decision making, a focus consistent with the goals of ISTEA and more likely to ensure timely and cost-effective project completion. I look forward to working with you, Chairman HATFIELD, in making certain that the plan for the Tasman west extension is financially sound and continues to enjoy the broad-based support it has in the past.●

FERRY BOATS AND FISHERIES

● Mr. STEVENS. Mr. President, I would like to take a moment to address a section of the Transportation appropriations bill that speaks to Federal aid to highways. Specifically, I wish to point out that the Senate included $17 million for ferry boats and facilities.

My State of Alaska has critical needs for a functioning transportation infrastructure. In the southeastern part of the State this is accomplished with ferrys and aviation. As many Members know, this part of Alaska has numerous isolated islands, and road systems that are only local in nature. The extremely mountainous coastline prohibits the Alaskan southeastern towns, including the State Capitol of Juneau, from connecting to any other road system in North America. When the weather is bad, which is quite often in this part of the world, aviation is of limited assistance.

Scheduled ferry service is of immeasurable assistance to the remote southeast towns. If available, a share of the $17 million would be directed to enhancing the ferry system between the towns of Craig, Whale Pass, Blind Slough, and Wrangell.

I ask the Appropriations Committee chairman, Senator HATFIELD, if it is his understanding that Alaska is a State that can avail itself of a share of these ferry boats and facilities funds?

Mr. HATFIELD. The Senator from Alaska is correct. Alaska may apply for a share of the $17 million dedicated to ferry boats and facilities.●

ESSENTIAL AIR SERVICE

● Mr. BAUCUS. Mr. President, the conference report we are considering today makes dramatic cuts in the essential air service program. In fact, the program will see an almost 30 percent cut in funding this year—from over $30 million last year to $22.6 million this year. The statutory language of the conference report maintains the eligibility of EAS communities nationwide—the same number of communities that are eligible today will remain eligible next year.

Therefore, we have a situation where the same number of communities are eligible for EAS funding, yet far fewer dollars are available for the program.

Mr. President, while I remain very concerned with the funding reduction for the EAS program, I am more concerned with language included in the statement of manager's report.

Language included in the statement of manager's report makes it clear that all communities eligible for EAS funding in fiscal year 1995 remain eligible in fiscal year 1996. However, the language continues on to say that the Department ''may be required to make prorata reductions in the subsidy or daily/weekly service levels'' in order to meet the reduced funding level. In other words, the only discretion the Department has in meeting these funding reductions is an across-the-board reduction in the level of air service of EAS communities.

This language ties the hands of the Department of Transportation. The statement of managers language is being interpreted to be the only solution available in meeting the reduction in funding.

Mr. President, the purpose of the essential air service program is to provide air service to rural, isolated communities. In my home State of Montana, our seven EAS communities are isolated. They are over 600 miles from a medium or large hub airport. A reduction in air service to these communities would be a real economic blow and would further isolate these folks.

I would ask my friend, the chairman of the Appropriations Committee, if the intent of the conferees was to give the Secretary the discretion to determine the type of program that should exist with $22.6 million in funding—and the intent was not to place one option above another? There may be other ways to reach this funding level without an across-the-board reduction in the level of service and the Secretary should have the ability to make decisions that would maintain the integrity of the EAS program in the future.

Mr. HATFIELD. Mr. President, I would say to my friend, that the intent of the conferees was to continue to maintain the current eligibility criteria for the essential air service program. However, the decision on how the program should be structured with a reduced funding level should be left to the discretion of the Secretary.

Mr. BAUCUS. Mr. President, I thank my friend. The Senator from Oregon understands the important rule that reliable air service plays in States like Montana and I appreciate his efforts to preserve this program.

At a time when life in rural America is becoming increasingly difficult, reliable air service is a vital link in our transportation network. The essential air service program is just that—it is essential and its integrity should be maintained.

I thank my friend again.●

Mr. MOYNIHAN. Mr. President, I am pleased to note that the conference report for the Department of Transportation appropriations bill includes an appropriation of $20 million for capital improvements associated with safety-related emergency repairs to Pennsylvania Station in New York City and its associated service building.

Pennsylvania Station is the busiest intermodal station in the Nation, with almost 40 percent of Amtrak's passengers nationwide passing through every day. Unfortunately, it is also the most decrepit of the Northeast corridor stations, others of which, such as Washington, DC's own Union Station, have been renovated with Federal grants. Today, Pennsylvania Station

handles almost 500,000 riders a day in a subterranean complex that demands improvement. According to the New York City Fire Commissioner, there have been nine major fires at the station since 1987. Luckily, these fires have occurred at off-hours; as it stands, the station could not cope with an emergency when it is crowded with the 42,000 souls who pass through every workday between 8 and 9 a.m. In addition, structural steel in the station has shown its age and needs immediate repair. And these are just the most pressing needs.

There is a redevelopment plan to change things for the better, a $315 million project to renovate the existing Pennsylvania Station and extend it partially into the neighboring historic James A. Farley Post Office, almost doubling the emergency access to the station's platforms which lie far below street level beneath both buildings. Moreover, there is a financing plan in place that could do this with $100 million from the Federal Government—with this bill, $51.5 million has already been appropriated—$100 million from the State and city, and $115 million from a combination of historic tax credits, bonds supported by revenue from the project's retail component, and building shell improvements by the Postal Service, owner of the James A. Farley Building. On August 31, 1995, Governor Pataki of New York chartered the Pennsylvania Station Redevelopment Corp. to oversee the project, following the signing of a memorandum of agreement by himself, Mayor Giuliani of New York City, Transportation Secretary Federico Peña, and Amtrak President Thomas M. Downs.

Thanks to our colleagues on the Committee on Appropriations, $20 million can now be used immediately for pressing safety repairs at the existing station and its associated service building, in the first step of the overall redevelopment effort. These Federal funds go toward construction, and they will count toward the Federal share of the $315 million project to transform the station into a complex capable of safely handling the crowds that have made Pennsylvania Station the Nation's busiest intermodal facility.

For myself and the 75 million other people a year who use the station, I would like to thank all those who have labored hard to make the station safer, in particular our colleagues Senator HATFIELD, Senator BYRD, and Senator LAUTENBERG.

Mr. COHEN. Mr. President, I want to register my opposition to the provisions of the Transportation appropriations conference report that exempt the Federal Aviation Administration [FAA] from Government-wide procurement and personnel rules. These provisions were included by the Appropriations Committee in the Senate passed bill at the recommendation of the FAA and will take effect on April 1, 1996, unless the Congress enacts preemptive FAA reform legislation before then.

The FAA asserts that these exemptions are necessary because personnel and procurement laws have stood in the way of modernizing the FAA's Air Traffic Control System. The FAA's failure to modernize the system, however, is not rooted in the Federal procurement and personnel systems. Instead, it is a symptom of a widespread and serious management deficiency which permeates the FAA. Numerous GAO reports and DOT Inspector General reports over the last 5 years have outlined the problems the FAA has had in modernizing its air traffic control system. These reports have consistently cited poor management, not the procurement or personnel systems, as the primary cause of FAA's failures.

I understand and share the frustration with the lack of progress at the FAA. The air traffic control system designed to keep our skies safe is crumbling, and each failure of the system leads to a chorus of calls for action. Regrettably, however, out of frustration at the FAA's inability to succeed in modernizing our air traffic control system, Congress is about to grant a special dispensation to an agency that has not earned it and is ill-prepared to accept the responsibilities that such an exemption will require. If the FAA was better at managing than denying there is a problem, defending its poor performance, and deflecting criticism away from the agency, we would have replaced our air traffic control system years ago and would not have 1950's and 1960's technology guiding our Nation's air traffic.

I have been working over the past 3 years to enable Federal agencies such as the FAA to more effectively incorporate advanced computer technology into its operations. Last year, I issued a report that documented how the Federal procurement process contributes to the Government buying outdated technology but also how poor FAA management led to the disaster of the present air traffic control system. Specifically, FAA has failed in its modernization efforts, wasted billions of taxpayer dollars and still has not been able to update its computer systems since the mid-1960's due to consistently poor management. Meanwhile, the Nation's air traffic control system is wearing out. To keep the system running, the FAA must search Radio Shack for spare parts and buy vacuum tubes from Third World manufacturers because no one in the United States makes them anymore.

While it takes the Federal Government an average of 4 years compared to 1 year in the private sector to buy new technology, 30-year-old FAA computers are failing with increasing frequency in Chicago, Dallas, New York and elsewhere across the country. While the Government's antiquated procurement rules definitely slow down the process and may add years to computer buys, the rules do not explain why the FAA has not modernized its systems in decades or explain how scores of other agencies have been able to work within the rules to replace antiquated vacuum tube computers and radars.

I am working to accomplish reforms to the Federal procurement system. This year I introduced The Information Technology Management Reform Act of 1995 which was approved as an amendment to the fiscal year 1996 Defense authorization bill. The amendment includes significant changes to existing procurement regulations and procedures which would help agencies such as the FAA buy technology by providing relief from cumbersome requirements while ensuring a reasonable and responsible approach.

Among other provisions, the amendment repeals the Brooks Act, authorizes commercial-like buying procedures, and emphasizes the results of the procurement process rather than the process itself while holding agencies like the FAA accountable for their results. The Senate is now conferencing this amendment with the House proposed procurement reform bill put forward by Representatives CLINGER and SPENCE. The House has proposed serious reform in the area of streamlining the procurement process, conducting efficient competitions and making it easier to buy commercial products. I believe we will be successful in getting these proposals enacted into law and these reforms will give FAA the flexibility to effectively buy the technology it needs.

These reforms, however, will not guarantee success. We can legislate the framework for effective management to take place, but we cannot legislate good management. While we need to reform the way the Government buys computers, the FAA's failure to modernize the air traffic control system is not derived from legislated procurement and personnel requirements. It is the lack of adequate planning and a constantly changing road map of where the FAA is going that has impeded completion of the modernization effort. This is caused by managers not knowing what they want and continually changing program requirements which drives up the cost to the taxpayer.

The problem is that no one, including Congress, has ever held FAA's managers accountable for their failures. Management problems at FAA will not be solved by the exemptions contained in the appropriations bill. To the contrary, I believe the exemptions will result in more cost and less results. The exemptions do nothing to deal with the fundamental problem of poor management at the FAA.

The proposed exemptions, in addition to lacking merit, also set a dangerous precedent. Having seen the FAA's success in avoiding accountability and obtaining special treatment, other agencies may seek similar legislative exemptions. If Congress acquiesces to these piecemeal approaches, the Federal Government will be plagued by conflicting and contradictory procurement laws and personnel systems

which will make it harder—not easier—to do business with the Government. Industry will have to learn literally hundreds of procurement systems. The rational approach is to have one procurement system in the Government that addresses the problems which may be perceived to be unique to FAA, but are common in every agency.

This conference report undermines ongoing efforts to enact Government-wide procurement reform, as well as rewards inept management at the FAA with exemptions from oversight rules when they are most needed. If the conference report is adopted, as I expect it will be, I urge the administration and FAA to use the new discretion authorized by the bill wisely and I urge my colleagues to hold FAA accountable for its progress in modernizing the Nation's air traffic control system. By absolving the FAA of its responsibility for past failures, Congress must now provide greater oversight of what FAA does with its new powers.

The new authority under this bill will not go into effect if Congress enacts FAA reform legislation by April 1 of next year. When the Commerce Committee marks up its own bill to meet this deadline, I urge the committee members to look at what the Congress and the administration are doing to streamline the procurement process. They will then see that we are fixing the procurement system on a Government-wide basis, and they can then focus on the real issue of managerial reform at FAA. For it is only through more effective management that the FAA will be able to efficiently and effectively modernize the air traffic control system and confront the other challenges to aviation safety in the 21st century.

Mr. DORGAN. Mr. President, I wanted to draw attention to something that is mysteriously missing from the conference report on the Transportation appropriations bill. The provision I am concerned about does not involve spending more or less money. Rather, I am concerned about a provision that called for an important study to be done by the Department of Transportation on the question of air fares and whether or not rural areas are paying more and getting less service.

When the Senate considered this bill, an amendment I offered was adopted without any objections. That amendment, which was cosponsored by Senators DOLE, SNOWE, and CONRAD would have required the Department of Transportation to conduct a study on air fares. There was no opposition expressed in the Senate and the Department itself supported the study.

Mr. President, I ask unanimous consent that a letter I received from Transportation Secretary Fredrico Peña supporting this provision be printed in the RECORD.

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

SECRETARY OF TRANSPORTATION,
Washington, DC.

Hon. BYRON DORGAN,
U.S. Senate, Washington, DC.

DEAR SENATOR DORGAN: I am writing this letter in order to endorse the study of air fares and service at small communities that you recently proposed. Since many changes have taken place within the airline industry since deregulation and some of these have affected small communities, I fully agree that a study of fares and service at small communities would be beneficial. I am aware that the General Accounting Office is currently conducting a similar study of small community issues. However, I believe the studies are somewhat different in their focus and I, therefore, endorse your study.

Your recommended approach to the study would compare and evaluate actual air fares and fares adjusted for distance for service between nonhub airports and large hub airports with fares for service between large hub airports. The study also would analyze service at nonhub airports with respect to the operations of regional and major airlines, the types of equipment used, and the levels of competition among commercial carriers.

In order to get a statistically valid comparison, it may be necessary to conduct a survey of regional carriers to get a more valid data set, which may require additional time to conduct a thorough study. We will also endeavor to study the overall fares paid at small communities compared to fares paid at hub airports.

I look forward to working with you and your staff on this project. If we may be of further assistance, please contact me or Steven Palmer, Assistant Secretary for Governmental Affairs, at (202) 366–4573.

Sincerely,

FEDERICO PEÑA.

Mr. DORGAN. It seems to me that we need to make some changes in aviation policy in this country and stop ignoring the fact that rural regions are suffering a serious decline in air service. The airline industry has undergone many changes since deregulation in the early 1980's. The invisible hand of competition replaced the assuring hand of government in the aviation marketplace. As a result, some areas of the country have seen lower prices and more choices in service. In other parts of the country, namely in rural areas, we have seen dramatic losses in air service and higher prices.

I realize that the General Accounting Office has studied the impact that deregulation has had on air fares in previous years. However, my sense is that air service is changing rapidly and it seems to me that more examination of air fares, especially for small rural communities, is needed.

A November 1990 report on ''Deregulation and Trends in Airfares at Small and Medium-Sized Communities,'' found that overall, average fares per passenger mile were more than 9 percent lower in 1988 than in 1979 at small and medium-sized airports and about 5 percent lower at airports serving large communities.

It seems to me that the Department of Transportation should be paying some more attention to the problems of rural America when it comes to air service. Most experts in town and at the Department of Transportation have pledged allegiance to the god of deregulation. They espouse the great virtues of deregulation and the tremendous benefits that the free market has brought in the form of more choices and lower air fares. They are right—but only half right. The fact is that the benefits of deregulation are only the rosy part of the picture. The story not being told enough is the negative effects deregulation has had on smaller, rural communities.

I offered this amendment because it seems that it is very important that the Department of Transportation begin focusing on the impact that deregulation has had on air service in rural areas. I am fully aware that the General Accounting Office [GAO] is currently conducting a similar study. I support that but I also believe that we cannot be satisfied with just having the GAO examining this issue.

The amendment I offered and the Senate adopted would have laid out specific areas for the Department to study, including comparison of air fares in hub markets where there is a concentration of service with fares at competitive hub markets. In addition, this study would have conducted, for the first time I believe, an analysis on the level of service that rural areas are receiving and document which rural markets have had jet service replaced with turbo prop service.

Now this provision was mysteriously dropped, despite the fact that the Department supported it and that it was cosponsored by a bipartisan group of Senators—including the majority leader. It makes no sense that this provision was dropped.

This is one of the primary reasons why I am voting against this bill. I strongly believe that this amendment should have been included in the conference report and no reasonable explanation has been provided as to why it was dropped.

I also oppose this conference report because of the significant cuts to critical rural programs.

ESSENTIAL AIR SERVICE [EAS] REDUCTIONS

The report cuts EAS by about $11 million from last year's level of $33 million. I think that these cuts are going to hurt and that a permanent funding mechanism needs to be found for the EAS program. However, before a permanent solution can be developed, it makes no sense to cut this program to this degree. The EAS program is making the difference between air service and no air service in many rural communities. Cuts of this magnitude will certainly be felt.

I do not believe that cutting the EAS program is justifiable in light of the essential role this program plays in providing air service to rural America. Deregulation has benefited some highly traveled areas of the country and rural areas have suffered. The EAS program was designed to protect rural areas and this bill strikes a critical blow at this important program.

LOCAL RAIL FREIGHT ASSISTANCE PROGRAM RESTORED

The Senate defeated an amendment offered by Senator PRESSLER to restore funding for the Local Rail Freight Assistance program [LRFA]. This program provides support to restore rail links that are likely to be abandoned. It has been a very important program in my home state of North Dakota.

The LRFA program received $17 million last year, of which $6 million was rescinded. Neither the House nor the Senate bill provided funding for LRFA and the conference report does not provide any funding. Although I am pleased that the conference report included an amendment that would authorize the State of North Dakota to spend $2.3 million to restore a rail line in Wahpeton, ND, I do not support the elimination of this important program.

INTERSTATE COMMERCE COMMISSION PHASE-OUT

The conference report provides for $13.4 million for one quarter for the ICC for salaries and expenses and assumes that the ICC will be eliminated and that legislation providing for the continuation of statutory obligations under the jurisdiction of the ICC will be enacted this year. The question as to what happens if the Congress fails to pass such legislation has not been answered. The statutory obligations will remain but the agency that has the sole jurisdiction to enforce them will have no funding to enforce them.

It makes no sense to me that funding for the ICC should be eliminated before the Congress has provided for an efficient way to address the statutory obligations that will continue to exist if the Commission is eliminated.

AIRPORT IMPROVEMENT PROGRAM GRANTS

The Report provides $1.45 billion in the grants-in-aid for airports program [AIP] instead of the $1.6 billion provided under the House bill and the $1.25 billion under the Senate bill. I am very concerned that this level of funding will not be adequate to maintain safe airports and our Nation's transportation infrastructure is in danger of crumbling at these funding levels.

CONCLUSION

Programs like EAS and LRFA are vitally important to rural areas—in fact, they are exclusively rural transportation programs. Both these programs have been seriously cut and in the case of LRFA, eliminated.

At the same time, there is substantial support for transportation programs designed to help urban areas, such as high speed rail and mass transit. Examples include:

$115 million for the northeast corridor improvement program (instead of the $100 million provided by the Senate and $130 million provided by the House).

$19.2 million for high speed rail studies, corridor planning, development, and demonstration (instead of the $10 million provided by the House and $20 million provided by the Senate). These funds will be allocated to Chicago, Detroit, St. Louis, and New York.

The report provides for $42 million for the Federal Transit Administration (FTA does have some rural programs but urban areas primarily benefit from mass transit). In addition, the report provides $85 million for transit planning and research.

Mr. President, this legislation reflects the wrong priorities for this country's transportation needs and that is why I am voting against this legislation.

Mrs. BOXER. Mr. President, I am voting ''aye'' today on the conference report on transportation appropriations for fiscal year 1996. But I must say that it is not without disappointment that we have not fulfilled our responsibility to maintain and enhance the transportation infrastructure in the United States.

It is a status quo budget for the most part of my State of California, and that means we are continuing to fall behind our needs to repair our highways, transit systems and airports. That failure also means that we cannot fulfill our potential economic productivity. That is a loss for our Nation as well as my State.

Nevertheless, in this extremely tight budget year the conference agreement does provide some needed assistance for California.

I am pleased to see that the conferees were able to increase funding for the Federal Aviation Administration, particularly in the areas of facilities and equipment. The operations budget in the conference agreement is higher than the amount funded in either the Senate or House bills. California is the site of several major air traffic control installations and we must continue to upgrade this critical equipment. I appreciate the conferees support for the FAA's operating budget for air traffic control operations and maintenance activities which enhance aviation safety and security.

Highway funding has increased overall, but unfortunately it is still stagnant for California, the State that has contributed the most to the Highway Trust Fund for nearly 40 years.

The agreement includes significant funding for new buses and intermodal transportation centers in California.

These include $500,000 for the Sunline Transit System, which has a remarkable program promoting a total fleet of natural gas buses; $1.5 million for needed bus replacement and parts for Long Beach Transit; $8 million to complete the Gateway intermodal center in Los Angeles; $5 million for the San Ysidro Intermodal Center in San Diego to help relieve worsening congestion at our international border; $6.7 million for new buses throughout the bay area, plus $2.3 million for bay area paratransit buses and other improvements to help the disabled; $9.75 million for Foothills Transit in the San Gabriel Valley; $5.3 million for clean fuel buses, paratransit buses, and other improvements for the growing San Joaquin Rapid Transit District; $1.5 million to replace a bus facility destroyed by the Loma Prieta earthquake and provide consolidated services in Santa Cruz; $1.2 million for park and ride facilities on congested U.S. 101 in Sonoma County; $600,000 for a bus facility in Ventura County; and $1.5 million to purchase buses for Yolo County.

The conference agreement also provides $5 million for the advanced technology transit bus, under development by Northrop and the Los Angeles MTA. Although the amount is less than the President's request, I appreciate the continuing support for this project by the Senate Appropriations Committee.

I am very concerned over a loss of approximately $100 million in transit system funding. A great part of this loss is attributable to the cuts in operating assistance in both Houses and to a dramatic cut in funding for the Los Angeles Metropolitan Transportation Authority's Red Line extension.

I share the Appropriations Committee's concern over the management of this project. However, I believe the MTA has grasped the gravity of these problems and has taken demonstrable steps to correct them. I am pleased the Senate committee members agreed to our requests to increase the funding from $45 million for the project in the Senate bill to $85 million in the final conference report.

I am, however, disappointed at the cut in funding for the bay area rail extension program. The final agreement of $10 million for the bay area rapid transit district is well below the Senate level of $22.6 million. This cut was not justified considering the major local match provided for rail extension in the region and the willingness of the district to reduce its airport extension project by $200 million this summer.

Finally, I regret that the conference committee was unable to provide assistance for the Alameda Transportation Corridor project to consolidate rail and highway access to the ports of Los Angeles and Long Beach, eliminating more than 200 grade crossings. We have asked for appropriations seed money to enable the project to take advantage of the Federal infrastructure bank already authorized under section 1105 of the Intermodal Surface Transportation and Efficiency Act [ISTEA]. The Senate committee adopted a State infrastructure bank alternative instead and then dropped the idea in conference with the House.

California has 15,000 miles of State highways, 675 miles of rail transit, and 10,000 buses. California's State Transportation Improvement Program faces a $5 billion shortfall, and an annual highway and road maintenance deficit of $800 millilon. We are in danger of losing what we have. There is a lot of talk about how huge budget deficits leave a horrible inheritance for our children, and I agree. However, a decayed and crumbling infrastructure is no less horrible for our children to inherit.

The bill is still due. The infrastructure deficit is increasing. But today we only provide a partial payment.

Mr. BYRD. Mr. President, on behalf of Mr. DOLE, the majority leader, I ask unanimous consent that the vote on the adoption of the transportation conference report occur at 2:15 p.m. today and that paragraph 4 of rule 12 be waived.

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

Mr. BYRD. Mr. President, I yield the floor, and 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. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. GRASSLEY. I thank the Chair.

THE CONSERVATION TITLE

Mr. GRASSLEY. Madam President, it is my pleasure today to introduce a bill with the distinguished majority leader, Senator DOLE, the chairman of the Senate Agriculture Committee, Senator LUGAR, and the chairman of the Agriculture Subcommittee on Conservation, Senator CRAIG. This bill amends the conservation title of the farm bill that will be considered later in this Congress.

Madam President, my experience with this legislation that has been on the books for the last 10 years has generally been very favorable. I say that as a farmer, and I say that as a person who visits, as I have occasion to do now, at harvest time with my neighbors at the local New Hartford cooperative grain elevator in my State of Iowa; I say that with 10 years of experience of having hundreds of town meetings around my State, whereas, I do not find much opposition to what we passed 10 years ago.

So my legislation that we are introducing is not finding fault in any way with the basic premise of the legislation 10 years ago, but to make sure that that legislation fits, with the premise that existed 10 years ago, the intent of Congress at that particular time; and also at a time when we are in the process of cutting back Government support for agriculture, as we intend to balance the budget.

Last week, as you remember, the Senate approved the reconciliation bill, and that will bring the Federal budget into balance by the year 2002. And we do not wait until 2002 to start that. We started that last fiscal year when, earlier this calendar year, we passed the rescissions bill.

Now, in order to achieve the savings necessary to balance the budget, many difficult decisions had to be made, many difficult votes had to be cast, and all Federal programs were examined to save money. The farm programs, then, were no exception. Throughout the entire budget process, I have argued that farmers are willing to share in the effort to balance the budget because they have a lot to gain if the budget is balanced. However, I do feel that it is vital to rural America and family farmers that any cut in farm programs be coupled with, on the first hand, tax reform, and on the second, a reduction in the regulatory burden placed on farmers.

I want to emphasize, with regard to the legislation of 1985, the soil conservancy provisions and the antiswampbusting, antisodbusting provisions. When I talk about regulatory reform, I do not mean changing the original intent of that legislation. I simply mean in keeping the enforcement of that legislation to its original intent.

Put simply, then, Madam President, this bill will dramatically cut the redtape and the regulations that farmers have to deal with while continuing, then, to maintain the conservation gains that we have made since the passage of the 1985 legislation.

I want to emphasize, regardless of the rhetoric you may hear, this bill does not jeopardize in any way the environment or the conservation gains that farmers have made since 1985. These conservation gains have been tremendous.

They have been made basically because of a timeframe that farmers could adjust economically to the requirements of the law and an opportunity to educate people about the process so that it could be self-enforcing.

What this bill does, then, is give farmers and the Department of Agriculture additional tools and flexibility to meet these conservation objectives.

Madam President, the bill addresses four major areas within the conservation title. What is called a CRP program, the conservation reserve program, the wetlands reserve provision, the conservation compliance provisions and swampbuster.

I want to briefly discuss those areas as it relates to the reforms that the four of us—Senator DOLE, myself, Senator LUGAR, and Senator CRAIG—propose.

Madam President, since the 1985 farm bill, farmers participating in the farm program have been required to comply with two regulatory mandates regarding conservation. The program referred to as the swampbuster program prohibits farmers from converting wetlands for crop production. No argument with that.

The program referred to as the sodbuster prohibits farmers from producing a crop on highly erodible land unless they comply with an approved conservation plan. It does not mean you cannot operate your farm the way you want to, but it does mean that if you do it you will do it in a way that shows good stewardship of the soil. Also, good stewardship of the soil means better economic return; most importantly, a good resource for future generations is preserved.

In general, the sodbuster program has been received favorably by farmers, and the compliance rate has been very high. Again, I want to emphasize that. That is what I hear on Saturdays when I take grain to the local New Hartford cooperative grain elevator where I visit with my neighbors, but it is also something I hear in 99 counties around Iowa that I hold town meetings in each year.

That is because in Iowa there has been a willingness to cooperate. There has also been some lever—if you want to participate in a farm program, you have to have good soil conservation practices or you will not get the safety net of agriculture. Compliance has been very, very good because it is estimated in my State that 95 percent or better of farmers have compliance with soil conservation plans.

These are plans that they have determined will cut down on erosion on their own farm, and all they have to do is get that plan approved and then farm according to what they felt was a plan that would best fit their farming operation.

This is not one-size-fits-all approach. If you got 98,000 different farming units in the State of Iowa, you would have 98,000 different individual plans. Quite frankly, there is probably more than that. There must be, I guess. Anyway, there are that many individual farming operations. But you could have more than that number of plans.

Now, after 10 years of working with the program, it is obvious that improvements can be made to streamline the regulations and give more flexibility to both the farmer and the Department of Agriculture.

Even more significantly, Madam President, this bill attempts to put Natural Resource Conservation Service, which used to be known as Soil Conservation Service from the 1920's, until 2 years ago, it will put this segment of the Department of Agriculture back into the position of working with farmers instead of working against them.

Let me digress for a minute to explain that this situation now is kind of contentious between the farmers and Soil Conservation Service. It used to be you go into the Office of the Soil Conservation Service. You would sit down across from the desk of these State and Federal employees, and you go in and say to them, ''Joe, I have a problem here on my farm. I have this tremendous amount of erosion here. What can I do about it?'' Joe, being an expert trained in soil conservation would say to CHUCK GRASSLEY, ''Well, I think this is what you need to do. You can do it this way, that is less expensive and might be able to accomplish the goal, or you can put in terraces, much more

expensive, but you will be able to accomplish this. Or there are certain tillage practices you can do that might accomplish the same goal.''

Probably Joe would come out to your farm another day and would put flags out in the field saying this is where you have to put contour strips, or this is where you have to put terraces.

It was seen very much as a cooperative, working relationship as you would sit across the desk from Joe at the county seat Soil Conservation Service.

Today, farmers do not want to go in to the Soil Conservation Service and sit down across from Joe because they might bring up something that triggers to Joe, who is now a regulator rather than a consultant and a friend, that maybe CHUCK GRASSLEY did something that violated the law and he can be punished for it.

So we want to get this relationship reestablished as a cooperative relationship, a friendly relationship where this person is going to be a consoler and a help to the farmer rather than somebody who is seen as an enemy.

I just described to you how farmers in my State and most States work very closely with the Soil Conservation Service for six decades—60 years. Much of the progress made in conservation on farmland is due to that good working relationship between the farmer and the Department of Agriculture. It was a relationship based on trust and cooperation.

Unfortunately, as I indicated, in the last few years, the farmers have begun to look at people that are now named the National Resource Conservation Service—not the Soil Conservation Service—as a potential adversary.

Some farmers are reluctant to call on the NRCS for assistance due to the fear of being penalized for a possible violation.

On the other hand, the NRCS has had its hands tied to some extent, both by Congress and its own regulations. So we have contributed some to this problem that exists of this relationship of where neighbor could be helping neighbor.

So, Madam President, this situation cannot continue to exist. It is not good for the farmer. It is not good for the NRCS. Most importantly, it is not good for the environment.

There must be a renewal of a partnership between the farmer and the NRCS if we expect the gains in conservation on private property to continue.

The NRCS must work with farmers to assist them, to educate them, instead of just regulating farmers. I sincerely believe, Madam President, that the NRCS wants to play this role as a farmer's helper and this legislation shows that we want to help them do that.

Madam President, now I want to turn to the swampbuster provisions—the issues of wetland protection.

It has become a very emotional issue in my State. Not because the original legislation in 1985 was wrong, it is what bureaucrats have tried to do with it, probably in just the last 3 or 4 years.

While farmers share the goal of protecting valuable wetlands, the scope of swampbuster has been extended far beyond its original intent through the rulemaking process to the detriment of what farmers have wanted to do, sharing this goal. A study of the legislative history shows that Congress never intended to regulate land that had been cropped regularly in the past.

Just think, on a century farm—which means it has been in the same family for over 100 years—until a couple of years ago you could have not had any problems, if that land had been regularly producing, or attempting to produce for a farmer. But now you can have problems. There is another problem. That land that had been converted prior to the passage of the 1985 act was never intended to be regulated. Both of these principles have been eroded through regulation and agency action, not through the basic legislation. This bill restores the original intent of Congress. The bill removes from swampbuster regulation land that has been cropped at least 6 out of the last 10 years.

The bill also eliminates the concept of abandonment—a regulatory concept, not a statutory one—that has been used by the Department to bring prior converted lands back under swampbuster regulation. In other words, we pass the bill, it takes effect on December 28, 1985, and everything that happened before then was history. But not to regulators. They will use some devious means to get back to affect something that took place prior to that magic date.

So, this bill sets a 1-acre minimum for wetland regulation. And most of the conflict here, that has happened between the farmers and the NRCS, has occurred because the Government has literally attempted to regulate every acre of farmland under the farm program. This 1-acre minimum also corresponds with the Army Corps of Engineers' general permit for nonagricultural property.

Just explain to me how we, as a Congress, making law so that the law applies equally across the country to different segments of the economy in the same way, can have the Army Corps of Engineers in nonagricultural land, with something less than 1 acre not being regulated and probably not producing any food for the city slickers of this country, and go over here to agricultural land administered by a different agency and say 1 square foot of wetland can be regulated.

We, again, go back to the intent of Congress not to be nitpicking in 1985. This 1-acre minimum, in conformance with the way it is for the Army Corps of Engineers, ought to solve our problem. It will be perfectly consistent.

Madam President, even though the bill is intended to restore the original intent of Congress on swampbusters, some in the environmental community may criticize these provisions because they want this expansion through regulation and administrative edict beyond what the original 1985 law intended. So I want to say to those who criticize our motives that we agree that the protection of wetlands should be a priority and it should be encouraged. But reasonable people can differ on the means of accomplishing this goal. When the Government is attempting to regulate private property it is vital that the landowner have the proper incentives in order to voluntarily satisfy the policy goals. So this bill provides for several tools that can be used by farmers to voluntarily protect wetlands.

If you do not think that this works, voluntarily protecting wetlands, there has been a massive amount of agricultural land at the incentive of the farmer to put it into wetlands, that have come in under this voluntary program. Tens of thousands of acres have gone into wetlands because the farmers have wanted to put it there.

So this bill, first, expands the existing mitigation provisions and encourages farmers to restore, enhance and create new wetlands. Second, the bill directs the Secretary of Agriculture to pursue mitigation banking, so that farmers will finally be on the same playing field as other landowners. Both of these mitigation provisions ensure that new wetlands will continue to be created.

Last, the bill permits up to 1.5 million acres of cropped wetlands into the Conservation Reserve Program, that is the CRP. So this a strong incentive for farmers to continue to protect valuable wetlands. This provision, along with the reauthorization of the Wetlands Reserve Program, is indicative of this bill's commitment and its sponsors'—DOLE, CRAIG, GRASSLEY, LUGAR—to protecting wetlands on private property.

This bill also focuses on a renewed commitment to water quality protection. The conservation reserve provisions of the bill establish water quality as a coequal criterion with soil erosion for determining eligible lands. Furthermore, at least 1.5 million acres of filter strips, grass waterways and other riparian areas will be enrolled in the program.

These modifications to the CRP will allow farmers to play an active role in protecting water quality in the rural areas.

So, before closing, I want to just add that all of us share the goal of conserving soil, improving water quality, enhancing wildlife, and protecting wetlands. In fact, the farmers themselves have the highest stake in conserving the land because there is better economic return, there is a responsibility to be a steward for the next generation, and besides, it is a very pretty picture, to have good farmland with good conservation practices. It is just beautiful, from an aesthetic standpoint.

But the land is our livelihood and most of us farmers know that we want to pass the land on to our children and our grandchildren.

Sometimes public servants here in Washington who are elected, and bureaucrats who were unelected, forget that the farmers want to do the right thing and that right thing is to protect the environment. The unelected bureaucrats also forget that we are dealing with private property and that private property rights are truly the foundation on which freedoms are built—political freedoms, primarily.

So there must be a balance between the regulatory limits placed on farmers and their private property rights. I believe this bill strikes this delicate balance in a way that will continue to preserve this Nation's most valuable natural resources, our farmlands.

Before yielding the floor, I thank Senator DOLE, Senator CRAIG, and Senator LUGAR for working on this bill with me.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, let me first of all associate myself with the remarks of the Senator from Iowa in the introduction of the legislation that he has just, in a very thoughtful and important way, gone through for the RECORD and for the American people.

I think the Senator from Iowa said something very important a few moments ago that is oftentimes missed. He is a farmer. I am a former farmer and rancher.

And he, I, Senator DOLE, and Senator LUGAR, who also have farm heritage and background owning farmland, recognize the phenomenal valuable asset this land is to the American people. Farmers have been foremost, along with ranchers, environmentalists and conservationists.

The legislation we have introduced today speaks to those interests in recognizing the important balance between conserving the land, protecting water quality, ensuring the environment, and allowing a productive environment also for the purposes of being able to farm in a profitable manner.

I think this legislation does it, and it allows the farmer once again to take the initiative with USDA and its affiliate agencies as those who cooperate instead of regulators, as the Senator so clearly spoke of.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. I thank the Chair.

(The remarks of Mr. CRAIG pertaining to the introduction of S. 1368 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

Madam President, I ask unanimous consent that I may be allowed to proceed as if in morning business for up to 10 minutes.

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

Mr. LIEBERMAN. I thank the Chair.

THE UNITED STATES ROLE IN BRINGING PEACE AND JUSTICE TO THE FORMER YUGOSLAVIA

Mr. LIEBERMAN. Madam President, I rise this morning to comment on developments in the former Yugoslavia.

I particularly want to comment on a resolution, House Resolution 247, which was adopted last night in the other body.

Madam President, I say respectfully that there are two parts to this resolution. The first I disagree with. The second I think is unnecessary.

I rise to make the point that as the representatives, the Presidents of the three major parties to the war in Bosnia, Bosnians, Croatians, Serbians—gather in Dayton, OH, to begin the effort that many thought was impossible—to negotiate a peace treaty in the Balkans—that it is appropriate for us to step back. It is a time not to pass resolutions, in my opinion. It is a time to ask questions that are appropriate about the course of the negotiations. But it is primarily a time to give the negotiators some room to see if they can achieve an agreement that will bring peace to the former Yugoslavia.

Madam President, I rise to explain why I am troubled by this resolution, and what I hope will be the course of congressional action here. Let me begin with recent events.

The people of the former Yugoslavia have suffered almost unimaginable horrors for the last several years. Every day seems to bring new reports of genocidal acts in Bosnia.

In the past week alone we have seen disclosures which are chilling, that confirm our worst suspicions about the fate of so many people who lived in the alleged safe haven of Srebrenica, who were driven from their homes and now, according to eyewitness testimony, were slaughtered by Serb forces; according to some accounts, in the presence of, perhaps at the direction of, General Mladic, the commander of the Bosnian Serb forces already indicted by the international war crimes tribunal.

New reports highlight ethnic cleansing and genocide by the Serbs in the area of Banja Luka which continues even now although these reports are sketchy because the international media has been denied access to these locations.

Madam President, last week Assistant Secretary of State for Human Rights John Shattuck was in Bosnia and Croatia to investigate the reports that have come out of the region. He found that prison camps such as Keraterm—the site several years ago of outrageous human rights violations—have been reopened. A cease-fire is declared but a prison camp is reopened, the site of torture has been reopened. He found that people had been forced from their homes in Banja Luka, some sent to prison camps, some sent into forced labor, and apparently too many others murdered, slaughtered, especially in the Sanski Most and Bosanski Novi areas around Banja Luka.

Assistant Secretary Shattuck met in Belgrade with President Milosevic and demanded immediate and unconditional access to all missing persons and to areas where crimes have or may have been committed.

He also discussed the situation of refugees from the Krajina. Several thousand Croatian citizens of Serb background want to return to their homes there. Shattuck found indicators of a human rights situation which is nearly out of control with people of all ethnic backgrounds being dislocated, persecuted and murdered, not for what they have done but simply for who they are.

We cannot let the frequency, the regularity of these reports of systematic campaigns of rape and terror numb us to these atrocities. We must express our outrage as we did when we first heard these reports years ago. We must recommit ourselves to bringing the genocide, the torture, the rape, the slaughter to an end and to bring those responsible for this barbarity to justice.

Last week, I was privileged to join with the distinguished occupant of the chair, Senator HUTCHISON, of Texas, and our colleagues Senators MCCAIN, LEVIN, THURMOND, and others, in offering a resolution expressing the sense of the Senate on this human rights, this life and death crisis. The resolution was unanimously adopted as an amendment to the budget reconciliation bill last Friday.

Let me go to the words of that resolution because we spoke clearly and unanimously to ''condemn the systematic human rights abuses against the people of Bosnia and Herzegovina.''

We spoke unanimously to demand that the Bosnian Serb leadership ''should immediately halt these atrocities, fully account for the missing, and allow those who have been separated to return to their families.''

These are words that describe a situation that we can only imagine. It is hard for us to put ourselves into. But men and boys separated from mothers and daughters. Where are they going? What will become of them? We now find, certainly in Srebrenica, that what became of them was that they were slaughtered and buried in mass graves.

Again last week in the resolution promulgated by the occupant of the chair, Senator HUTCHISON, we spoke unanimously to assert that '''ethnic cleansing' by any faction, group, leader or government is unjustified, immoral and illegal and all perpetrators of war crimes, crimes against humanity, genocide and other human rights violations in former Yugoslavia must be held accountable.''

Every side in the Bosnian conflict bears some guilt, some responsibility

for ethnic violence. The Serbs of Bosnia and of Serbia-Montenegro, the Croats of Bosnia and of Croatia, rebel Moslems in northwest Bosnia, even Bosnian Government forces have inflicted war on civilian populations and driven people from their homes. But there can be no doubt that now, as throughout the years of war and strife suffered by the Bosnian people, the Serbs are primarily responsible and have committed the most heinous and brutal crimes.

America must do all that it can to end these atrocities and to ensure that the guilty are punished without supporting retribution and allowing the cycle of violence to continue. The international community has put in place a mechanism to do this—the War Crimes Tribunal for former Yugoslavia.

Earlier this month in Storrs, CT, at a dedication ceremony for the Thomas J. Dodd Library and Research Center to preserve the memories of the Nuremberg War Crimes Tribunal 50 years ago, President Clinton said: ''Those accused of war crimes, crimes against humanity and genocide must be brought to justice. They must be tried and, if found guilty, they must be held accountable.'' I agree wholeheartedly with the President as I know my colleagues do.

Madam President, in some substantial degree the latest horrific stories of mass slaughter from Srebrenica, reflected in the resolution adopted unanimously on Friday evening, remind us of why so many of us in this Chamber have been concerned about the course of events in the former Yugoslavia. As I saw these events, and others agreed—some did not—from the beginning this has been a case of aggression by Serbia, stimulated in fact from Belgrade. Perhaps it went beyond what Belgrade sought, what Belgrade expected. Perhaps Belgrade was forced to suffer more than they expected because of the economic sanctions. But this has been a course of aggression to build a greater Serbia using genocidal tactics as a means of that aggression.

What did that mean? Again, one nation in Europe invading another, committing genocidal acts based on the religion of a people, in this case Moslem; instability in Europe, at a post-cold war time when that instability could spread, if not checked, throughout the Balkans, involving other countries—Turkey, Greece, Bulgaria, Albania—and sending a terrible message to those who had lived within the former Soviet Union about the lack of concern or unwillingness to act by the world, by the powers in Europe, by NATO.

So, many of us called for a policy of ''lift and strike.'' Lift the arms embargo. At least give the people of Bosnia the weapons with which to defend themselves and then use NATO air power to strike at the Serbs to make them pay for the aggression and for the genocide. For too long no one listened. Excuses were given. But ultimately, a resolution passed this Chamber and the House, overwhelmingly, with bipartisan support, calling for our Government to lift the arms embargo unilaterally if the world community was not prepared to do so multilaterally.

Then came the Croatian invasion and capture of the Krajina. The outrageous, the unspeakable murders at Srebrenica—an army attacking an unarmed safe haven, U.N. peacekeepers from the Netherlands left in a horrible middle position—ultimately aroused the conscience of the world and particularly the NATO powers leading to the extremely successful NATO airstrikes against Serbian targets, poignantly forcing us to raise the question of whether those airstrikes, if they had happened at an earlier time, could have prevented some of the slaughter that occurred. Because once leadership was exercised and power was brought to bear, and those who were the aggressors were forced to suffer some pain and humiliation, the road to peace was opened. Assistant Secretary Holbrooke has moved skillfully, aggressively in difficult circumstances to find some common ground among the parties to bring about a cease-fire that now leads us to the discussions occurring in Dayton, OH, that begin tomorrow.

Some rightly have questioned the idea of negotiating with Serb leaders who may themselves be guilty of war crimes and crimes against humanity. If we hope to reach a settlement which will bring the Bosnian conflict to an end, it may be that we have no choice but to negotiate with Serb leaders. No one should misconstrue these negotiations as excusing, forgiving or forgetting war crimes which have been committed. We are doing none of that. Those who have committed war crimes with their acts or their orders will be brought to justice.

Moreover, before real negotiations can begin, the Serbs must be required to stop ethnic cleansing and other atrocities which are still taking place. This is not an unrealistic or unwarranted precondition, but a test of whether these negotiations can achieve peace. If one party or another chooses to continue to propagate the war or undertakes or tolerates ethnic cleansing, then we are not dealing with leaders who want peace.

If these leaders do not control their own forces and cannot restore an order which prevents further atrocities and turns the guilty over for punishment, then how can these leaders implement a negotiated settlement in which territory will change hands but the rights of all people will be respected?

But if those leaders gathering in Dayton do stop the fighting and the atrocities, we must give them every opportunity to achieve a negotiated settlement. We owe this to those who have already died, but more importantly to those who still live and who want to live in peace.

The settlement which eventually comes from these negotiations may not be what some of us would like, but we should not second-guess the decisions of those who will make them and who are willing to live with the results. However, a few elements will be key to any viable settlement:

To give reconciliation a chance, there must be real protection for human rights.

To provide hope for full reintegration of a multiethnic Bosnian state, there must be significant unity through a meaningful Bosnian central government.

To ensure long-term stability, a regional military balance must be ensured—not just within Bosnia, but among Bosnia, Serbia, and Croatia. This will probably require both arms control and reductions as well as arming and training the Bosnians.

Finally, to ensure justice without retribution, the settlement must require all states of the former Yugoslavia—Serbia-Montenegro and Croatia as well as all parties in Bosnia—to fully cooperate with the War Crimes Tribunal and to comply with its indictments and decisions. There can be no amnesty, no refuge for any guilty party. As President Clinton said in Storrs, CT, ''There must be peace for justice to prevail, but there must be justice when peace prevails.''

Madam President, the question of whether there will be a peace treaty depends on the three nations that are gathered there under American auspices in Dayton, OH. If they achieve a peace agreement and open the door to the end of this slaughter, and present an opportunity to preserve the stability in Europe—remember again, why are we interested? Twice in this century aggression and genocide unchecked in Europe led to wider war. But if a peace treaty is agreed on, it is clear that NATO forces will be needed to implement that peace treaty to monitor, to keep the parties apart.

Let us be clear that we are on the eve of proximity talks and the prospect of peace because the United States exercised leadership and power and the North Atlantic Treaty Organization exercised power through discriminate and carefully planned air strikes. United States leadership and NATO bombing against the Bosnian Serb aggressors were absolutely essential to bringing all sides to the peace process. But our involvement cannot end there.

U.S. leadership and involvement by the United States and NATO will be essential to the successful implementation of a settlement. The United States cannot bring the parties this close to peace and then just wash our hands of them. We will need to lead this effort and to be involved as befits the leader of the free world. We owe this to our NATO allies and to the alliance which has served peace and stability for nearly 50 years. We owe this to the ravaged people of Bosnia. And we owe this to the memories of all who have been the victims of genocide. It is only right—no, it is necessary—for the United States to stand up to genocide. We did

not stand up in time 50 years ago and too many innocents perished as a result. We must not repeat this mistake.

The United States is the leader of NATO. NATO functioned as an extraordinarily successful defensive military alliance against the Soviet Union throughout the cold war. There are those post-cold war who have asked, what is NATO's purpose? But remember, NATO is the strongest functioning military alliance among nations in the world. The NATO powers gathered at our urging to fight alongside us in the gulf war to bring about that magnificent post-cold-war victory. Clearly, NATO will not be willing to play the role of peacekeeper or keeping the peace that may be achieved in Dayton, OH, unless the United States is part of that peacekeeping force. I think we have to be honest about that. If we are not part of that force, NATO will not go in, there will not be peace in the Balkans, and we have only more aggression, more instability, and perhaps more genocide to look forward to.

Beyond that, Madam President, I would say this. The relationship in NATO works both ways. Our allies in Europe are asking us to be part of this. Our friends in Bosnia are saying they will not trust the peace unless we are part of policing it.

But what is the next crisis going to be in which we will not want to carry the burden alone, in which we are turning to our allies in NATO and saying, ''Help us''? What will they say if we say to them in this case, ''Sorry, folks, you take care of it''?

So I say to my colleagues in the Senate, there is a lot on the line here. That is why I say that the resolution passed in the House last night was untimely and unhelpful. I support the policy of American forces being part of a NATO force to police a peace treaty that is agreed upon in NATO. Are there questions to ask? Yes, there are. Should the administration consult with Congress? Of course it should. And it has been. But this is a time for questions, not resolutions.

Let me also say I support the second part of the House resolution, which says troops should not be dispatched without congressional authorization. But let us remember this: So does President Clinton. He said to Senator BYRD in his letter he would welcome, encourage, and at the appropriate time request an expression of support by Congress. That is what I anticipate.

President Clinton has already begun the important process of consultations with Congress. Key senior officials—Secretary of State Christopher, Secretary of Defense Perry, the Chairman of the Joint Chiefs of Staff, General Shalikashvili—have all come to Congress to explain the why and how of this proposed undertaking. Everyone understands that there are many important questions which remain unanswered. Some of these answers will depend on the outcome of the negotiations in Dayton. Some will depend on ongoing NATO military planning. Some will depend on decisions to be made by the North Atlantic Council. But the President and other administration officials have made clear that the United States will participate in implementing a peace settlement only if several nonnegotiable conditions are met.

The operation must be a NATO operation, with full NATO command and control and no U.N. dual key arrangements.

The mandate for U.S. forces and their missions must be clear.

The forces must be large enough and the rules of engagement sufficiently robust for the NATO force to carry out its mission and to defend itself from any attack.

President Clinton and his Cabinet officials have promised to continue their close consultations with the Congress and to explain their proposals to the American people in order to assure that the President has their support.

This process of consultation should continue in a meaningful, bipartisan way. The President needs the support of Congress and the American people if this mission is to be successful. Just as President Bush recognized the need for congressional support before combat began in the Persian Gulf war, President Clinton realizes the importance of congressional support. Thus, he has said, in words nearly identical to those used by President Bush in January 1991, he ''would welcome, encourage and, at the appropriate time, request an expression of support by Congress promptly after a peace agreement is reached.''

So I hope that my colleagues in both Chambers will give the negotiators some room, ask questions, but hold the resolution until a much more appropriate and constructive time.

I welcome the coming debate. The stakes are too high for the people of Bosnia, for our men and women in uniform, for the position of America in the world of the next century and for all Americans for us not to engage in this debate.

Just as in those early days of 1991 when I joined a majority of the Senate in supporting George Bush's use of force in the gulf war, we are at a turning point in our history. When His Holiness Pope John Paul II was recently in the United States, he spent a short period of time with President Clinton. The President reports that the Pope said to him at the end of that conversation, ''Mr. President, I am not a young man. I have a long memory. This century began with a war in Sarajevo. We must not let this century end with a war in Sarajevo.''

If we believe in the hope expressed by the Pope and in the important role which America must play in the world, we must be involved in implementing peace in Bosnia. Without us there will be no involvement by NATO. Without NATO there will be no peace to implement. Without peace in the Balkans, there will be no peace and no stability in Europe, and there will be a continuation of murder and genocide. I am not prepared to accept this outcome for America or the world.

I thank the Chair and I yield the floor.

ORDER OF PROCEDURE

Mr. KERRY addressed the Chair.

What is the business before the Senate?

The PRESIDING OFFICER. The conference report on transportation appropriations.

Mr. KERRY. Is there any time limit at this point in time?

The PRESIDING OFFICER. Yes. The previous order was to recess at the hour of 12:30 p.m. until 2:15 p.m.

Mr. KERRY. I ask unanimous consent that I be permitted to proceed for such time as I might consume. It will not be long. I assume the Senator from Minnesota wants time.

Mr. WELLSTONE. I ask unanimous consent for 5 minutes before we close, if that would be all right.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERRY. Madam President, I thank you very much. I shall not be long.

BOSNIAN PEACE POLICY

Mr. KERRY. I listened with interest to the comments of the Senator from Connecticut, with whom I worked on this issue, and others. He is correct that certainly the resolution passed by the Senate with respect to the arms embargo sent a message. But the truth is that the policy that has been put in place in Bosnia that has been successful was the opposite of what that resolution called on the Senate to do. People should reflect on that. The resolution that was passed so dramatically by the Senate said, ''Let's abandon the place and basically just arm them and let them fight.'' Many of us argued that that would have been a disastrous event for the world, for the United Nations, for NATO, and that everybody would have been left asking who was responsible for this extraordinary mess if that had, indeed, been the policy of this country.

Courageously, the President pursued a different policy. The different policy that he pursued was to finally elicit from our friends and allies in Europe a willingness to do what the President had been asking them to do for some period of time, which was to be willing to take certain risks, use the power of NATO, and try to force the process to peace talks.

There is less killing in Bosnia today than there would have been if the policy of the United States Senate had been pursued. There is less killing today because the President and NATO and the European leaders undertook a policy, which I will agree was one that

many of us would have liked to have seen put into place some time previously, but nevertheless, a policy different from that espoused by the Senate. It is a policy which now, hopefully, could conceivably result in a peace, though I think Secretary Holbrooke is accurate to say this is a gamble. There are huge variables, and I do not think expectations ought to be high, though obviously hopes ought to be high.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996.

The Senate continued with the consideration of the bill.

Mr. KERRY. Madam President, I rise today in support of the conference report on the Transportation appropriations bill. I would just like to take a moment to acknowledge the exceptional work of Senator LAUTENBERG and Senator HATFIELD in developing this compromise approach that is now on the floor.

This is a critical time for our public infrastructure investments. There are many of us here in the Senate who are deeply disturbed by the level of reduction on the investment side of the ledger, not just in public infrastructure, but in human beings. I am convinced we will pay a price for that. But measured against the overall choices that we are making in the Senate right now, this transportation bill, I think, has done its best, and Senators HATFIELD and LAUTENBERG have done their best, to strike a balance between transit and passenger rail and highway construction programs.

I would have liked to have seen that balance be a little bit different, but I still am heartened by the fact that they held onto important initiatives and, I might add from a parochial point of view, some important initiatives for New England and for Massachusetts. I commend them for doing that.

I am particularly pleased that the conference report recognizes the significance of multimodal and fixed guideway transportation projects as well as the need to maintain Federal support for Amtrak and the Northeast Corridor Improvement Program. I am concerned that operating subsidies for mass transit are significantly reduced and in some places, particularly in rural or outlying areas, we are going to see reductions that have a dramatic impact on low-income, disabled, and senior citizens' ability to be able to get to work, to get to shopping places, to move around the community. And while it may look OK on the short-term ledger of a budget, those things build community as much as a lot of other things that we care about. When people cannot get somewhere, storeowners lose, community centers lose, and the people lose.

So not having a vibrant transit system is not somehow going to be made up, we know, by the private sector because the bottom line has always been that the private sector cannot make money at it. That is why we have the public transit in the first place.

I must express my serious disappointment in the severe reductions in transit operating assistance that will likely mean a reduction of some $3 million for Massachusetts.

The conference report reflects the crossroads at which Congress finds itself with Amtrak. Despite the many benefits of passenger rail, some Members do not consider investment in passenger rail an appropriate use of taxpayer dollars. Others—and I count myself among this group—know from previous experience both here and abroad that the capital-intensive nature of passenger rail makes it unlikely to survive as a viable transportation mode without some form of Government support. Indeed, the U.S. ranks 35th among the nations of the world in per capita spending on passenger rail—behind such countries as Belarus, Botswana, and Guinea. In appropriating $635 million for Amtrak, which is about $160 million less than the fiscal year 1995 funding level, the conferees anticipate enactment of legislation to reform Amtrak. As a member of the Senate Commerce Committee, which has reported legislation to restructure Amtrak so as to place it on a path toward greater fiscal stability and accountability, I pledge to help move this bill forward as soon as possible.

My concern for passenger rail is particularly keen when it comes to the Northeast corridor and the need to move ahead with track work, upgrading maintenance facilities and completion of the electrification of the northern section as soon as possible. This project is vital to reducing congestion in the corridor, which in turn will result in important environmental, energy and employment benefits. The $115 million the conference report provides for NECIP, some $85 million less than in fiscal year 1995, will enable work to move forward, albeit more slowly.

Another area of special importance to Massachusetts is mass transit. I am frankly disappointed and disturbed by the significant reduction in funding agreed to by the conferees for mass transit operating assistance. From $710 million in fiscal year 1995 down to the $400 million contained in the conference report, this severe cut in funding will have a devastating effect on mass transit systems, particularly in the Pioneer Valley, Worcester, Attleboro, and the Lawrence-Haverhill areas. For Pioneer Valley alone, this means a $1 million reduction, or a cut of more than 47 percent in Federal funds. A reduction of this magnitude will most certainly force the transit authorities to curtail service and raise fares, creating significant hardship for those who depend on mass transit—such as the elderly, disabled, and low-income riders—for basic shopping needs, and to commute to work and to school. It is my hope that this sharp downward trend in critical mass transit funding will be reversed next year.

I am grateful to the conferees for including in their report more than $20 million for the south Boston Piers Transitway. The transitway is a critical component of the State implementation plan, and is anticipated to serve 22,000 daily riders. This construction project has stayed on schedule and on budget, and has an impressive cost-effectiveness index of $9 to $16 per new passenger trip.

Another important project that will receive $2 million through the Federal Transit Administration's bus and bus facilities account in fiscal year 1996 is the Worcester Intermodal Center. The center, in a renovated Union Station in Worcester, MA, will provide convenient access to commuter rail, buses, and taxis to Worcester County's 710,000 residents.

I have heard some concerns expressed about the provisions of the conference report relating to reform of the Federal Aviation Administration, FAA, and particularly to those sections dealing with the rights of workers to organize and bargain collectively. As a member of the authorizing committee that oversees the FAA, I intend to monitor closely the FAA's personnel reform plan to assure that the labor rights of FAA workers are fully protected and will keep the statement of the conference managers to this effect in mind as the Commerce Committee considers legislation to restructure the FAA.

Another area about which I am concerned is funding for the U.S. Coast Guard. The Coast Guard is vital to my State of Massachusetts, with its hundreds of miles of coastline, harsh weather conditions, bustling maritime industry, hearty fishing industry, and thriving recreational boating population.

Indeed, the Coast Guard is vital to the safety and well-being of citizens in every coastal State, and in every State with navigable waters. Today, over 50 percent of the U.S. population lives within the coastal zone, and directly benefits from the services the Coast Guard provides. But, indirectly, the Coast Guard, in the performance of its mission, protects every American. In fact, more than two-thirds of the total budget for the Coast Guard goes to operating expenses to protect public safety and the marine environment, enforce laws and treaties, maintain aids to navigation, prevent illegal drug trafficking and illegal immigration, and preserve defense readiness.

With this high demand for services I am amazed that the Coast Guard would consider reducing its operations but in response to our budget dilemma that is exactly what it is doing. The Coast Guard is in the process of an internal downsizing and streamlining program which in 4 years will reduce its size by 12 percent or 4,000 people, and cut $400 million. However, despite these cost cutting efforts, the funding for the

Coast Guard provided by the conference—$2.579 billion for operations and $362 million for acquisition, construction and improvements—is well below the President's requests of $2.618 billion for operations and $428 million for acquisition, construction, and improvements.

The Coast Guard has always been able to do more with less, but I am concerned that this level of funding will be inadequate for the Coast Guard to continue successfully to perform important missions and operations. In addition, the conference report contains contradictory provisions concerning funding—the first provision, which I fully endorse, assumes that additional funding of $300 million will be provided in the Department of Defense Appropriations Act for Coast Guard operations. The second provision, which I oppose, makes available at the discretion of the Secretary of Transportation the transfer of up to $60 million to the FAA budget. I do not think setting up agencies within a Department to battle one another for funding is a wise course.

I am pleased to see that the conference agreement disallowed the closure of any Coast Guard multimission small boat stations for fiscal year 1996. While I recognize the necessity of the Coast Guard's streamlining efforts, I am worried that efforts to downsize field operations may unreasonably increase the threat to life, property, and the environment. I concur with the views expressed in the Senate Appropriations Committee report that cited the very real though intangible deterrence benefits of these stations. Combined with their direct benefits, I believe these outweigh the value of the management efficiencies and small budgetary savings that may result from their closure. I also agree with the conference report which stated that the Coast Guard's station closure methodology failed to fairly consider distinctions among small boat stations, such as water temperature and survival time. I have proposed provisions in the Coast Guard authorization bill that establish a more formal process for station closures and require the Coast Guard to take the appropriators' concerns into consideration while allowing the Coast Guard the flexibility to modify the levels of its resources as it sees fit.

Once again, I compliment and thank the Senators from Oregon and New Jersey for their leadership in developing this important legislation. While I would have liked for it to do more in some areas, it is a commendable attempt to meet our Nation's transportation needs within the budget limits allotted to them.

I would just like to finally publicly say I am deeply concerned, also, about the reductions in the Coast Guard. I know that the Coast Guard has accepted the Presidential directive and other directives to streamline and to reduce. Those reductions and that streamlining are good, and it is important. But I am convinced that measured against the extraordinary increase in Coast Guard duties and responsibilities, we are asking them to do more than may be possible.

More than two-thirds of the total budget for the Coast Guard goes to operating expenses for public safety—the marine environment, to enforce laws and treaties, to maintain aids to navigation, to prevent illegal drug trafficking and illegal navigation, immigration, and also to preserve defense readiness. If you look at the increase in responsibility measured against the last 10 years of reduction in resources, once again I think we have to be very careful that we are not shortchanging ourselves.

Madam President, I yield the floor. I thank the Chair.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

THE RECONCILIATION BILL

Mr. WELLSTONE. Madam President, I thank the Chair, and I will try to make this relatively brief. I know the presiding officer has a conference luncheon to go to.

Madam President, when I go back to teaching in 7 years, one of the classes that I am going to teach is going to focus on what happened on Friday night on the floor of the U.S. Senate. And I say this with a slight smile because you have to have a twinkle in your eye, but at the same time I say it with a tremendous amount of indignation.

In the dark of night my State of Minnesota was cut $524 million in medical assistance for people in our State. I will come back to that in a moment.

Late afternoon and early evening I kept asking, ''Where is the Finance Committee amendment on the formula?'' After all, we are not just talking about formula, we are talking about people's lives. At 6 p.m., one version, 9 p.m., the final version. All of a sudden, back room decisions. No chance for review, no chance to talk to constituents. Some States come out doing very well. Texas gains $5.2 billion; that is good for Texas. California loses $4.2 billion; that is not so good for California. Then, in a departure from any rational allocation formula, the legislative language of the amendment contains ''additional amounts,'' additional money. We are talking about people leveraging their votes for the following States:

We have $63 million more for Arizona; $250 million more for Florida; $34 million more for Georgia; $76 million more for Kentucky; $181 million more for South Carolina; $250 million more for the State of Washington. And then, at 9 p.m., new legislative language is released adding Vermont to the list, with an additional $50 million.

Madam President, in the dark of night, a decision was made by somebody, and I came out on the floor at 9 o'clock and said, ''Who made this decision? Who were the people that made this decision accountable to? What happened to my State of Minnesota? On top of $2.4 billion of cuts in medical assistance, you now have cut my State by $524 million more.''

Madam President, the majority leader came out and said, ''But Minnesota is doing better than in the House formula.'' That is true. There we were being cut $3.5 billion. But we thought we had an understanding. We thought there was an agreement and the reductions had been reduced by $1 billion and the Senate by $2.4 billion. Then the majority leader said something to the effect, ''Well, the Governor supports this.''

Madam President, I am really pleased that the Governor of Minnesota does not support this. Governor Carlson is meeting with the majority leader. He is coming to Washington, DC, to try and find out what happened, and to advocate for our State, which is exactly what he should do. Whether we are Democrats or Republicans, we should be advocating for our States.

The most serious part of this decisionmaking process is—actually, there is an ''A'' and a ''B'' to the serious part. A, it is in the dark of the night, behind closed doors—decisionmaking, cutting deals, accountable to nobody, no review, no opportunity to talk to constituents. That is problem No. 1, regardless of what happened to different States.

Problem No. 2: My State was cut by $524 million.

Problem No. 3: Let us translate the statistics in human terms. We have 425,000 recipients on what we call ''medical assistance'' in Minnesota; 300,000 of them are children. Sixty percent of our payments go to elderly and nursing homes. Many people with disabilities rely on this support so they can stay at home and not be institutionalized. We are projected to grow from 425,000 to 535,000 medical assistance recipients in the year 2002.

Madam President, I intend to fight this all the way. Minnesota was shafted in the dark of the night decisionmaking, and a lot of people in my State are going to be hurt. I am going to make sure this formula is reversed.

Madam President, I think the more people in the country get a chance to see what is in these budget bills, the more they are not going to like it. If the President is strong and he vetoes these bills—which he should—there is no Minnesota standard of fairness in these budget cuts—and the people have a chance to be engaged in this process, I am absolutely convinced that we can inject some fairness, some elementary basic Minnesota fairness, back into this process. But, for right now, I am not letting up. I heard the Senator from Florida give a brilliant speech Friday night. I say to my colleague from Florida, I am not letting up on this. I am fighting this all the way,

until Minnesota gets some fairness in this formula. I am not going to let folks, in a back room deal, shaft my State and a lot of the citizens in my State.

I am delighted that the Governor of Minnesota is going to join in this effort to make sure we get a fair formula.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15.

Thereupon, the Senate, at 12:54 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. CRAIG).

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] is necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''yea.''

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] is necessarily absent.

The result was announced—yeas 87, nays 10, as follows:

[Rollcall Vote No. 557 Leg.]

YEAS—87

Abraham	Feinstein	Mack
Akaka	Frist	McCain
Ashcroft	Glenn	McConnell
Baucus	Gorton	Mikulski
Bennett	Graham	Moseley-Braun
Bingaman	Gramm	Moynihan
Bond	Grams	Murkowski
Boxer	Grassley	Murray
Breaux	Gregg	Nickles
Brown	Harkin	Nunn
Bryan	Hatch	Pell
Bumpers	Helms	Pressler
Burns	Hollings	Pryor
Campbell	Hutchison	Robb
Chafee	Inhofe	Roth
Coats	Inouye	Santorum
Cochran	Jeffords	Sarbanes
Cohen	Kassebaum	Shelby
Conrad	Kempthorne	Simon
Coverdell	Kennedy	Simpson
Craig	Kerry	Smith
D'Amato	Kohl	Snowe
DeWine	Kyl	Specter
Dodd	Lautenberg	Stevens
Dole	Leahy	Thomas
Domenici	Levin	Thompson
Exon	Lieberman	Thurmond
Faircloth	Lott	Warner
Feingold	Lugar	Wellstone

NAYS—10

Biden	Ford	Reid
Byrd	Heflin	Rockefeller
Daschle	Johnston	
Dorgan	Kerrey	

NOT VOTING—2

Bradley	Hatfield

So the conference report was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Republican leader.

Mr. DOLE. Mr. President, is leader time reserved?

The PRESIDING OFFICER. Yes.

MIDDLE EAST PEACE FACILITATION ACT

Mr. DOLE. Mr. President, tonight at midnight, the Middle East Peace Facilitation Act [MEPFA] will expire. Last night at 8:20, a written request for a short-term extension was faxed to my office by the State Department. This morning, I spoke to Secretary of State Christopher about the issue. Until the letter and phone call, my office had received no communication about the need for the latest extension. I know the Secretary is concerned that a delay in extending the act could be read as lack of support for the Middle East peace process. I share that concern, but I am also concerned that we have an administration that refuses to deal responsibly with Congress.

I want to be very clear: the U.S. Senate has gone on the record on repeated occasions supporting the Middle East peace process. We have extended MEPFA three times this year: on June 23, on August 11, and on September 29. Each time the Congress acted promptly. I hope we are able to act today as well.

We support the peace process. We understand the risks being taken by both sides. We understand that peacemaking is not easy, and that the process is subject to disruption. As I speak today, Israel's withdrawal from the West Bank town of Jenin has started. Our lead negotiator in the Middle East, Dennis Ross, called my office this morning from Israel to express his concern over the consequences of not extending MEPFA.

Extending MEPFA allows the President to waive certain provisions of law concerning the Palestine Liberation Organization. It allows the provision of United States assistance to the Palestine authority, and it allows a Palestinian office to operate in the United States. The Foreign Operations Appropriations Conference Report provides for a permanent extension of MEPFA but it is not likely to be enacted soon.

If Congress does not act today to provide another short-term extension, the President's waiver authority will lapse. Under these time constraints, unanimous consent is required to proceed.

Today, I am informed the chairman of the Foreign Relations Committee, Senator HELMS, will object to any unanimous-consent request extending MEPFA unless the terms of a previous agreement entered into by the full Senate have been met. The last time the Senate extended MEPFA, Senator HELMS and Senator KERRY of Massachusetts worked out an agreement providing for consideration of S. 908, the Foreign Relations Reorganization Act.

For the benefit of all Senators, I would like to briefly review what has happened over the last month. On September 29, the Senate passed an extension of MEPFA and entered into an agreement providing for consideration of S. 908 after the managers agreed on an amendment. On October 10, Senator HELMS wrote to Senator KERRY and urged him to make some kind of offer. The next day, Senator KERRY responded that ''progress was being made'' in developing an offer.

On October 19, Senator KERRY met with Senator HELMS and provided an outline—not legislation—of a proposed managers' amendment. Later that day, Senator HELMS made a counter offer to Senator KERRY, changing the amount of savings from reorganization from $1.2 billion over 4 years to $2.5 billion over 5 years. Senator KERRY's response was to propose 25 additional changes in the bill and to request unprecedented guarantees about the outcome of a House-Senate conference.

Until this morning, Senator HELMS had heard very little from Senator KERRY or his staff. While staff negotiations have begun, there is no agreement on the central issue of cost savings. Once again, the administration has refused to provide information to Congress about cost information. I hope the Democrat manager, Senator KERRY of Massachusetts, is able to make a legislative agreement today, whether the administration is willing or not.

The State Department wants Senator HELMS to lift his objection to proceeding with MEPFA despite the almost total lack of effort over the last 32 days. Senator HELMS is completely within his rights to object to any unanimous-consent request. I hope that as the day proceeds, Senator KERRY and the administration decide it is finally time to deal seriously with the Senate majority.

Contrary to some of the statements made by the administration, Senator HELMS is not insisting on ''getting his way.'' What he is insisting on is that the will of the majority be heard, and that the Senate simply have a chance to vote on whether to save money by reorganizing our international affairs agencies.

I believe in the importance of bipartisan cooperation. Let me point out that if the administration had not orchestrated a filibuster of S. 908 earlier this year, the Middle East Peace Facilitation Act would have been permanently extended by now—in that same legislation. Unfortunately, due to the administration's intransigence and refusal to negotiate, MEPFA is once again a last-minute demand on a busy Senate schedule.

I hope we are able to work together on MEPFA, and I hope it happens today. I hope a managers' amendment is filed today. However, it is going to be very difficult, if not impossible, to work together on one issue today if there is no cooperation from the other side on moving to conference on the budget reconciliation bill.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for 5 minutes each until the hour of 3:30 p.m.

At 3:30 p.m., it will be my intention to call up the conference report to accompany the energy-water appropriations bill. A rollcall vote has been requested. Therefore, another vote is expected during today's session of the Senate. We hope to adjourn fairly early this evening.

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

APPOINTMENT OF CONFEREES ON THE RECONCILIATION BILL

Mr. DOLE. Mr. President, you would think after we broke the record on votes on the reconciliation bill—we had 39 votes here on Friday, and we were here after midnight on Thursday and midnight on Friday—that we could proceed to appoint conferees on the reconciliation bill. But I am now advised that the Democrats will want to use at least part of the 10 hours they are permitted under the Budget Act and maybe have as many as four additional rollcall votes.

I must say, had I known that, we would certainly have been here yesterday, and I was trying to accommodate Members on both sides of the aisle. I will not do that again without checking very carefully.

My view was that we had had an unprecedented number of amendments offered by the other side. We had on this, as I said, 39 votes in 1 day, never having had that many votes in the history of the Senate. And it seemed to me that we would move on to the appointment of conferees and complete action without all this additional 10 hours or 5 hours or 4 hours, whatever it is. So I will have to decide when to bring up the bill—maybe sometime late tomorrow afternoon.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senate minority leader.

Mr. DASCHLE. I would allocate whatever leader time I may need to respond to the distinguished majority leader.

ACCOMMODATING THE SENATE SCHEDULE

Mr. DASCHLE. Mr. President, let me say that last week we began with about 130 amendments which Senators on our side had hoped to offer. I indicated to the majority leader that it would be my hope we could bring that list down to under 30, and we checked the record again and that list was reduced to 25 amendments, as I had hoped we could reduce them to. And so I think to the degree it was possible we accommodated both in time as well as in number the desire on the part of the leadership on both sides to successfully complete the deliberations on the budget resolution Friday night.

With regard to the conference report, again, we faced a number of motions to instruct; that it was my hope we could reduce in number from perhaps as many as 20 to less than a handful. I think we have agreed as a result of the discussion in conference that it will not be 20; it will not be 12; it will not be anything more than 4—4 very specific targeted motions that we would be willing to agree, timewise, to not take the 10 hours.

I wish to accommodate the schedule of the distinguished majority leader, and I hope we could work through this in a way that would accommodate both of our needs. Let me emphasize, our colleagues feel very strongly about a number of the issues that we raised through amendments last week. We feel very strongly this week. We will be watching with the great interest of everybody in the conference what develops in that conference, and we think it is very important to articulate in as strong a way as we can what our concerns are. We have a number of concerns that will not be addressed in these motions to instruct. There were a number of Senators who said they wanted the opportunity to move an amendment or a motion, and we will do that in other ways—in the form of letters, in the form of conversations with our colleagues—but we will limit our motions to instruct to four.

So it is an effort to balance, Mr. President, our degree of concern with our interest in working through this effort procedurally in an effort to accommodate all Senators.

That is what we will do whenever the distinguished leader decides to bring up the conferees motion, and we will be prepared to work with him in that regard.

I yield the floor.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Chair informs the Senator we are now in morning business. The Senator from New York.

EXTENSION FOR REPAYMENT OF MEXICO'S LOAN

Mr. D'AMATO. Mr. President, without any fanfare, late this past Friday afternoon, the Clinton administration quietly gave the Government of Mexico an extension on their loan payments owed to the United States taxpayers. This delay contrasts sharply with the much publicized partial prepayment Mexico made on the same loan just a few weeks ago.

Yesterday, the Mexican Government was supposed to pay the remaining $1.3 billion of their $2 billion payment to the United States. This money is only a part of the $12.5 billion in loans given to Mexico by the Clinton administration this year.

On October 6, as part of the public relations campaign for Mexican President Zedillo's visit, Mexico paid back $700 million. At that time the Clinton administration hailed this partial prepayment saying, ''The American taxpayer is being repaid ahead of schedule.''

But what that amounted to, Mr. President, was nothing more than a publicity stunt. This so-called prepayment turned out to be a sham.

What about the $1.3 billion still owed to the American taxpayers that was due yesterday? On Friday, the real story came out. Without the fanfare, the photo opportunities, and the state dinner at the White House, the Clinton administration quietly announced that it was their plan all along to allow Mexico to postpone paying back its loan.

Mr. President, I am outraged. It appears to this Senator that the loans to Mexico may never be repaid, and the Clinton administration knows it. I have serious doubts that the American taxpayer will ever be repaid all of the $12.5 billion that this administration sent to Mexico.

It is time to stop playing politics and tell the truth to the American public. Make no mistake about what and who is bankrolling the Clinton administration loans to the Mexican Government. It is the U.S. taxpayer, the American citizen. And the reality stands in sharp contrast to what the administration said just weeks ago. The American taxpayers are not being paid back on time.

The Clinton administration's claims that the Mexican bailout is a success rings hollow. The Mexican bailout is a failure for the American taxpayers and the Mexican economy. The history of the Clinton administration's bailout is a failed one.

On December 9, 1994, President Clinton lauded Mexico as an economic success story. And just 10 days later the Mexican Government ineptly devalued their peso by 20 percent. The peso's value subsequently went into a free fall and capital fled Mexico.

Ironically, we have recently learned that Mexican investors have been pulling their money out of Mexico before the peso's crash. They were tipped off, Mr. President. They got their money out long before the rest of the world found out what was happening. The question again emerges, why are American taxpayers forced by the Clinton administration to bail out a foreign economy that was first abandoned by its own wealthy citizens?

I have said all along that American tax dollars are being sent to Mexico to bail out wealthy global speculators. That is wrong. So where are we now? The Mexican Government, with the approval and consent of the Clinton administration, has used American taxpayer dollars to pay off investors, but the Mexican economy remains in shambles. Global speculators have reaped huge profits while U.S. taxpayers are left holding the bag.

Last Thursday, the Mexican peso dropped to a 7-month low, trading at

7.23 pesos to the dollar, almost matching its low point of 7.5 pesos to the dollar in early March. The Mexican Central Bank frantically intervened to support the peso but despite these efforts, the peso closed at 6.925 to the dollar yesterday. Banks in Mexico may have to raise short-term interest rates even higher to help the peso recover its value.

These high interest rates are already crippling Mexican families and small businesses. And, Mr. President, do you know who they hold responsible for this? The United States of America. The Clinton and Zedillo administrations' assertions that the Mexican economy is recovering simply does not hold water. It is not true. The American people and the United States Congress deserve all the facts on the Mexican economic situation.

This summer, I released a report on the Mexican economic crisis that detailed a disturbing pattern of deception and misrepresentation of the true state of the Mexican economy. News reports indicate an internal study commissioned by the International Monetary Fund [IMF], sheds new light on the subject and confirms this disturbing pattern. Now the Clinton administration has classified the report—the Whittome report—and is resisting efforts to make it available to the public. The public has a right to know the whole truth. Why is the Treasury Department hiding this information from the American public?

I have written to the Director of the IMF and copied the Secretary of the Treasury to request that this report be made public. We have sent $12.5 billion worth of taxpayer money directly from the United States and $9.8 billion from the IMF. Another $1.6 billion will be sent from the IMF to Mexico next month. And do you know who is the single largest contributor to the IMF—the United States. According to news reports, the Whittome report provides valuable insight into the handling of the Mexican economic crisis by the administration and the IMF. Yet neither of them wants to share this report with the American public.

On October 18, I wrote to the Director of the IMF asking him to make it available. The public has a right to know the whole truth but so far the Treasury Department and the IMF have not responded to my request.

We were told several weeks ago that Mexico was recovering wonderfully, that it was repaying its debt of $700 million earlier than required, but the administration knew 2 weeks ago that Mexico would be unable to pay the full debt, which was $2 billion. So they put up $700 million, when they still owe us $1.3 billion and call it a success. It is disingenuous to say the least.

Mr. President, let me make a prediction before I close. I predict that there will be a time in the not-too-distant future when we will see Mexico come quietly to the Treasury, the United States Treasury, and make a deal for more money, and this administration will once again go along with it. The American people will be the losers. We should be prepared the next time they come to say no.

There is an old saying, ''You don't put good money after bad.'' But I guess we have an administration that figures if it is not their money, that it only belongs to the American taxpayers, that wise old saying is not valid.

I believe this Congress has a responsibility to demand that report, and I intend to submit a resolution expressing the sense of the Senate that report be made available so that the American people can see that we have a Government that operates in accordance with the rules and they can judge the situation for themselves. They can decide whether or not they are ever going to get that $12.5 billion back. The American public can decide whether or not the administration has dealt with them fairly and candidly.

Mr. President, I thank you for your courtesies and I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Oklahoma is recognized for 5 minutes in morning business.

Mr. INHOFE. Thank you.

AMERICAN TROOPS IN BOSNIA

Mr. INHOFE. Mr. President, I want to take this opportunity and many other opportunities between now and the next few weeks, to strongly urge the President to come to Congress for authorization before he makes a decision to send American troops into Bosnia. We have discussed this in our committee meetings, our Senate Armed Services Committee, and I am very much concerned about the fact that if you look at the history of Bosnia, all the way back to the Ottoman empire, you see that you have these three warring factions that have always warred with each other.

We know that the Archduke who was assassinated was what precipitated World War I right there in Sarajevo. We know that in World War II, Marshal Tito, when he was putting together his alliance to go against the Germans, he had most of them except for Croatia. At that time Croatia was on the other side. We were on the side of the Bosnian Moslems and the Serbs. So it has been a moving target throughout the years.

The only thing that is consistent is that they have been murdering each other. And we have evidence in the last 6 months, all three factions have fired on their own troops and tried to blame the other side. So we have a long and agonizing history of what has been happening over there. There is no more hostile area any place in the world to send our troops on the ground than there.

Back in World War II, any of us who have studied history at all remember how the former Yugoslavians were able to hold off the best that Hitler had on the ratio of 1 to 8. This, in other words, is not the Persian Gulf. These are mountains with caves, Mr. President. This is an area where historically a small number of people have been able to murder a much larger force and take many, many casualties. This is the environment into which we are talking about sending our troops.

I draw an analogy between that and Lebanon in 1983. In 1983, we sent our troops over to Lebanon. We had a very modest mission at that time, and it was not until the months rolled by when the bomb went off and 241 of our troops were killed, and, of course, then there was a public cry, and we brought our troops home.

Or Somalia. I cannot hang that on the Democrats because George Bush, in December, after he lost the election, before the new President, President Clinton, was sworn in, he sent troops to Somalia really just for 7 weeks. And then he went out of office and Clinton came in. At that time I was serving in the other body. Almost every month we sent a resolution to the President, ''Bring our troops home. There is no mission that is relative to our Nation's security in Somalia.'' And it was not until 18 of our Rangers were murdered in cold blood and they dragged their corpses through the streets of Mogadishu that there was enough public outcry to bring the troops back home, and we did with our tail between our legs. Nothing was accomplished. You see, we have adopted a foreign policy in this country where we are sending our troops out on humanitarian missions, as opposed to missions where we have our Nation's security at risk.

Well, now, this came to a head when we had our Senate Armed Services Committee meeting—it was a public meeting—just the other day. We had Secretary Christopher, Secretary Perry, and General Shalikashvili. When we came to the part where we were talking about the mission, the strongest mission they could state that we have in Bosnia is twofold: First to contain a civil war, which has been going on for hundreds of years; second, to protect the integrity of NATO, the North Atlantic Treaty Organization.

So I asked a question—and this was after there was a quote from General Rose, who was the U.N. commander in Bosnia. He said, ''If America sends troops over there, they would lose more American lives than they lost in the Persian Gulf.'' There we lost 390 lives. So I said, ''So we can reasonably assume we are going to lose hundreds of American lives if we send troops over on the ground in Bosnia? That being the case, Secretary Perry, is our mission, as you have described it, to contain a civil war and to protect the integrity of NATO worth the cost of many hundreds of American lives?'' He said, ''Yes,'' without flinching. I said, ''Secretary Christopher?'' He said, ''Yes.'' And General Shalikashvili said, ''Yes.''

So here we have the people who are in the top ranks, the President's three top men, reflecting the wishes of the President—that is, to send troops into Bosnia on the ground.

There is something else that is very curious about this, which came up in this meeting. They stated in the meeting that no matter what the condition was 12 months from now, those troops would be back in the United States.

I ask you, Mr. President, in all of your well-read days on military science, if you have ever found a time when a country sent its troops into a warring area with a time certain to come back, regardless of the circumstances, whether we were in the middle of a very hostile situation or whether it was a peace accord, we are going to bring them home in 12 months?

They all said, ''Yes.'' They had it written down that, ''The troops will return in 12 months.'' As much as I hate to see it, the only thing I could think of with any degree of certainty that is going to happen in 12 months is that it will be election time, November 1996. I hope that does not have anything to do with this decision.

So I plan, in a couple of days, to go over to Bosnia. I am going to go, and I am going to stand in the same places where all of our troops are going to be standing if the President is successful in not coming to Congress for authorization to send troops. I am going to look at the hostility around me, and I am going to listen to the gunfire, and I am going to bring that message back to the American people.

This is something that has to rise above politics. We went through this same thing when President Bush wanted to send troops to the Persian Gulf. Yes, we had a real mission there relative to our Nation's security. That mission was whether or not we could have the energy necessary to be viable in fighting a war—a real mission relative to our Nation's security. At that time, he said we are going to send the troops there, and we said: Mr. President, we do not think it is wise to send the troops over, those soldiers, not knowing they have the support of the American people as well as the support of Congress behind them. He did not have to. Just like President Clinton does not have to come for authority to the Congress, President Bush did not have to, but he did it. It was a very wise move for the sake of those individuals who were going over there to lay their lives on the line, where 390 Americans died valiantly. The President, at that time, came to the Congress, asked for authority, and we had a united America in fighting the Persian Gulf war.

This war over there is not our war, Mr. President. This is a civil war. Sure, it is a problem for people in Western Europe, and I hope that Western Europe gets busy. Let them do what is necessary to protect their security interests. Perhaps they have security interests in Bosnia. We do not.

I do not want to wake up and find out that the American public did not know about this, did not care about this enough that they did not know whether they have an outcry to bring our troops back until our American corpses are dragged through the streets of Sarajevo. We can stop it right now, Mr. President. I plan to go to Bosnia and spend several days there at the end of this week and bring a story back for the American people.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. FEINSTEIN. Mr. President, if I understand it correctly, we are in morning business at the present time?

The PRESIDING OFFICER. Correct.

Mrs. FEINSTEIN. I ask that I may be permitted to speak for as much time as I may consume.

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

EXTENSION OF THE MIDDLE EAST PEACE FACILITATION ACT

Mrs. FEINSTEIN. Mr. President, I rise to discuss the need for an extension to the Middle East Peace Facilitation Act, which expires tonight, and the majority leader's announcement a short time ago that there will be an objection to passing that bill today.

This is very surprising to me. I was sitting in the Judiciary Committee hearings on Waco when I was told about it. I speak today as the ranking member on the pertinent subcommittee of the Foreign Relations Committee and one who was very concerned about what the repercussions would be in the peace process from the resolution we passed last week on Jerusalem. And now we are confronted this week with a situation that I think, again, has a ripple effect throughout the Middle East if we do not take action.

Mr. President, I think we ought to ask, what will one say, what will the Israelis say, what will Prime Minister Rabin say, when they are asked the question about why the Congress has refused to continue funding Palestinian economic development in support of the peace process? Prime Minister Rabin has explicitly asked for this legislation on each of his visits to the United States. Not passing the extension today, it is my understanding, stops not only the funding but the operation of the necessary offices to carry out that funding, including one here in Washington.

What is disturbing is that no one here is even arguing for letting the Middle East Peace Facilitation Act lapse. This dispute before us, in fact, has nothing to do with the Middle East. It has to do with conflicting views about whether or not or to what extent to consolidate the foreign affairs agencies of the United States Government.

This is a legitimate issue. There are strong opinions on both sides.

It seemed to me we had a process for negotiating this issue to reach some agreement. Senator KERRY on our side, the Senator from Massachusetts, and the chairman of our committee, Senator HELMS, had been negotiating. While agreement has not yet been reached, I believe it can with continued good faith at the negotiating table.

Wherever one stands on the question of consolidation one thing should be clear: The Middle East peace process is too important to be held hostage to disagreements over unconnected issues or to partisan disputes.

I wonder if anyone in this body differs with that view? Do any of my colleagues on either side of the aisle believe that the Middle East peace process just does not matter that much? Or that it is expendable enough to be turned into a political football?

One of the truly wonderful things about American foreign policy in the Middle East is that it has always been bipartisan. Strong support for Israel and active pursuit of Middle East peace have never been the province of just one party.

Indeed, this peace process is the outgrowth of the tireless efforts of President George Bush and Secretary of State James Baker. It has been carried forward with skill and dedication by the current administration.

The bipartisan nature of United States support for the Middle East peace process was never more evident than on July 21 when I joined a group of my colleagues in cosponsoring Senate bill 1064, a long-term extension of the Middle East Peace Facilitation Act.

I was proud to stand with Senators HELMS, PELL, DOLE, DASCHLE, MACK, LIEBERMAN, MCCONNELL, LEAHY, and LAUTENBERG in expressing strong support for continuing America's leading role in the peace process.

I know, too, that the chairman of the subcommittee on which I serve as ranking member, Near Eastern and South Asian Affairs, Senator BROWN, also supported the sentiments in S. 1064.

I ask my colleagues who joined me that day, what has changed? If the Middle East peace process was deserving of strong bipartisan support on July 21, why is it being held hostage to unrelated legislative disputes on October 31?

I simply do not understand how we can fail to extend this legislation. It is so important to ensuring Israel's ability to live in peace and security with its neighbors in the future. It is so important to protecting a Israel as a Jewish State, to seeing that the legitimate rights of the Palestinian people are

recognized and eventually aiming for peace and security in that entire region.

I think we owe it to all those who have supported us in that area not to abandon our commitments. American Jews know what the stakes are in keeping the Middle Eastern Peace Facilitation Act in force.

Mr. President, I ask unanimous consent that an advertisement from the September 17, 1995, New York Times be printed in the RECORD at the conclusion of my remarks.

(See exhibit No. 1.)

Mrs. FEINSTEIN. The ad begins ''Prime Minister Rabin, we know that pursuing peace is risky. Not pursuing it is unthinkable.'' The ad goes on to endorse this legislation explicitly. It reads:

. . . We support the Middle East Peace Facilitation Act, the United States legislation which enhanced Israel's security by ensuring compliance by the Palestinians with their agreements and advancing economic development in the West Bank and Gaza, to show Palestinians that peace can improve their lives.

This ad reflects nothing less than the consensus of the organized Jewish community in America. It is signed by 29 Jewish organizations. Such a broad consensus of American Jews, Israel's strongest supporters, should not, in fact, be construed as wrong. I hope we will listen to them.

I did not think we would be in this position where one person would prevent this act from being extended and effectively cut off all aid to the peace process, all economic development assistance that in good faith America has pledged.

On top of what happened last week, when these resolutions and these actions and these nonactions by this body are extrapolated universally and particularly in the Middle East, they very often come to have different meanings.

This body went on record in July supporting this process. How can we today turn it off? How can we say what we supported in July, we do not support enough in October to pass a simple amendment to extend the act? Instead, along with ambassadors, along with other treaties, we will hold it hostage?

I think it is wrong. I think it is overkill. I think it is a redoubtable action at best. I hope that the majority leader would be able to prevail on those who want to hold this hostage to achieving goals that are unrelated to the Middle East Peace Facilitation Act, and that those parties would reconsider. I think it is very important that they do.

I thank the Chair for the time.

EXHIBIT 1

[From the New York Times, Sept. 17, 1995]

PRIME MINISTER RABIN, WE KNOW THAT PURSUING PEACE IS RISKY. NOT PURSUING IT IS UNTHINKABLE

Mr. Prime Minister, as you continue the arduous journey to peace, know that American Jewry stands with the Government of Israel.

Overwhelmingly, American Jews say ''yes'' to Israel's current pursuit of peace with security. Every poll reflects this.

We know there is no alternative to the peace process except continued violence and continued despair. We support your government and its vision of two peoples living side by side, in peace, so that the children of Israel can look forward to the future without fear.

To bring us closer to this goal, we support MEPFA-the Middle East Peace Facilitation Act, U.S. legislation which enhances Israel's security by ensuring compliance by the Palestinians with their agreements and advancing economic development in the West Bank and Gaza to show Palestinians that peace can improve their lives.

To road ahead will be filled with obstacles. But to turn back would be far more dangerous. It would reward terrorists by giving them precisely what they want: the death not only of peace, but of hope.

Mr. Rabin, we say bracha v'hlatzlacha—may you be blessed with good fortune. On the eve of the Jewish New Year 5756, we offer you and the people of Israel our steadfast support and heartfelt prayers in the days ahead.

American Jewish Committee, Robert S. Rifkind, Pres. David Harris, Exec. Vice Pres.

American Jewish Congress, David V. Kahn, Pres., Phil Baum, Exec. Dir.

American Jewish League for Israel, Martin L. Kalmanson, Pres.

American Zionist Movement, Seymour D. Reich, Pres., Karen J. Rubinstein, Exec. Dir.

Americans for Progressive Israel-Hashomer Hatzair, Naftali Landesman, Pres.

Americans for Peace Now, Richard S. Gunther, Co-Pres., Linda Heller Kamm, Co-Pres., Gary E. Rubin, Exec. Dir.

Anti-Defamation League, David H. Strassler, National Chair, Abraham H. Foxman, National Dir.

Association of Reform Zionists of America, Philip Meltzer, Pres., Rabbi Ammiel Hirsch, Exec. Dir.

B'nai B'rith, Tommy Baer, Pres., Dr. Sidney Clearfield, Exec. Vice Pres.

Bnai Zion, Rabbi Reuben M. Katz, Pres., Mel Parness, Exec. Vice Pres.

Federation of Reconstructionist Synagogues and Havurot, Jane Susswein, Pres., Rabbi Mordechai Liebling, Exec. Dir.

Givat Haviva Educational Foundation, Fred Howard, Chair, Hal Cohen, Exec. Dir.

Hadassh—The Women's Zionist Organization of America, Marlene Post, Pres., Beth Wohlgelernter, Exec. Dir.

Israel Policy Forum, Robert K. Lifton, Chair, Jonathan Jacoby, Exec. Vice Pres.

Jewish Labor Committee, Lenore Miller, Pres., Michael S. Perry, Exec. Dir.

Jewish Women International (formerly B'nai B'rith Women), Susan Bruck, Pres., Dr. Norma Tucker, Exec. Dir.

Labor Zionist Alliance, Daniel Mann, Pres.

MERCAZ—Zionist Organization of the Conservative Movement, Roy Clements, Pres.

NA'AMAT USA, Sylvia Lewis, Pres.

National Committee for Labor Israel, Jay Mazur, Pres., Jerry Goodman, Exec. Dir.

National Council of Jewish Women, Susan Katz, Pres., Rosalind Paaswell, Exec. Dir.

National Jewish Community Relations Advisory Council, Lynn Lyss, Chair, Lawrence Rubin, Exec. Vice Chair.

New Israel Fund, Herbert Teitelbau, Pres. Norman S. Rosenberg, Exec. Dir.

Project Nishma, Theodore R. Mann, Co-Chair, Henry Rosovsky, Co-Chair, Edward Sanders, Co-Chair, Thomas R. Smerling, Exec. Dir.

The Abraham Fund, Alan B. Slifka, Pres., Joan A. Bronk, Interim Exec. Dir.

Union of American Hebrew Congregations, Melvin Merians, Chair, Rabbi Alexander Schindler, Pres.

United Synagogue of Conservative Judaism, Alan Ades, Pres., Rabbi Jerome N. Epstein, Exec. Vice Pres.

Women's League for Conservative Judaism, Evelyn Seelig, Pres., Bernice Balter, Exec. Dir.

World Jewish Congress, Edgar M. Bronfman, Pres., Israel Singer, Sec. General.

[From the New York Times, Sept. 12, 1995]

1,000 RABBIS AGREE: THE PEACE PROCESS MUST CONTINUE

Today, every Member of Congress will receive a letter signed by 1,000 American rabbis expressing ''strong support for Israel's efforts to achieve peace with her neighbors.''

Never before has so large a cross-section of American rabbis spoken so clearly about the urgent need to pursue peace. Reform, Conservative, Reconstructionist and Orthodox—from 47 states and the District of Columbia—they call upon Congress to demonstrate ''leadership so that peace and security for Israel can become a reality.''

The rabbis urge the renewal of the Middle East Peace Facilitation Act (MEPFA), terming it an ''important and effective diplomatic tool for moving the peace process forward.''

MEPFA enables the United States to play a constructive role in Israeli-Palestinian negotiations and to provide leadership in the international effort to assist the Palestinian Authority. ''Furthermore, it is a key element in the fight against terror,'' according to the rabbis.

As the new Jewish year 5756 approaches, and Israel continues its courageous journey to a peace that will endure, let us pray, with the rabbis, for the peacemakers to succeed.

RABBINIC SUPPORT FOR
THE PEACE PROCESS,
September 12, 1995.

See peace and pursue it—Psalms 34:15

TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES AND THE SENATE: We are writing to express our strong support for Israel's efforts to achieve peace with her neighbors and for the active involvement of the United States in the Middle East peace process.

Right now, the Congress of the United States has the opportunity to help maintain the momentum towards peace in the Middle East and to fight terrorism against Israel. We call upon you to demonstrate your leadership so that peace and security for Israel can become a reality.

The Middle East Peace Facilitation Act (MEPFA) will expire soon. The act permits the United States to play a constructive role in the Israeli-Palestinian negotiations and to provide leadership in the international effort to assist the Palestinian Authority. As such, MEPFA has been an important and effective diplomatic tool for moving the peace process forward. Furthermore, it is a key element in the fight against terror. As Prime Minister Rabin recently said, ''The solution between the Palestinians and Israel will create conditions that will reduce the influence of the extreme Islamic terrorist groups.''

In its June 1 report, the State Department points out that ''the United States needs to be in a position to support, encourage, and facilitate the Israeli-Palestinian dimension of the [peace] process.'' MEPFA's renewal ensures that the U.S. will play a key role in advancing peace and in fighting terror. Like the leaders of Israel, we believe this role to be essential. We therefore urge you to renew MEPFA in a manner that both the American and Israeli administrations believe will help further the talks and strengthen the fight against terrorism.

We care deeply about Israel. We know that this may be Israel's one true chance for

peace, and that this opportunity is fragile. We are deeply concerned about the level of P.L.O. compliance; nevertheless, we are heartened by the progress that, thanks in part to MEPFA, has been attained. At the same time, we understand that reducing our country's involvement or cutting aid to the Palestinian Authority, which has committed itself to making peace with Israel, is not now the proper vehicle for expressing our concern. This is why we call upon you to support peace and let the negotiations continue unhindered.

In the voice of our tradition we say, ''One does not have the responsibility to complete the task, but neither is one free to take leave of it.'' We urge you to play your part in helping peace grow strong. Thank you.

Sincerely,

(Signed by over 1,000 American rabbis.)

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. HOLLINGS. Mr. President, I ask unanimous consent to extend morning business for 15 minutes.

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

RECONCILIATION

Mr. HOLLINGS. Mr. President, last Friday in the wee hours of the night there was a total abandonment of any kind of truth in budgeting. There is no better way to express it.

Under this entire charade, once again, we have lied to the American people. There is no question that in those wee hours, Mr. President, that they were trying their dead-level best and finally succeeded in buying off the votes of certain of the Senators with respect to Medicaid.

In order to purchase it, what they did was use Social Security funds. That was a use and violation—not only of the rule but of the law. The rule was called by the distinguished Senator from Florida and the distinguished Senator from Iowa, Senator HARKIN. If you ever want to see distortion, obfuscation, and abandonment of responsibility by the Parliamentarian in the U.S. Senate, I wish you would read that RECORD.

Be that as it may, the Chair would say, I do not know. We will refer to the chairman of the committee, Senator DOMENICI, and say, well, I like what the Chair has ruled. Ruled and on and on and back and forth but no idea of a parliamentary ruling or recognition of the law. That is why I take the floor today.

What really happens is that they constantly are talking about a balanced budget when everybody—both at the White House, the Democratic White House, and the Republican Congress—know that it cannot be done. It cannot be done without increasing taxes.

Here in the extreme, they are talking about decreasing taxes—about tax cuts.

Let me go right to the point here, so I can make a coherent record.

Mr. President, I ask unanimous consent that this little two-page summary of budget tables be printed in the RECORD at this particular point.

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

''Here We Go Again'': Senator Ernest F. Hollings

[In billions of dollars]

Starting in 1995 with:

(a) A deficit of $283.3 billion for 1995:

Outlays	1,530
Trust funds	121.9
Unified deficit	161.4
Real deficit	283.3
Gross interest	336.0

(b) And a debt of $4,927 billion.

How do you balance the budget by:

(a) Increasing spending over revenues $1,801 billion over 7 years?

GOP ''SOLID'', ''NO SMOKE AND MIRRORS'' BUDGET PLAN

[In billions of dollars]

Year	CBO outlays	CBO revenues	Cumulative deficits
1996	1,583	1,355	−228
1997	1,624	1,419	−205
1998	1,663	1,478	−185
1999	1,718	1,549	−169
2000	1,779	1,622	−157
2001	1,819	1,701	−118
2002	1,874	1,884	+10
Total	12,060	11,008	−1,052

(b) And increasing the national debt from $4,927.0 billion to $6,728.0 billion?

DEBT [1]

[In billions of dollars]

Year	National debt	Interest costs
1995	4,927.0	336.0
1996	5,261.7	369.9
1997	5,551.4	381.6
1998	5,821.6	390.9
1999	6,081.1	404.0
2000	6,331.3	416.1
2001	6,575.9	426.8
2002	6,728.0	436.0
Increase 1995–2002	1,801.0	100.0

	1996	2002
[1] Debt off CBO's August baseline includes:		
1. Owed to the trust funds	1,361.8	2,355.7
2. Owed to Government accts	81.9	[2]
3. Owed to additional borrowing	3,794.3	4,372.7
[Note: No ''unified'' debt; just total debt]	5,238.0	6,728.4

[1] Off CBO's August baseline.
[2] Included above.

(c) And increasing mandatory spending for interest costs by $100 billion?

[Deficit in billions of dollars]

How? You don't!

(a) 1996 Budget: Kasich conference report, p. 3	−$108
(b) October 20, 1995, CBO letter from June O'Neill	−$105

—You just fabricate a ''paper balance'' by ''smoke and mirrors'' and borrowing more: Smoke and Mirrors.

(a) Picking up $19 billion by cutting the Consumer Price Index (CPI) by .2 percent—thereby reducing Social Security benefits and increasing taxes by increasing ''bracket creep''.	
(b) With impossible spending cuts:	
Medicare	270
Medicaid	182
Welfare	83

(c) ''Backloading'' the plan:

—Promising a cut of $347 billion in FY2002 when a cut of $45 billion this year will never materialize.

[In billions of dollars]

	Outlays	Revenues
(d) By increasing revenues by decreasing revenues (tax cut)		$245
2002 CBO Baseline Budget	1,874	1,884
This assumes:		
(1) Discretionary Freeze Plus Discretionary Cuts (in 2002)		121
(2) Entitlement Cuts and Interest Savings (in 2002)		226
[1996 cuts, $45 B] spending reductions (in 2002)		−$347
Using SS Trust Fund		−115
Total reductions (in 2002)		−462
+Increased borrowing from tax cut		−93
Grand total		−555
(e) By borrowing and increasing the debt (1995–2002)—Includes $636 billion ''embezzlement'' of the Social Security trust fund		1,801

The Real Problem—

Not Medicare—In surplus $147 billion—Paid For

Not Social Security—In surplus $481 Billion—Paid For

But interest costs on the national debt—are now at almost $1 billion a day and are growing faster than any possible spending cuts

—AND both the Republican Congress and Democratic White House as well as the media are afraid to tell the American people the truth: ''A tax increase is necessary.''

—SOLUTION: Spending cuts, spending freezes, tax loophole closings, withholding new programs (Americorps) and a 5 percent value added tax allocated to the deficit and the debt.

''Here We Go Again''—Promised Balanced Budgets

	billion
President Reagan (by fiscal year 1984):	
President Reagan (by fiscal year 1991):	
President Bush (by fiscal year 1995):	
1981 Budget	0
1985 GRH budget	0
1990 budget	+$20.5

Mr. HOLLINGS. Mr. President, start in the year 1995; we are going to try to balance the budget. Starting in the year 1995, you start with a deficit of $1.518 trillion in outlays, so you have a deficit here of $283 billion for 1995. And a debt of $4.927 trillion.

If you start with a deficit and a debt of almost $5 trillion and you look at the increased spending over revenues during each of the fiscal years, using Congressional Budget Office figures, you will find that cumulatively, from 1996—and each year is listed in this particular document to 2002—there is an increase of spending of $12.06 trillion over revenues received over each of those years—cumulatively, now, of $11.008 trillion.

So you are spending $1 trillion more than you are taking in over this GOP budget plan. Specifically, you can look at last month. September ended the fiscal year 1995. If you look at the outlays for that year and for this year, 1996, and you see the increase from the $1.530 trillion to $1.583—or a $53 billion increase in spending.

Now we are going to cut spending, balance the budget, cut spending—yet the very first year here we have increased spending $53 billion.

Then you go down to the debt and it is listed there of $1.801 trillion in the debt. And you found out over the 7-year period, you are not only increasing the National debt by $1.8 trillion to a level of $6.728 trillion, but you have increased interest costs on the national debt to $100 billion.

I have listed there what is owed to the trust funds, what is owed to the Government accounts, and what is owed to additional borrowing because, in my limited time, I am trying to talk about the public debt, which is No. 3, ''owed to additional borrowing.'' But we borrow from the trust funds. We owe them, at this particular point, $1.361 trillion. And if we look at the owed to the Government accounts, such as the bank insurance funds, the Federal Savings and Loan Insurance Corporation, the credit union share insurance fund, and these other accounts, as of next year, we will owe some $81.9 billion there.

So we are moving deficits from one pocket to the other. We are not eliminating them. And, yes, we are borrowing at the public till, for a total, of course, of, as we have indicated there, a debt of $6.728 trillion.

So the question is, starting in 1995 with a deficit of $283 billion and a debt of $4.9 trillion, and increasing mandatory spending for interest costs by $100 billion, how do you balance the budget that way? Of course, you do not.

Go right to the next list of figures. My authorities are none other than the chairman of the Budget Committee on the House side, Mr. KASICH, because he was the chairman of our budget conference that got up this GOP budget and so-called reconciliation. On page 3 of the conference report by Mr. KASICH, you will find the word ''deficit'' for the year 2002: a $108 billion deficit.

Then you go to the letter last week from the Director of the Congressional Budget Office, Miss June O'Neill, and find on October 20, she determined a deficit of $105 billion; whether it is $105 or $108—as the old expression goes, continuing deficits as far as the eye can see—it is over $100 billion.

So, if you cannot do it, what do you do? You fabricate a paper balance, by smoke and mirrors and borrowing more. You fabricate a balance. This Senator knows as a member of the Commerce Committee, by simply borrowing again moneys that have already been represented in legislation as having been consumed. In our telecommunications bill, we came up with a budget point of order. We needed to raise some $8 billion so we put in there the auctions of $8 billion.

Now we come again to the Commerce Committee for their reconciliation responsibility of raising $15 billion and we list again the $8 billion that has already been included in the telecommunications bill. Or, go to the Finance Committee. The Finance Committee, struggling and straining under Medicare, trying to find the money, put in what they call a BELT. The BELT says—for example, on the House side they were $35 billion shy. So it is just rhetoric or language to the effect that, with $35 billion, that the next Congress will have to make it up. That is no way to balance the budget, but that is part of the smoke and mirrors.

You can pick up $19 billion as they have with the Consumer Price Index being reduced by .2 percent, thereby reducing, of course, the Social Security benefits and increasing taxes because what you do is hit bracket creep, as they call it. Then you go with the impossible spending cuts of $270 billion in Medicare, $182 billion in Medicaid, and $83 billion in welfare.

Just take the one—welfare. Suppose you are a Governor and you are assigned the welfare responsibility with a traumatic cut. Now you have added responsibilities. What you have to do is start a training program. Two-thirds, of course, of those on welfare are children but the other one-third are those who are unskilled or untrained, generally female adults who have not had the advantage of schooling. So you have to set up schooling and a training program. Thereupon, you institute a hiring or a Government job program of last resort. Then, to get to work, you have to institute, if you please, a child care center because they have to leave the children at home to take the job. And on down the list. You are not going to save that amount, of course, on welfare.

Another way, of course, in subsection C shows backloading the plan, whereby all the real cuts are made in the last 2 years. The last year alone, for example, in the year 2002, they have to cut $347 billion. Here now, we are struggling and are not going to obtain $45 billion this year with the best of intent and the contract and the headlines and everything else and cannot even reach the $45 billion cut. But in the last year under this GOP budget, balanced budget plan, you have to cut $347 billion.

Then of course, you increase your revenues by decreasing revenues. That sounds like double talk but that is the tax cut. You get into this growth argument that we have heard, now, for the last 2 weeks. All we need is a tax cut. It is going to give us growth, growth, just like Reaganomics said back in 1981 that put us into these horrendous deficits, debt and interest costs on automatic pilot. It is going up, up and away, the spending is. That tax cut is $245 billion. Then you look of course at the—and by borrowing from the public and from the trust funds, another $1.8 trillion. And that borrowing includes $636 billion embezzlement from Social Security.

At the present time, we have a $481 billion balance in Social Security. That is not the problem. Under Social Security, it is paid for, for a good 25 to 30 years, easily. Yes, you have $481 billion there and you are going to borrow another $636. At the end of the particular budget plan, 2002, you are going to owe Social Security over $1 trillion.

So, Social Security is not the problem, 25 or 30 years out; Medicare is not the problem here, 7 years out, The problem is now. We have spending on automatic pilot. Interest costs on the national debt—like death, like taxes—cannot be avoided. In fact, treat it as a tax increase, as I do in a sense. What we have is taxes being increased automatically each day $1 billion a day. That is the real problem.

What happens here is both the Republican Congress and the Democratic White House, as well as the media—and I hope they will read this—are afraid to tell the American people the truth: That is, you cannot do it without a tax increase. So, what we need to do is cut spending, freeze spending, tax loopholes closing, withholding on new programs. I had to vote against AmeriCorps. Everybody is for voluntarism. In fact, I was party to the institution of the Peace Corps. We can make that record sometime. But you cannot go into these new programs when you are trying to get rid of the deficit and the debt and decrease spending on automatic pilot. So you need all of that plus, I suggest, a 5-percent value-added tax.

Mr. President, that is the point. We have seen this exercise. In the early 1980's, I went with the Republican leadership and with Senator Howard Baker for a freeze. We could not get it. Then we realized by 1985 that we had—in order to get this deficit and debt down for it was growing by leaps and bounds—to have automatic cuts across the board. We had Gramm-Rudman-Hollings, and we looked at it. We said we still need to close the loopholes. In 1986, we got tax reform.

Then, listen to this, in 1990, a bipartisan group of eight Senators, who hate taxes as much as anybody else, got together in the Budget Committee and voted for a value-added tax. Why? Because you cannot balance the budget without all of the above—namely, spending cuts, spending freezes, loophole closings, denying new programs, and a tax increase.

We have heard this thing about balanced budgets. I really regret it because I hear it on the floor. I see it on the screen on my TV about a balanced budget. Those working the discipline know there is no idea of balance the budget. I heard it just 15 years ago. President Reagan presented a budget—the document shows it, and I have it here—that the budget would be balanced by 1984.

Again, under President Reagan, in late 1985 under Gramm-Rudman-Hollings we pledged that balance—and we got awards for this one—that the budget would be balanced by 1991. In 1990—at that time they had gone out to Andrews Air Force Base and vetoed, abolished, Gramm-Rudman-Hollings cuts across the board and put in spending caps. Under that budget—I will show you the document—they said that by 1995, just last month, you would have a $20.5 billion surplus.

Has anyone ever heard the word ''surplus'' in Washington? Balanced budgets by 1984, balanced budgets by 1991, and then, finally, in 1995—we could look at the documents—a surplus of $20.5 billion. Here, instead of a surplus of $20.5 billion, we have a $283.3 billion deficit.

So there it is. ''Here we go again,'' as our fearless leader, President Ronald Reagan, said. ''Here we go again.''

I thank the distinguished Chair.

CHARLAYNE HUNTER-GAULT AND A SENSE OF HISTORY

Mr. HOLLINGS. Mr. President, I would like to draw my colleagues' attention to a column in today's Washington Post that is a good remembrance of the early 1960's when black students integrated Southern colleges. In touching remarks, South Carolina native Charlayne Hunter-Gault, public television's national news correspondent, weaves an excellent reflection of the history of the times as she remembers the life of Hamilton Earl Holmes. Together in 1961, Ms. Hunter-Gault and Mr. Holmes became the first two African-American students to attend the University of Georgia.

Back in the early 1960's as the University of Georgia integrated, the State of South Carolina was employing every means to keep Clemson University segregated. We ran out of courts.

But fortunately, we had people like Mr. Holmes and Ms. Hunter-Gault who were willing to show us the way in South Carolina. Their courage and ability to stand up led to Clemson's peaceful admission of Harvey Gantt, the former mayor of Charlotte and a former candidate for U.S. Senate.

With the death of Hamilton Earl Holmes, it is important for us to remember the struggles of the past and to find the courage to move forward—and not fall further into the bitterness of racism and make mistakes of the past.

Mr. President, I ask unanimous consent that the text of Ms. Hunter-Gault's column to be printed in the RECORD.

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

[From the Washington Post, Oct. 31, 1995]

ONE IN A MILLION

(By Charlayne Hunter-Gault)

One of the black men who was not ''one in a million'' at the Million Man March was Hamilton Earl Holmes. But in a real sense, if the purpose was to have black men ''stand up''—and surely no one could have thought that this was the first time that has happened—Hamilton had long since pioneered in standing up. And while there might have been millions cheering him on, for the most part he stood up alone.

It was in the early winter of 1961, when Hamilton Holmes, armed with a court order, walked onto the campus of the University of Georgia and into history as the first black man ever to be admitted and attend classes there in its 170-year history. If he never did anything else in his life, that single act of manly courage in the face of jeers, spitting and rioting would have been enough to qualify him as a ''standup guy.'' but Hamp did that and a lot more. For a major part of his purpose in life was to demonstrate to the world that black men were as good as any men. Not better, but as good as, although there were times in his classes in biology and physics and calculus and all the other courses that an aspiring doctor has to take that he earned a second layer of enmity from his classmates by consistently pushing the curve up to 98 or 99 and often a hundred, leaving the next best grade some 10 points behind.

It was such a performance that led him to be elected to Phi Beta Kappa, a notation that appeared beside his name when he graduated in 1963 as one of two black students in a class of 2,000. Had he not been recovering from surgery on a heart that was as big as the world, but in the end was vulnerable to its pressures, he might have been at the Million Man March with his son, Hamilton Jr. (Chip), at his side. And while his was never the gift of oratory, he could have offered his own quiet but soul-elevating testimony to the strength of black men and to black families. He could surely have given the lie, as he always had, to notions of inferiority and rampant irresponsibility. He could have also provided as well a window into a world that existed not so long ago, one that raised obstacles and inflicted pain on black men that only the most ignorant or callous among us would forget.

Hamp had come from a distinguished black family of doctors and educators and activists who challenged the laws that kept blacks ''in their place,'' starting when Hamp was still in junior high school with the all-white Atlanta golf course. His grandfather, a doctor who lived to be 82, once explained the family philosophy to the writer Calvin Trillin: ''I trained my children from infancy to fear nothing, and I told my grandson the same thing. I told him to be meek. Be meek, but don't look too humble. Because if you look too humble they might think you're afraid, and there's nothing to be afraid about, because the Lord will send his angel to watch over you and you have nothing to fear.''

And Hamp produced a distinguished family. During his 30-year marriage to Marilyn, he had a son who followed in his footsteps, albeit less ceremoniously, to the University of Georgia, graduated and now works in communications, and a daughter. Allison, also a college graduate, who is in banking. Also during those 30 years, he overcame whatever bitterness he had toward the university and became one of its biggest boosters and supporters. This was fairly amazing to me, especially since the two things Hamp wanted most in college were good labs (he had always said he could get the education he needed at Morehouse, the all-black men's college where he had a four-year, all-expenses-paid scholarship, but the university had better facilities) and the opportunity to play football for the Georgia Bulldogs. The officials at Georgia refused to let him play ''for his own safety.'' But when I returned on a visit to Atlanta in the early '80s, one of the biggest ''dawgs'' around was Hamp, who by then had accepted an appointment as a trustee to the Georgia Foundation, the body that oversees university funding. The other day, Charles Knapp, the current president of the university, called Hamilton ''one of our most distinguished graduates.''

In the years since Hamp and I were joined at the hip of history, I have often had occasion to think back to the time when we were fighting in federal court to win the right to attend the university. President Knapp's words sent me back to those days, when the top officials of the university tried to keep Hamp out by testifying in court that he was unqualified, not because he was black. The latter would have been illegal under the 1954 Brown decision, and officials of the state had sworn to resist integration, but only ''by all legal means.'' Hamp might have been able to overlook being called ''nigger,'' but ''unqualified''? The valedictorian of our Turner High School class of 1956? The smartest student in all Atlanta, according to his proud father, Tup. If there was a fighting word to Hamp, it was that ''unqualified.''

And while he was slow to anger and preferred classroom combat to the real thing, he was capable of standing up that way too. Once, when had parked in front of the house of one of the most racist fraternities on campus, and the fraternity guys saw whose car it was, they began to taunt him and make moves that suggested they were prepared to go further. Knowing he had only himself to rely on and understanding the white southern mentality perhaps better than they themselves, Hamp made a quick but deliberate move to open the car door, reached across to the glove compartment and took out something that he immediately placed in his pocket. It was a flashlight, but who knew? Hamp was relying on the prevailing predisposition to embrace every known stereotype of black men, and his instinct proved correct. They backed off in a heartbeat. The irony of the encounter was that the next day, Hamp was summoned to the dean's office and admonished for carrying a gun. The rest of the time, the frat brothers did their dirty deeds in stealth. Like letting the air out of Hamp's tires while he was in class. Early and often.

But Hamp persevered, often finding release in a game of pickup basketball with the brothers from town, who at that point could come to football games but still had to sit in the section reserved for blacks, called the ''crow's nest.'' They were proud of Hamp; and who knows how many of them he inspired—if not to apply to the university then to be all they could be.

If he had been well enough and so inclined, that might have been his message at the Million Man March. He might have dusted off an old speech he made in our senior year, just before he graduated, went on to become the first black student at Emory Medical School and then to a distinguished career as an orthopedic surgeon and teacher.

Back then, in the spring of 1963, he liked to talk about ''The New Negro.'' ''Ours is a competitive society,'' he'd say. ''This is true even more so for the Negro. He must compete not only with other Negroes, but with the white man. In most instances, in competition for jobs and status with whites, the Negro must have more training and be more qualified than his white counterpart if he is to beat him out of a job. If the training and qualifications are equal, nine out of 10 times the job will go to the white man. This is a challenge to us as a race. We must not be content to be equal, education- and training-wise, but we must strive to be superior in order to be given an equal chance. This is something that I have experienced in my short tenure at the University of Georgia. I cannot feel satisfied with just equaling the average grades there. I am striving to be superior in order to be accepted as an equal. If the average is B, then I want an A. The importance of superior training cannot be overemphasized. This is a peculiar situation, I know, but it is reality, and reality is something that we Negroes must learn to live with.''

How much would he have edited that speech for the march? Hamilton Earl Holmes was not there that day to be one in a million, and today we will bury him, one in a million, to be sure, but also one of many millions of black men who have given more than should

have been required of any human beings, and whose death at 54 should give us pause to contemplate the meaning of his life, of theirs and of the millions of black men who live on.

INNOVATIVE LEADERSHIP BY THE INS AGAINST ILLEGAL IMMIGRATION

Mr. KENNEDY. Mr. President, I want to take this opportunity to call the attention of my colleagues in Congress to a compelling example of the kind of innovation we are seeing today by the Clinton administration in addressing the problem of illegal immigration.

Stronger border enforcement is part of the answer. But is obviously not the only answer. The Immigration and Naturalization Service estimates that 40 to 50 percent of the illegal aliens currently in the United States entered the country legally on visitors visas and other temporary visas, then remained illegally in the country after their visas expired.

The overriding challenge we face is to remove the magnet of jobs which encourage so many people to come to the United States illegally or to remain here illegally.

A key element in this strategy must be to assist employers to abide by the law and to hire only those persons entitled to work in the United States.

Clearly, the INS is making progress. Last week, the Ford Foundation and the John F. Kennedy School of Government at Harvard announced that an INS program in Dallas has won one of this year's Innovations in American Government Awards for its success in encouraging employers to remove illegal aliens from their rolls and hiring U.S. workers in their place.

This kind of innovation combats illegal immigration, helps employers, and provides good jobs for American workers. I am hopeful that as Congress considers immigration reform legislation in the coming weeks, we can encourage more new approaches like this to combating illegal immigration.

Mr. President, I ask unanimous consent that an article from the Washington Post describing the Dallas INS initiative be printed in the RECORD.

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

[From the Washington Post, Oct. 26, 1995]

FOUNDATION AWARDS HONOR 15 CREATIVE GOVERNMENT PROGRAMS

(By Stephen Barr)

When the Immigration and Naturalization Service discovered 220 illegal immigrants were working at a Dallas plant that makes aluminum windows and doors, INS agents could have raided the plant and deported the workers. But a raid might have put the company out of business.

So INS assistant district director Neil Jacobs offered the company a ''common-sense approach'' to the problem. Rather than treat the company as the enemy, he gave it 60 days to recruit replacement workers from Dallas-area community and welfare programs. When the deadline arrived, the INS made its arrests and the company averted a shutdown.

Today, the Innovations in American Government awards program sponsored by the Ford Foundation and Harvard University will announce that Jacob's strategy for enforcing immigration laws is one of 15 local, state and federal programs receiving a $100,000 cash prize.

Thus is the first time that awards have gone to federal programs since the Ford Foundation and Harvard's John F. Kennedy School of Government began their initiative in 1986. The awards will go to six federal and nine state and local programs at a time when a Republican-controlled Congress is cutting federal spending and turning more responsibility over to the states.

Three of the federal programs honored this year, such as Jacobs's ''Operation Jobs,'' reflect the government's search for less punitive and more effective ways to regulate business. A number of the local and state award winners created solutions to their problems by forgoing partnerships with unions, nonprofit organizations and private-sector companies to deliver services cheaper or more efficiently.

In the current cost-cutting environment, Michael Lipsky, the Ford Foundation official responsible for the innovations program, said, ''It is the deeply felt position of the foundation that the government deserves more recognition for creativity and ought to be encouraged to be better.''

As Debbie Blair, the personnel manager at General Aluminum—a plant in Dallas that tried Jacobs's approach—said, ''Clearly, the old tactics used by INS were not successful. They are thinking smarter in trying to figure out a new way to solve an old problem.''

In Texas, a major INS problem has been how to handle illegal immigrants, mostly from Mexico, who obtain jobs with fraudulent papers. Although job applicants must show employers documents that indicate they are U.S. citizens or legal residents, federal law allows candidates to choose which papers from a prescribed list to present employers.

In some cases when the INS found widespread violations, it would secure a warrant, raid a company without informing the employer and endanger its own agents as they conducted arrests. Jacobs found, however, that the illegal workers quickly returned to the Dallas area and got new jobs or their old jobs back. ''That was frustrating us,'' he said.

So Jacobs, keeping in step with INS policy to work toward increasing voluntary compliance with the law, threw out his idea for ''Operation Jobs'' at a staff meeting one day and, after a few false starts, his Dallas office created a system linking the INS to police and community groups. The INS ''treats the employer as the client rather than the enemy,'' he said.

Moving beyond its traditional enforcement functions, the Dallas INS office began putting employers in touch with city social service programs, refugee assistance groups and other community agencies that try to find jobs for laid-off workers, legal immigrants or school dropouts. To avert financial losses, companies are given time to recruit and train the new hires, writhe the understanding that at a pre-arranged time the INS will show up to make arrests.

''Everybody wins on all sides,'' said Tina Jenkins, a Tarrant County official who helps out-of-work residents get emergency assistance for rent and utilities. ''We get people employed, the employer is happy, and it's good p.r. for INS—they aren't looked at as the bad guys.''

Jacobs estimates that about 50 companies have participated in Operations Jobs over the last two years, providing residents of North Texas about 3,000 jobs that previously were held by undocumented workers.

Many companies, of course, gamble that INS will never learn about their hiring practices, and not every INS attempt at cooperation with companies under investigation works out. ''We've had situations where we get back in 30 days and no one is left,'' Jacobs acknowledged. ''But most employers feel that if 'I don't show I'm a team player now . . . .' we won't be as cooperative the next time we do an inspection.''

Under pressure from the Republican Congress, the Clinton administration has been moving toward more aggressive enforcement of the prohibition on hiring illegal immigrants. Still, in Jacobs's office, fewer than a dozen of the 50 agents he supervises handle employer sanctions.

The notion that regulatory and enforcement agencies like INS and the Occupational Safety and Health Administration, also an award winner this year, should create partnerships with the private sector ''doubtless reflects the mood of the time,'' said Alan Altshuler, the director of the innovations program at Harvard.

''Good government has to be creative, innovative government today,'' Altshuler said. ''It is not enough to simply get rid of waste, fraud and abuse.''

The 15 award winners, who were selected from a field of about 1,600, will be honored tonight at a dinner that Vice President Gore is scheduled to attend. The finalists were selected by a committee headed by former Michigan governor William G. Milliken (R) that included industry leaders, journalists and former elected officials.

The program encountered some of Washington's legendary red tape when it was informed that some of the federal agencies being honored could not legally accept the gifts. As a result, the $100,000 prizes will be administered by the nonprofit Council for Excellence in Government. The council will help the agencies sponsor conferences or events to explain their programs to other groups.

The awards represent a small fraction of the $268 million in grant money that the Ford Foundation gave away last year, Lipsky said, but provide the foundation with a forum to ''stand for the proposition that there is a great deal of good in government that goes unrecognized. While no one says government is perfect, the balance between positive news and negative news goes heavily toward the negative.''

THE BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, on that evening in 1972 when I first was elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned that the total Federal debt which is $27 billion shy of $5 trillion—which we will pass this year. Of course, Congress is responsible for creating this monstrosity for which the coming generations will have to pay.

The young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 25, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Monday, October 30, stood at $4,975,234,385,762.72 or $18,886.08 for every man, woman, and child in America on a per capita basis.

The increase in the national debt since my most recent report this past Friday—which identified the total Federal debt as of the close of business on Thursday, October 26, 1995—shows an increase of $1,559,581,857.19 during that 4-day period. That 4-day increase is equivalent to the amount of money needed by 231,255 students to pay their college tuitions for 4 years.

THE TELECOMMUNICATIONS COMPETITION AND DEREGULATION ACT OF 1995

Mr. PRESSLER. Mr. President, I want to take a few moments to update my colleagues on the progress we are making on telecommunications reform in the 104th Congress. Last Wednesday morning I had the honor of chairing the organizational meeting of the Senate-House conference on S. 652, the Telecommunications Competition and Deregulation Act of 1995.

It was truly a historic day. We began the final stage of enacting comprehensive telecommunications deregulation legislation—the most significant and profound change in our Nation's telecommunications policy and law in over 60 years.

As conference chairman, I will continue—as I have throughout this long process—to work in an open, inclusive, and bipartisan fashion with all of my Senate and House colleagues. In particular, I want to thank the Senate Commerce Committee's ranking Democratic member, Senator FRITZ HOLLINGS of South Carolina, for his leadership and willingness to work cooperatively with me at each stage of this process.

I also heartily applaud the tremendous work of our House colleagues in helping get us to this stage of the process. I very much look forward to working closely with them under the able leadership of Commerce Committee Chairman TOM BLILEY, and ranking Democrat JOHN DINGELL, Telecommunications Subcommittee Chairman JACK FIELDS, and ranking Democrat ED MARKEY, and Judiciary Committee Chairman HENRY HYDE, and ranking Democrat JOHN CONYERS.

Let me also add that I look forward to working with President Clinton, Vice President GORE, and others in the executive branch. I have welcomed the administration's input from the beginning of the process.

I am firmly committed to moving this conference forward as rapidly as possible. In order to move quickly, however, we must remain within the confines of the two bills before us. To do otherwise would be like opening the proverbial Pandora's box. It would result in unacceptable delay as we rehash issues resolved through hours, days, weeks and months of negotiation and committee and floor votes at earlier points in this long process.

I am convinced we can rapidly move this conference forward due to the striking degree of similarity between the two bills. Moreover, we have the strong support and commitment from the leadership in both Chambers to act this year.

The time has long passed since Congress needed to reassert its rightful place in establishing national telecommunications policy. Dozens of lines of business restrictions carve up telecommunications and forbid competition. Meanwhile, once separate and distinct industry segments have become indistinguishable due to digital technology. Yet the regulatory apartheid regime remains.

The conference on telecommunications reform will produce a report to change all that. We will open all telecommunications markets to competition. The result will be a procompetitive, deregulatory and balanced regime. Competition and deregulation, after all, are the only sure-fire ways to ensure: an explosion of new technologies and choices for consumers, massive new market investment, captialization, and job creation, lower prices for telecommunications products and services, and an end to monopolies and media concentration.

The legislation we are crafting is, simply put, the most comprehensive deregulation of the telecommunications industry in American history. It will promote advanced telecommunications, information networks and other resources in such a manner as to ensure America remains the envy of the world. In order to maintain our world leadership position in communications, however, we need this legislation and we need it now.

Mr. President, I was pleased to receive a letter from the majority leader, Senator BOB DOLE, reiterating his desire to complete action on the telecommunications reform bill prior to adjourning for the year. This is entirely consistent with my stated intention from the very beginning of this process—to enact a new telecommunications deregulation law in 1995.

Mr. President, I ask unanimous consent to have the letter from Senator DOLE printed in the RECORD.

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

OCTOBER 25, 1995.

Hon. LARRY PRESSLER,
Chairman, U.S. Senate Committee on Commerce, Senate Russell Building, Washington, DC.

DEAR LARRY, Thank you for all your hard work on telecommunications reform. The year has been long, but we have moved faster and farther than anyone expected us to. It remains my desire to pass a final bill before we adjourn this session.

The next few weeks are critical and no doubt will be intense. I would appreciate your keeping me and David Wilson informed on the progress of the telecommunications conference committee. You know better than most that we must keep this legislation grounded in strong, straightforward Republican principles of competition and deregulation.

Sincerely,

BOB DOLE,
United States Senate.

EVERGREEN MARINE GROUP: CELEBRATING 20 YEARS OF SERVICE IN CHARLESTON

Mr. HOLLINGS. Mr. President, I rise today to pay tribute to the role Evergreen Marine Group has played in the economic development of my home city, State, and region over the past 20 years.

The M/V *Ever Spring* sailed into Charleston harbor on October 21, 1975. This first vessel began what was to become a long and prosperous relationship. In its first year of operations in Charleston, Evergreen carried 45,000 tons of cargo on 19 ships through the port. Last year, Evergreen carried over 1.5 million tons on more than 100 ships through Charleston.

Cargo ships reflect incredible investments by the ocean carrier and provide many opportunities for economic development in the regions they serve. They represent the equivalent of floating factories, adding value to products by delivering them where they are needed, when needed. Few Americans realize that 95 percent of our international trade moves by ship.

Evergreen's services in Charleston have allowed business and personal relationships to grow and prosper. The trading relationships forged between companies in geographically distanced nations work to bind our world. More than just raw materials, parts and finished goods flow across the oceans—ideas, culture and shared personal experiences make us more aware and considerate of the world in which we live.

Evergreen began its first scheduled container service in 1975, linking Asia with Charleston and the U.S. east coast. Ten years later, Evergreen began the industry's first two-way, round-the-world service. Today, the company operates in almost every trading market on our globe. Evergreen has also diversified into other areas, such as real estate and aviation, becoming the first private, international air carrier in Taiwan.

Yung-fa Chang, Evergreen's founder, has used hard work, tireless dedication to the customer and support of those who are working toward the common goal as the cornerstones of Evergreen's success. This past spring my home State's University of South Carolina, site of the Nation's highest ranking international business program, awarded him an honorary doctor of business administration, a testament to his achievements.

Charleston is one of the most dynamic and fastest growing regions in

the country, attracting capital investment and interest from around the globe and we are proud to have Evergreen be a part of our community. We are appreciative of the commitment Evergreen has made to our area and look forward to continued success together.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

MIDDLE EAST PEACE FACILITATION ACT

Mr. PELL. Mr. President, I am informed that there will be a Republican objection to the unanimous-consent request regarding the short-term extension of the Middle East Peace Facilitation Act, also known as MEPFA.

MEPFA was enacted by the Congress in 1994, to give the President much-needed flexibility to help Israel and the Palestinians implement their historic peace treaty. Under the terms of MEPFA, the President can waive certain restrictions against the PLO. In essence, this means the President can provide assistance to the Palestinians, and the PLO can operate an office in the United States.

MEPFA is a vital component of American support for the peace process—both practically and symbolically. On a practical level, U.S. assistance for the Palestinians has helped the fledgling Palestinian Authority to get off the dime and provide desperately needed services to the people of the West Bank and Gaza. Both Israeli and Palestinian officials agree that if their peace agreement is to succeed, there must be a dramatic improvement in the everyday lives of the Palestinian people. They must be aware of the fruits of peace.

U.S. assistance, much of which is channeled through the World Bank's fund for the Palestinians, has helped the donor community secure additional funding from other sources. With the United States leading by example, other nations have come forth with significant donations to help the Palestinians.

The United States has also used MEPFA to influence the Palestinian leadership to move in certain directions. MEPFA guarantees that our aid be transferred only if the Palestinians are complying with the letter and spirit of their peace agreements with Israel. Using our assistance as leverage, the United States has been able to ensure that the Palestinians stand by their word on critical issues such as preventing terrorism against Israel.

Israel's leaders have said that the Palestinians are doing much better when it comes to preventing terrorism, a fact which United States officials confirm. And that, in my view, is the bottom line for the success of the Israel-PLO peace treaty. If the PLO prevents acts of terrorism, then Israelis will feel more secure, more comfortable with the peace agreement. Only then will Israelis and Palestinians establish a truly lasting peace.

On a symbolic level, MEPFA is a very powerful instrument. MEPFA symbolizes the U.S. commitment to be the honest broker of the peace process. MEPFA is a signal to the Palestinians—and indeed to the rest of the world—that the United States is willing to suspend its laws against the PLO to give peace a real chance. In a certain sense, it resembles the dictum put forth during the Reagan administration regarding the former Soviet Union—''trust, but verify.'' In effect, we have said to the Palestinians we will trust them to fulfill their agreements, and that they will receive our blessing as long as they remain faithful.

The objection lodged earlier today puts all of that at risk. Our Republican colleagues are endangering the Middle East peace process by refusing to allow a brief, short-term extension of current laws. At a time when our traditional ally, Israel, is taking enormous risks for peace, the objection sends just the wrong signal. The objection says that some of us are unwilling to support our best friend in the Middle East, at the very time it needs us the most.

It is even more perplexing to realize that the Senate has already debated, and for all intents and purposes, resolved the substance of this issue. The Senate passed a long-term extension of MEPFA as part of the foreign operations bill, and this short-term extension is only necessary to get us to the point where the foreign ops bill becomes law.

Under these circumstances, its hard to imagine that the objection raised goes directly to the merits of the bill. I would hope that the points I have made would help to convince my colleagues of the importance of acting on this measure today, and if possible, immediately.

It troubles me that there is a willingness among some of my colleagues to jeopardize the Middle East peace process. I would hope on an issue of such critical importance to our Nation's security, we could put aside differences and deal directly with the matter at hand.

I am very concerned that we are running out of time—MEPFA expires at midnight tonight, and the House could go into recess early this evening. I hope very much that we can resolve this issue quickly, but if we cannot, there should be no doubt about the consequences and about where the responsibility lies. I am ready to pass this short-term extension here and now, and in all sincerety, I would ask anyone with an objection to come to the floor so that we might reach an agreement.

THE INTERNATIONAL WAR CRIMES TRIBUNAL FOR THE FORMER YUGOSLAVIA

Mr. PELL. Mr. President, today I wish to address an issue which holds great significance for the international world order. The subject is the International War Crimes Tribunal for the former Yugoslavia, a body which can contribute greatly to the reconciliation of the parties to this brutal conflict. As a guarantor of respect for the rule of law and for the protection of human rights, this tribunal supports the principles upon which any lasting peace must be founded. As the peace negotiations among the Bosnian Serbs, Croats, and Moslems begin tomorrow in Dayton, OH, today is an opportune time to reaffirm that the work of the tribunal is a separate but equally important step in the effort to rebuild civil society in the region. No matter the outcome of this round of negotiations, the work of the War Crimes Tribunal must go forward with strong U.S. support.

Mr. President, over the last few days, we have been horrified by a series of front page stories and photos of the terrible atrocities that have occurred in Bosnia. These press reports indicate that United States intelligence has been instrumental in locating mass graves in Bosnia. Those revelations, when paired with refugee accounts of the terrifying trek from Srebrenica to Central Bosnia, suggest that hundreds, perhaps thousands, of Moslem men and boys were murdered by the Bosnian Serbs. The United States should place a high priority on collecting information related to these atrocities and on making all evidence available to the War Crimes Tribunal. Just as the tribunals at Nuremberg punished the aggressors and facilitated the reconciliation efforts after World War II, so too must this War Crimes Tribunal redress the horrors that have occurred in Bosnia. I am proud to say that my father, the late Herbert C. Pell, a former Congressman from New York City, was President Franklin Roosevelt's representative on the U.N. War Crimes Commission that laid the groundwork for the establishment of the Nuremberg tribunal. Today, we must support this new tribunal to ensure that the injustices of the war in Bosnia are corrected.

The objectives of the tribunal are threefold: To deter further crimes by the war parties, to punish those responsible for war crimes, and to ensure justice during and after the process of reconciliation and reconstruction of Bosnia. Through the public identification, trial, and conviction of war criminals, the international community hopes to contribute to the peace process by demonstrating the strength and effectiveness of international human rights law. The U.N. Security Council created the tribunal in May of 1993, and the court convened for the first time in November of that year. Yet the progress of the tribunal has been slow.

While 42 Serbs and one Croat have been indicated by the tribunal, only one person is actually in custody. The difficulties of taking defendants into custody are manifold, but this is not the only reason for the lack of progress.

The biggest obstacle facing the tribunal is funding. Recently, Secretary-General Boutros Boutros-Ghali placed restrictions on the work of many U.N. agencies—including the tribunal—to avoid a financial crisis in the United Nations. These fiscal restraints have seriously affected the tribunal by freezing the revenues needed to fund its work. Unfortunately, much of the responsibility for the U.N.'s debt can be laid at our own door. Throughout my tenure as chairman of the Committee on Foreign Relations, I consistently argued against the mounting American debt to the United Nations that today has reached $1.2 billion. Today, despite significant efforts on the part of the U.N. Secretariat to meet American demands for reforming its bureaucracy, Congress is again voting for cuts in funding for the United Nations and its agencies.

A serious consequence for the tribunal of this loss of funding is the postponement announced last week of the only trial actually scheduled on the court's docket. Lawyers for Dusan Tadic, who is current the sole defendant in custody at The Hague, have requested and received a postponement of the trial until next year because of a lack of resources needed to prepare an adequate defense. Justice Richard Goldston, the chief prosecutor for the tribunal, has warned that the court will be unable to guarantee the accused's right to a fair and speedy trial without the appropriate resources. In addition, the tribunal has already been unable to send investigators into the field or to recruit lawyers and other personnel. Clearly, under the current financial crisis, the principles of the tribunal could be compromised.

Therefore, Mr. President, I believe that the United States should continue to offer financial and political support for the War Crimes Tribunal for the former Yugoslavia. Last year, I supported Senator LEAHY's amendment to the 1995 foreign operations appropriations bill that offered $25 million in goods and commodities to the United Nations for its efforts to investigate war crimes. Our contributions have been deeply appreciated and well used by the tribunal in its work. I would urge my colleagues to continue this type of support and demonstrate our firm commitment to international human rights law. As the world waits for the results of the negotiations in Ohio this week, let us remember that the work of the International War Crimes Tribunal is of equal significance in the reconstruction of the State of Bosnia.

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. BUMPERS. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

THE 1872 MINING LAW

Mr. BUMPERS. Mr. President, I have just come from the second conference committee meeting on Interior appropriations. As you recall, in the first conference committee report there was a provision to take the existing moratorium on mining patents away so that the Bureau of Land Management would start issuing patents again.

Just for background information, the provision last year prevented the Interior Department from accepting new patent applications and prohibited Interior from processing existing applications except those 393 applications which had gotten relatively far in the process.

Today, the conference committee effectively rejected the patent moratorium even though when the original conference committee submitted its report to the House of Representatives, the House voted almost two to one not to accept it and to send it back to the conference committee between the House and the Senate to rework the mining patent provision. Well, they reworked it. They reworked it with Saran Wrap. It is so transparent that it does not even pass the giggle test.

What is so transparent about it? The new conference report says, we will continue the moratorium that we had last year until either: No. 1, the President signs a reconciliation bill that relates —think of it—to patenting and royalties; or No. 2, both the House and the Senate pass another piece of legislation relating to royalties, patenting and reclamation, even if the President vetoes that bill.

Mr. President, royalties, reclamation, and patenting are all in the reconciliation bill. They are scams, but they are in there. And so if the reconciliation bill is signed into law or if Congress includes the same sham provisions on another bill, the moratorium is off. The 233 patent applications that we have told BLM they cannot go forward with will be processed, will ultimately be granted, and the mining companies will receive thousands of acres of land containing billions of dollars worth of gold, silver, platinum and palladium, for which the U.S. Government will not receive one red cent. Let me strike that. They will receive a red cent. The reconciliation bill has a royalty provision. It will provide $18 million to the Treasury over the next 7 years.

I will let you be the judges, Mr. President and colleagues, is this a scam on the American people or not? Under the reconciliation bill, if these provisions stay, the Government will receive $18 million in royalties on Federal lands that are mined over the next 7 years. How much do you think the mining companies are going to take off the land in the next 7 years—Federal lands, patented and unpatented? I will tell you what it is: tens of billions of dollars of gold, silver, platinum, and palladium. And in exchange the taxpayers of this country will receive less than $5 million per year.

In the 123-year period, since the mining law of 1872 was signed by Ulysses Grant, the mining companies have extracted in today's dollars, according to the Mineral Policy Center, $241 billion—not million, billion—worth of gold, silver, platinum, palladium, and other hard rock minerals. What has poor old Uncle Sugar, Uncle Sucker gotten for that $240 billion worth of hard rock minerals? Zip, zero, nothing.

The argument is made that the mining companies create jobs, and they do. So does General Motors; so does RCA; so does General Electric. But we do not build billion-dollar buildings for those people to manufacture in, conditioned on them hiring somebody.

It is the most incredible thing. This is the seventh year I have fought this battle. In 1991, I came close. I came within one vote of stopping this. What do you think happened after that? The number of applicants for patents on lands skyrocketed. It scared the life out of the mining companies. I remember the Stillwater Mining Co., which was owned by a couple of paupers called Manville and Chevron. They applied for their patents on 2,000 acres of land in Montana 4 days after I came within one vote of winning this battle. What do you think there is under the 2,000 acres? There is $38 billion worth of platinum and palladium. That is their figure, not mine. They are the ones that say it is worth $38 billion. Two or three years ago representatives of Stillwater came to my office and said their situation was very dicy. ''We are just not sure we can open this up. It may not be profitable.''

So what happened? Last year Manville bought Chevron's interest in the mine and just recently Manville sold its interest to a group of public investors for $110 million plus a 5-percent royalty. They can deal with each other and retain overrides of 5 percent. But if you suggest they pay Uncle Sucker 1 percent, the hue and cry goes up in this body as though you have just defamed the Holy Bible.

When I said a moment ago that the provisions in the reconciliation bill were a scam, so transparent they would not even pass the giggle test, there is a provision in the reconciliation bill that is even worse, which says that the mining companies will pay ''fair market value.''

Now, does that not sound reasonable? You can go home and tell the Chamber of Commerce where they know nothing about this mining legislation, and somebody raises the issue: ''But, Senator, how can you vote to give billions

of dollars worth of gold and silver away that belong to the taxpayers and not get a dime in return? The mining companies are happy to pay up to 24 percent to private owners, but not one thin dime to the Federal Government. How can you justify that?''

Mr. Politician says: ''I tell you how I justify it. I am going to make them pay and I have voted to make them pay fair market value.''

Mr. Chamber of Commerce questioner says: ''That sounds like a fair deal to me.''

That is the end of the story, except for one little thing. Fair market value is defined as the surface, not the minerals.

So Stillwater Mining Co. which has 38 billion dollars' worth of platinum and palladium under their 2,000 acres will pay $10,000 under current law, and once the fair market value goes into effect they pay $200,000, or $100 per acre. Is that not something? Mr. President, $100 an acre for 2,000 acres of land, and the taxpayers of this country get the shaft again.

When you say ''fair market value,'' I have a proposition for the mining companies: I would like to offer an amendment here for my colleagues to vote on, reversing fair market value. Define fair market value as the minerals, and we will give you the surface. They would knock that door down over there getting out of here.

Do you think they do not know what they are doing? Do you think the Senators who come in here and offer these outrageous proposals do not know what they are doing? I invite anybody to ask any Senator to explain one simple question: Why is it, Senator, that the mining companies are willing to pay the States royalties to mine hard rock minerals on State lands, why is it they are willing to pay up to 24 percent royalties on private lands, but if you suggest a 1 percent royalty on Federal lands, they are all going to go broke, shut down, and throw all those poor innocent people out of a job? I invite any Senator to come to the floor and answer that question.

Mr. President, 135 years is long enough. I thought maybe we could develop a little shame, so I raised the issue. How can you vote to cut $270 billion in Medicare for the elderly for their health care? Do not give me that wordsmith junk about how we are not cutting, we are just slowing the growth.

Mr. President, 75 percent of the people on this country over 75 on Social Security live on less than $25,000 a year. They are scared to death they will have a toothache and have to have a root canal. They are terrified of a cancer diagnosis, which they know will break them even if they are covered by Medicare. Mr. President, 50 percent go to bed terrified at night even thinking about the possibility.

So we routinely cut $270 billion from Medicare for the elderly. We cut Medicaid for the poorest of the poor. There were even proposals to cut out Medicare-Medicaid benefits for 13-year-old pregnant girls. Yes, I talked to a doctor Saturday afternoon who told me about witnessing the delivery of a baby of an 11-year-old.

Go to any indigent hospitals and find out what is going on in the world. We will take care of that. We will teach them reliance, independence. We will make good citizens out of them. We are going to cut their school lunches. We are going to cut Medicaid.

If you happen to want a college education, we are cutting education by 30 percent—the most massive cut in the history of the world in education. We are going to cut Head Start. We are going to cut school breakfasts when teachers tell me oftentimes that is the only decent meal the child gets during the day.

What are we going to do for the mining companies? We are going to give them carte blanche to mine all the hard rock minerals they want to mine off of Federal lands that belong to the taxpayers. Is that called corporate welfare? How can you call it anything else?

How can anybody with a straight face say we will balance the budget, and we are going to do it off the backs of the people who can least afford it, and we are going to give a $250 billion tax cut which is really a tax break for the wealthiest people in America.

Many people who make less than $25,000 a year and have children will never get a dime. If you have a wife and two children and you are making $100,000 a year and paying $10,000 in taxes, you get the whole smear. If you have a wife and four children making $20,000 or $25,000 a year and you pay no income tax, you do not get a dime.

What kind of tax equity, tax fairness is that? There is something seriously wrong in this Congress and there is something seriously wrong in this country when we routinely and almost cavalierly allow these giant mining companies all these hard rock minerals—billions of dollars worth every year—for nothing in exchange and penalize the most vulnerable people in America.

I do not often agree with the senior Senator from Texas, Senator GRAMM. However, when he says he wants everybody to start getting out of the wagon and help pull, I could not agree more. I say to these big corporate mining companies, many of which are foreign owned, get out of the back of the wagon and help the rest of us pull.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. 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. FAIRCLOTH. Mr. President, today I was stunned to see that the United States will consider paying $1 billion to the United Nations.

I was stunned because Mexico owes the United States $1.3 billion—it was due yesterday, and this administration told Mexico they did not have to make the payment on time—maybe later.

When I ran for the Senate in 1992, I said that I wanted to bring more common sense to Washington. This is a perfect example of our misplaced priorities, and our sense of fiscal responsibility.

Mexico owes us over $1 billion—due yesterday and they do not have to pay.

Even though the United Nations is den of waste and abuse with no reforms in sight, this waste and abuse has been going on for a long time.

On October 19, I introduced a sense-of-the-Senate, Resolution 185, that Mexico should repay its debts to the United States on time and in full.

None of these debts should be reduced or rescheduled. The sense-of-the-Senate also says that no further loans should be made to Mexico without specific congressional approval.

Mr. President, 2 weeks ago, in a big public relations move, Mexico made a $700 million repayment on the $12.5 billion in loans that it owes to the United States. However, Mexico owed the United States $2 billion on October 30, 1995.

By paying the $700 million early, they planned—and it worked—to avoid making the full payment, the remaining $1.3 billion, on October 30. Mexico bet correctly. This administration told them they did not have to pay. They could roll over the payment.

Mr. President, if Mexico does not make these payments on time in the beginning, these so called loans will quickly become foreign aid—they will not be paid off.

The Congress did not vote for foreign aid. The American taxpayer cannot afford more foreign aid. And the loans to Mexico should not become foreign aid.

The bulk of the United States loans to Mexico do not come due until 1997. They will not be fully repaid until the year 2000. But if Mexico cannot repay its short term loans on time—then I do not have any hope that the loans coming due in 1997 through 2000 will ever be repaid. They will roll it over into foreign aid.

This particular $2 billion loan has been extended now three times. This is an outrage. And what makes it worse is that the administration wants to throw away another $1 billion of taxpayers money, this time on the United Nations.

The United Nations has a huge bureaucracy. In 1993, the Bush administration found that the United Nations has no means by which to stop waste, fraud, and abuse by its employees. Mr. President, salaries for the 53,000 U.N. bureaucrats are 24 percent higher than for our civil servants. We are the ones paying the bills. They have a $12 billion retirement fund at the United Nations. The Secretary General makes more

than our President. And we are sending money to support that type of extravagance.

These U.N. conferences are a waste of money and are boondoggles. There is no better description of them than a boondoggle. In 1996, one is planned in Istanbul called a City Summit held to address urban problems. One was held last March in Copenhagen called a Social Summit. From what we hear it was quite the social occasion. And we all know about the cost of the Woman's Conference held in Communist China in September.

The highlight of the 50th anniversary celebration was their invitation to Fidel Castro—a Communist dictator—who got applause when he asked the United States to end the embargo against Cuba. I am sure this celebration cost the United States a huge sum of money. And that is what we will be paying for with the $1 billion they plan to send.

Further, Mr. President, there are now 16 U.N. peacekeeping operations around the world that are costing us over $1 billion a year.

The fact is that over the last 50 years we have paid the United Nations $96 billion. Current estimates are that we still pay 40 percent of the United Nations budget. We still pay 40 percent of U.N. budget. Yet, when a Communist dictator stands up to criticize this country, he gets a standing ovation.

Mr. President, the point of all this is the United States should be concentrating on collecting the money that is owed us and not finding ways to send more out. Instead, the Clinton administration spends its time and effort trying to appease the United Nations—and finds ways to spend tax dollars.

I want to put this administration on notice that I will do everything I can to stop the United Nations from getting this money until Mexico pays us back in full and on time.

Mr. President, I thank you.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996—CONFERENCE REPORT

Mr. DOMENICI. Mr. President, I submit a report of the committee conference on H.R. 1905 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 26, 1995.)

Mr. DOMENICI. Mr. President, it is my understanding that there will be a request for a rollcall vote on the adoption of this conference report. Therefore, I am advised in behalf of the leader that there will be another vote today expected on this conference report. We will work it as expeditiously as we can. But I understand one Senator wants to speak and will not be here until around 5 o'clock. So we will not finish any sooner than that.

Does the Senator from Arkansas wish to speak?

Mr. PRYOR. Mr. President, I thank the Senator from New Mexico. I think he just answered my question. I was just going to ask the Senator from New Mexico if he could give us approximately the time for a vote. I guess it would be sometime after 5.

I thank the Senator.

Mr. DOMENICI. I thank the Senator very much.

Mr. President, I have a brief statement, and I believe Senator JOHNSTON will have a statement. And then we will proceed with questions and some colloquies.

Mr. President, I am pleased to present the conference report on the fiscal year 1995 energy and water development appropriations bill. This conference report on the bill, H.R. 1905, passed the House of Representatives earlier today, October 31, 1995, by a vote of 402 yeas to 24 nays.

The conference on this bill was held on October 24 and 25, 1995, and the conference report was printed in the CONGRESSIONAL RECORD of October 26, 1995. Since that time, the printed conference report has been available. Therefore, I will not elaborate on the disposition of all the items agreed to in conference.

The conference agreement provides a total of $19,336,311,000 in new budget obligational authority. This amount is $1,225,733,000 less than the President's budget request and $706,688,000 less than the enacted, fiscal year 1995 level. It is $653,854,000 over the House passed bill, and $832,841,000 below the Senate passed bill.

As you know, there are two principle functions within the Energy and Water Development appropriations bill. These functions are separated into defense and domestic discretionary accounts. The bill provides $10,656,458,000 in defense discretionary budget authority for the Department of Energy's atomic energy defense activities. This amount is $459,325,000 below the budget request but $552,678,000 above the current level. For domestic discretionary accounts, which include the U.S. Army Corps of Engineer's Civil Works Program, the Bureau of Reclamation, several independent agencies, and the nondefense activities of the Department of Energy, the conference bill provides $8,679,853,000. This amount is $766,408,000 below the budget request and $1,259,366,000 below the current level.

Due to this dramatic reduction in nondefense spending, our ability to fund new initiatives is extremely limited, and most existing programs are cut significantly below both the current year and the President's request. The conference bill makes significant reductions in the Army Corps of Engineers, the Bureau of Reclamation, solar and renewable energy, the Appalachian Regional Commission, and the Tennessee Valley Authority.

We have made some very difficult decisions in the nondefense activities of the Department of Energy. However, we have done our best to protect the basic science research capabilities of the Department of Energy. While we have made significant reductions in the areas mentioned above, we have held the line on biological and environmental research, basic energy sciences, high energy physics, and nuclear energy.

These are the fundamental basic science missions of the Department of Energy that we must maintain to ensure the best possible future for the Nation. These are missions relating to such areas as the human genome program and other medical research activities, global environmental research, materials and chemical sciences, and the physical sciences.

Title I of the conference bill provides appropriations for the U.S. Army Corps of Engineers' Civil Works Program. The conference agreement provides $3,201,272,000, which is $106,178,000 less than the budget request and $137,647,000 less than the current enacted level.

For title II, the Department of the Interior, the conference agreement includes a total of $844,342,000. This is $11,325,000 above the budget request and $27,057,000 below the current level. Within this total, the bill provides $800,203,000 for the Bureau of Reclamation, which is $11,325,000 more than the budget request and $31,033,000 less than the current level.

A total of $15,389,490,000 is provided in title III for the Department of Energy programs, projects, and activities. Of this amount, $10,639,458,000 is provided for atomic energy defense activities, which is $457,825,000 below the President's budget request and $553,611,000 above the current appropriated level.

Included in the total provided for atomic energy defense activities is $5,557,532,000 for defense environmental restoration and waste management. This amount is $429,204,000 below the budget request but $664,841,000 above the current level. The increase over the 1995 appropriation results primarily from the transfer of facilities from the

old materials production account to the Defense Environmental Restoration and Waste Management program.

The conference action on DOE's Defense Environmental Management Program seeks, to the extent possible, to protect funding necessary to meet existing cleanup milestones established in compliance agreements. The conference agreement also seeks to reduce Environmental Management Program personnel at headquarters, where practicable, in an effort to apply available dollars to the cleanup effort.

Title IV, which includes appropriations for the Tennessee Valley Authority, the Appalachian Regional Commission, the Nuclear Regulatory Commission, and other independent agencies, provides $311,550,000 in budget authority. This amount is $57,513,000 below the President's request and $143,859,000 below the current year's level.

I recommend to the Senate that this conference report be approved promptly in order to complete action on this appropriations bill and clear it for the President's consideration and approval. It is our understanding that the President will sign this bill.

Mr. President, the House and Senate have worked hard for several weeks and have agreed upon a conference proposal which not only represents significant reductions from the current year's enacted appropriated levels, but is the leanest energy and water development appropriations bill since fiscal year 1990. We have heard the call of the new Republican majority to change the way Government does business and are proud to Present a bill that cuts budgets, cuts bureaucracy, and streamlines operations.

I wish to express my appreciation and thanks to our House colleagues led by the chairman of the House subcommittee, Congressman JOHN MYERS, and the ranking minority member, Congressman TOM BEVILL. I would like to express my continued admiration and respect for the distinguished Senator from Louisiana and our former chairman, Senator JOHNSTON and thank him for his hard work and support. Of course, I want to also thank my friend, the Chairman of the full Appropriations Committee, Senator HATFIELD and the ranking member of the full Appropriations Committee, Senator BYRD. It is always a pleasure to work with them both. Also, I want to express my appreciation to all the Senate conferees and staff members of the subcommittee.

Mr. President, obviously, on the domestic side of this budget, we are providing substantially less than last year and less than the President asked—that is what is happening in every domestic bill—and we think we have done it in such a way that should receive maximum support from the Senate. There was no objection to any of this in the conference by either our side or the Democratic side.

When it comes to defense, it is obvious that we are in a great transition period with reference to our nuclear deterrent capabilities and we are in a transition period as to what we are going to do for the next 40 years as we build down our nuclear arsenal and attempt to safeguard it and maintain it and make sure that our nuclear deterrent capability remains inviolate for the next 20 to 40 years.

A new approach to this is being taken in this bill. The roots are being laid for a concept called a science-based stockpile stewardship program wherein the three defense nuclear laboratories—Livermore, Los Alamos, and Sandia—will lead the defense activities in the preservation and safekeeping of the nuclear deterrent stockpile. This requires some new scientific capabilities because of one additional fact. That is, currently the United States has agreed that we will have no more underground testing of nuclear weapons. That used to be done in order to calibrate, in order to determine safety, wellbeing, longevity, and all kinds of things with reference to the system; that is, the nuclear deterrent system. We have decided as a nation not to do that, and so the science-based stockpile stewardship program requires that we engage the best of our science in producing new equipment and new instrumentation along with new computers to perform modeling of this capability so we can keep this arsenal safe, and the stewardship of it will be adequacy and deliverability at all times.

This costs a little more money than we had thought. Some new equipment is going to be built, a new facility at Livermore, and we have started that here in this bill. Los Alamos and Sandia will have a mission each with reference to it. In other words, we are going to be able to simulate one way or another what we used to find out in an underground nuclear explosion. And when we do that and do it right, we will be able to maintain the system by replacing parts and the like as we move toward building it down and maintaining it for a long period of time.

So for some who wonder what the Department of Energy does in the defense work, this is the hub of it. There are a lot of other things. But they are going to be charged—and the Defense Department has agreed with this new approach—with essentially doing what I have just described, and that is be the frontrunning institutions in the United States and hopefully in the world in seeing to it that our nuclear deterrent is always safe and deliverable and exactly what we expect as we move it down dramatically to a smaller number.

Now I yield the floor to my colleague, Senator JOHNSTON.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, one of the most able Senators I have ever served with is the distinguished Senator from New Mexico. He also happens to be one of my best friends in this body. So it is with real enthusiasm that I have undertaken to work on this appropriations bill with him. By and large, he has produced, considering the challenges, an excellent bill, for which I congratulate him. I congratulate his staff as well. Our staffs have worked together as a team. I have worked together as a team with him to produce this bill. So I have great praise for him and great admiration for him, and I might say great affection for him all at the same time.

Now, as sometimes is customary in this body, pride goeth before a fall and praise goeth before criticism, and while I mean every word of the praise, Mr. President, I am here to say that I cannot vote for the bill because of one particular area of this bill, which is called nuclear waste.

Mr. President, the conference agreement on the fiscal year 1996 energy and water development appropriation bill, H.R. 1905, provides $19,336,311,000 in new budget obligational authority, including scorekeeping adjustments. This amount is $707 million less than fiscal year 1995 appropriations, and is $1.225 billion less than the President's budget request for this bill. The agreement is $654 million more than the bill as passed by the House, but $833 million less than the bill as passed by the Senate.

I concur in the explanation and summary given by the senior Senator from New Mexico [Mr. DOMENICI], chairman of the subcommittee. I congratulate Senator DOMENICI on bringing his maiden voyage to this conclusion. This is his first appropriation bill as chairman, and he was the chairman of our conference committee also. I commend him for his hard work. I also want to express my appreciation to our House colleagues, led by our good friends Representative JOHN MYERS, of Indian, and Representative TOM BEVILL of Alabama. They have worked together as a team for many years and I am proud of our association. We have had a long tradition of bipartisan cooperation and compromise in this subcommittee, and I hope that spirit will continue. I would like to thank all of the House and Senate conferees.

Mr. President, I would like to mention several Louisiana items contained within the conference agreement. I am pleased that we have included authority for the Corps of Engineers to design and construct flood control improvements to rainfall drainage systems, in Jefferson, Orleans, and St. Tammany parishes in Louisiana. These areas have suffered disastrous floods due to torrential rainfall that occurred in southeast Louisiana in May 1995, which resulted in the loss of seven lives, inundation of 35,000 homes and estimated property and infrastructure losses exceed $3 billion. The chairman of the House Appropriations Committee, Mr. LIVINGSTON, is to be commended for proceeding and I strongly supported the inclusion of this beginning in the conference report.

Also, included in the report is language directing the Secretary of the Army, acting through the Chief of Engineers, to design and construct a regional visitor's center in the vicinity of Shreveport, LA, as a part of the Red River Waterway project. The successful prosecution of this project which provides navigation from the Mississippi River to Shreveport, is a source of great pride to me. It is a project I have worked on during my entire career in the Senate, and navigation has now been completed.

The conference agreement also approves an amount of $7 million for the Biomedical Research Foundation of Northwest Louisiana to create the Center for Biomedical Technology Innovation. The center will serve as a focal point for the ongoing biomedical research and development that is carried out at many of the national laboratories, and for the clinical testing of products that result from that research. It will focus specifically on the development of instrumentation for minimally invasive procedures—including advanced imaging technologies—technologies for individual self care, telemedicine, and medical robotics. Priority will be given to those technologies which are most likely to reduce the cost of care. The center will be housed within the Foundation's Biomedical Research Institute, and managed by a consortium organized and led by the Biomedical Research Foundation.

Mr. President, the conference agreement, in nearly all cases, represents a fair and reasonable disposition of the differences between the House and Senate, and I hope the conference report will be approved. I regret that I cannot support the conference report.

Mr. DOMENICI. Will the Senator yield before he continues?

Mr. JOHNSTON. Yes, I will.

Mr. DOMENICI. I say that it has not been my privilege heretofore in all the years that we have served for me to chair an appropriations subcommittee and have my friend from Louisiana as ranking member. For the most part it has been reversed; if I was in the Chamber, he was chairman and I was ranking member. But that has not even occurred on this bill heretofore, and I cannot give sufficient accolades in this RECORD about this Senator. Frankly, I am going to miss him tremendously in the Senate, and I think the Senate is going to miss him because of the kinds of things he is going to say right now. It is true that there is a very, very serious deficiency in this bill, but I will answer it when he is finished and I thank him and his wonderful staff for all the help here and in the past as we put these things together. We have maintained a significant nuclear deterrent capability regardless of the criticism for the Department of Energy.

We have maintained that because of the stalwart service of Senators like BENNETT JOHNSTON on this appropriations bill. For those who are not aware of it, this is where the defense work takes place and is appropriated to maintain a nuclear stockpile. And over the years he has worked diligently in that regard.

There is a waste problem that comes from nuclear energy, and he is right, it is a serious problem. I do not believe we could have fixed it in this bill in that regard and disagreed. But I did want to make that statement before he proceeds. I say thank you very much to the Senator.

Mr. JOHNSTON. Mr. President, I thank the Senator for his generous remarks. Everything he says about what this bill accomplishes is exactly true. Mr. President, there is no more difficult nor unpleasant task in all of the Senate than dealing with the question of nuclear waste.

First of all, you have to disagree with your friends from Nevada, two of the most competent, most able, and two of my best friends in this Senate. But, Mr. President, it has been my job over a decade to have the principal responsibility for nuclear waste. Both as chairman of the appropriations subcommittee—this subcommittee—and as chairman of the authorizing committee, it has been my duty to keep it going.

Now, sometimes you try to do what is right and be with your colleagues. But, Mr. President, this program of nuclear waste is too big, it is too important, to deal with it on personalities. We have collected $10 billion for nuclear waste. We have spent $5 billion on nuclear waste and have almost nothing to show for it.

Mr. President, of all the programs in the Federal Government, there is probably more waste, there is probably more mismanagement through the years in this program than in any other program that I know of in the Federal Government. Not only that, Mr. President, it is a program which affects most Americans because there are over 100 reactors out there. There are about 80 reactor sites in this country, each of which is a potential nuclear waste dump unless we solve this problem, not to mention, in addition, the Hanford and Idaho National Labs, as well as Savannah River in South Carolina.

So, Mr. President, this is not an issue that is going to go away. It is an issue that is with us right now.

Now, what have we done in this bill? Mr. President, we have cut back to less than half the requested funding from the Department of Energy. What is that going to mean? By reducing funding to $315 million, we are going to have to stop all work on the environmental impact statement. We are going to have to stop the license application to the Nuclear Regulatory Commission. We are going to have to fire between 875 and 1,300 employees. There will be no work going forward on interim storage. It leaves only a research program with no prospect for completing the repository any time in the foreseeable future.

As a matter of fact, I have put quotes up there from the Director of Nuclear Waste, which says:

> Under the funding levels the program has historically received, the schedules for . . . start of operation in 2010 are not achievable . . .

That is, under funding levels that they have historically received, which is higher than this level.

> A flat funding profile would be insufficient to carry out the program of developing geologic disposal capability by 2010 as currently projected.

That is, if we had level funding at higher levels than this bill calls for, we will not get nuclear waste capability by 2010.

What that means, Mr. President, is it is going to cost the consumer of electricity from $5 to $7 billion additional, because that is what they have to pay for temporary storage onsite up to 2010. That does not carry us beyond 2010.

You can spool those figures up. It is going to cost that $5 to $7 billion, while at the same time we have collected $10 billion for DOE to solve the problem the DOE cannot solve. It cannot solve it at these levels of funding problems. We are paying for it twice and not solving the problem.

Mr. President, if you want to get a scandal that the people can understand out there, then do something like let somebody charge up a meal with a bunch of drinks or something to some defense contractor or somebody in the Federal Government. Everybody gets all exercised. They understand that they are cheating on the Federal Government. They are cheating, you know, violating some ethical rule.

But when you have a program of this size, the sheer enormity of it seems somehow to pass everybody's consciousness. Well, it may pass everybody else's consciousness, but I had responsibility for this, and I want to put in the RECORD what is happening. Ten billion dollars has been collected, and there is no way to solve the problem at these funding levels. You are going to have to spend another $5 to $7 billion, with a ''B.'' Mr. President, those are not incidental dollars; those are huge dollars.

Then what is the American public going to say a few years from now when I guess somebody is going to finally wake up? They are going to say, ''What have you done with all that money and the problem is not solved?''

The problem cannot be solved—the Director tells me, Dr. Dreyfus tells me, at this level we will never solve the problem. His official quotes do not say that. It says:

> If the program receives funding at the levels contemplated in the Administration funding proposal, the Department would be able to carry out the program . . ..
>
> Any major reduction . . . would require restructuring of the program plan with significant delays . . ..

Now, look up there at the top and you get the DOE request; $630 million

was requested this year. We are down to $315 million. Next year it goes up to $684 million, then to $713 million, then to $732 million.

At the rate we are going, Mr. President, we will be lucky to maintain the $315 million, which means you cannot solve the problem.

Now, what does the administration say? The administration says—privately they will tell you, ''Look. This is an election year.'' At least that is what they say inside. But officially they say, ''We should not put any interim storage out at Yucca Mountain until we determine whether the site is suitable.'' They do not define what suitability in the site is, but a few years ago they said, ''If we have this funding at that level, we can determine suitability by the year 2002.'' That means if you give them that kind of money. So if you do not give them that kind of money, according to that definition at that time, it would be, I guess, who knows when before you would determine even suitability of this site.

Mr. President, you cannot solve the problem. Look. Rather than do what we are doing now—and I have been trying to get this at Yucca Mountain—we honestly ought to abolish this program, abolish the tax, and let the nuclear utilities have the responsibility for their own program and have the money with which to do it. That would be much better than playing out this charade.

Mr. President, it is a charade. The President does not want to solve it. The Congress seems to be incapable of solving it. The antinuclear activists out there, of which there are many, they do not want to solve it because by not solving it then they are able to show that nuclear energy does not work.

Let me tell you, Mr. President, people are not going to build nuclear utilities in this country, not at any time for the foreseeable future, and we can foresee a pretty long time. And that is because of the economics of this program. They do not need to try to kill this program in order to try to make nuclear energy nonviable. That has already occurred. All they are doing is creating a problem all across this country and creating a big expense for taxpayers.

There is a conspiracy here, in effect, Mr. President: The administration, which has a do-nothing attitude; the antinuclear groups, of which there are many; and many out there who want to kill the program; and, believe it or not, the scientists.

You say, ''scientists. They are supposed to be the ones in there trying to solve the problem.'' There is a phenomenon, Mr. President, in our Government now where sometimes you call on scientists to make a judgment in which they may not have a direct interest but their discipline has an interest, and it is sort of like, if you ask the scientists what has to be done, they will give you the most expensive answer because that is in the interest of the science. It is kind of like asking the trial lawyers, ''What do you think we ought to do on damage awards? Should we decrease damage awards?'' They would say, ''Oh, no. You have got to watch out for the victim.''

Well, the scientists, unfortunately, Mr. President, always go with the most expensive thing. We asked the National Research Council, a part of the National Academy of Sciences, to study one aspect of this thing and to look into the question of human intrusion. In other words, when you go to build a repository, how much of a safeguard do you have to put on that and to what standards must you build that? Let me tell you what the National Research Council said. I really want to get this off of my chest because I have been seething ever since we got this report. It is the most outrageous thing I have ever seen by a scientist. It says:

> We considered a stylized intrusion scenario consisting of one bore hole of a specified diameter drilled from the surface through a canister of waste to the underlying aquifer.

What that means is that when we get around to building the repository, in order to ensure its safety, we must ensure that somebody is going to put a derrick up there and drill a hole down which pierces one of these canisters and goes down to the underlying aquifer. You say, how could that possibly happen? You have fences out there and you have guards. I do not know how it happens.

I can think of a couple of scenarios. One would be that a meteorite hits the country and destroys civilization, as it did—that is the notion, at least—when the dinosaurs died. Another is that you have some big volcano that virtually kills all life except maybe some cavemen, a few who survived and are able to rebuild civilization; or a nuclear war that virtually wipes out all civilization, except some people in caves.

I must say, Mr. President, if those scenarios happen, then why are you worried about nuclear waste anyway? I mean, civilization is gone. But if civilization survives, there is no way that you would not know that the Yucca Mountain repository is there. There is no way you would not know that. We are not going back in civilization, back in the time of the ancient Greeks, when the location of the town of Messinia was lost and they go back in and dug and found out where it was. Mr. President, civilization is marching forward, not backward. We are not going to get into the situation where, some day, people are going to be digging up there and find out that New York City was up there on the Hudson River. They are going to know that. They are going to know where Yucca Mountain is. But just assume that this takes place and civilization is wiped out. How are they going to drill this bore hole through Yucca Mountain and happen to hit a canister?

Well, there are two assumptions. One is that they know what they are doing. If they know what they are doing, they are not going to be drilling on Yucca Mountain because there is no mineral activity out there by which you would drill a hole. The second is that they do not know what they are doing, and they are going around randomly drilling holes all over the country.

Now, what do you think the chances are, Mr. President—a scientist ought to be able to tell you what the chances are, if you are doing a random hole in the thousands upon thousands of square miles in the United States, and you have one little area that is a nuclear waste dump, and of the nuclear waste dump, most of it does not have the canisters, just what are the chances of that? Is it 1 in 10 billion, 1 in a trillion, 1 in 5 trillion? These scientists ought to be able to say that. But indeed, no, they say that you have to assume ''one bore hole of the specified diameter drilled from the surface through a canister of waste to the underlying aquifer.''

How did they penetrate this without knowing that they have penetrated a canister? It is the most absurd thing. In any event, I digressed for a moment just to tell you what we are up against on this program. We have the scientists, we have the administration, we have the antinuclear activists, we have the people in Nevada, none of whom want to put in this program, all of which would be fine if we were starting out with a question of whether we are going to do nuclear energy or not, you could take this into consideration.

But, Mr. President, we have nuclear waste now. We are generating it at the rate of about 2,000 metric tons each year. There are 30,000 metric tons of nuclear waste now stored, principally, in what we call ''swimming pools,'' where you basically put the rods down in pools of water, unprotected from anything. That is the only plan we really have. There are 67 powerplants in 32 States that will have run out. By the year 2010, we will have 85,000 metric tons to be stored.

Mr. President, we just simply cannot ignore this problem. I proposed an amendment, Mr. President, in the conference committee which said, let us do the long-lead-time things we need to do, the environmental impact statement, the preliminary design, on an interim storage facility, and if you cannot start construction until 1998 and if, in the meantime, it is found to be not a suitable site, then you would stop all activity on both the interim storage facility, as well as the final storage—the repository, the underground facility, and move on to some other place.

Now, Mr. President, that was rejected by the conference—rejected on the grounds that a bill is moving through the House, and that that bill will have a chance to be enacted next year. Mr. President, next year we have the same problems we have this year. That is, you have an administration

that would oppose that bill, that has threatened to veto that bill, and you still have to produce the same 67 votes—only next year is an election year.

Just what are we going to do, Mr. President? We are collecting the money—$10 billion is already collected—and we have spent $5 billion. We have a program which the director says cannot work. We are facing an assurance of having to spend some $5 billion to $7 billion between now and the year 2010 on temporary storage, and that is not funded. That is going to have to be paid for by the utilities.

Mr. President, I will be retiring from the U.S. Senate at the end of next year, and I am sure my friends from Nevada—though we are good friends—will perhaps breathe a sigh of relief and will say this guy who has been trying to cram that nuclear waste down our throats in Nevada is gone and our problem is solved. Well, Mr. President, if we are not to do this activity in Nevada, then I say it is time to terminate the program in Nevada, terminate the collection of the tax, and move on to an alternative program. Let the utilities themselves build their own, what we call, ''dry cast storage'' on-site. That is the activity that is going to cost the $5 to $7 billion between now and the year 2010. Or, if there is another site other than Nevada, then let us start picking that site. Let us start looking at others. I think they have a formation up in Maine which was suitable; and Texas, down in Deaf Smith County, I believe it was. Another one is up in Hanford. There was a site down in Mississippi. Potential sites are all over the country. Of course, there is the Savannah River. There was one in Tennessee. Let us start looking at those sites, because you have to put it somewhere. It either has to be on-site or somewhere.

Like the old joke about somebody who was found by an irate husband in the closet of his home and he said, ''What are you doing there?'' and he said, ''Everybody has to be somewhere.''

Believe me, nuclear waste has got to be somewhere. What we are saying in the Congress is that we do not know, we will put the problem off. Mr. President, I have seen this problem put off year after year after year while the cost escalates.

It was back in 1982 when we passed the Nuclear Waste Policy Act. That act called for us to pick three sites—first a larger number of sites and whittle that down to three sites—and then the three sites would be ''characterized.'' That is, determined whether the three sites would be suitable as a place for the repository, and then the DOE was to pick one of those three.

When we first passed that legislation, the cost of characterization was supposed to be $60 million per site. I thought, just to determine whether a site is suitable—that is outrageous. I remember thinking that so clearly.

A few years passed and we had a hearing on it and we asked what was the cost of characterization and activity that was going forward at that time. They said, ''Well, it is going to be $1.2 billion per site.''

I then introduced legislation to call on the Department of Energy to pick one of the three sites and characterize that and thereby save $2.4 billion. My version did not pass because when it got to the conference committee with the House they said go ahead and name Yucca Mountain—do it politically, not scientifically. They had the votes.

It so happened that the Speaker of the House was from Texas, one of the three sites. The majority leader was from Washington, the other site. That left Nevada. Nevada got picked. I must say in all fairness Nevada probably would have been scientifically picked at least. That was the indication I got at the time.

But I think Nevada had a proper cause to complain because it was, in fact, a political decision rather than a scientific decision, although that might well have been the place where it would have been picked.

We then proceeded with Yucca Mountain. What has happened in the meantime, we are now told that the cost of characterization of Yucca Mountain is not $60 million as initially estimated, not $1.2 billion as later estimated, but $6.3 billion—not to build the facility, just to determine whether it is suitable.

How in the world did it go up that much in cost? Well, I think to a large extent because these scientists made these kind of determinations that you have to assume all kind of silly scenarios like drilling bore holes down through the canisters, like doing every conceivable study to keep these scientists busy for the rest of their lives and for their sons' and grandsons' and granddaughters' lives ad infinitum.

It is an expanding scope of work which probably is not capable of being done no matter how much money we put in here and certainly not at the levels that are contained in this bill.

Mr. President, I hate to sound a discordant note on what is otherwise an excellent job that the Senator from New Mexico has done. In his defense, he has a bill to pass. He has responsibility for that bill. The President has said he would veto this bill if we came up with interim storage. I can understand that judgment. I have a lot of sympathy for that judgment. I say that in his defense.

At the same time, Mr. President, this body needs to understand, the Congress needs to understand, the nuclear industry needs to understand, the American public and taxpayers and ratepayers need to understand that they are being made the victims of a gigantic shell game, a great rip-off, in which $10 billion has been collected, $5 billion has been spent, and there is no way to solve the problem in the direction we are going.

It will not be solved. People out there who think the Congress has a program that will eventually lead to a repository, they are wrong, Mr. President. It will lead to nothing but an endless stream of money stretching from here to infinity, with no waste dump at the end.

What will happen in the meantime is that the ratepayer will not only have to pay that $10 billion already paid, but the tax at 1 mill per kilowatt hour will continue, and in addition to that, the ratepayers of these utilities—these 80 sites around the country—their ratepayers will have to pay for temporary storage on site. Mr. President, $5 billion to $7 billion worth between now and the year 2010.

Now, are we going to pass that authorizing legislation later this year or later next year? Mr. President, I hope so. But I can say I have no confidence that is so. The history of this program has been delay, avoid the tough decision, get by until after the next election, get by until after the next career, make an excuse, spend some more money, fund some more scientists, and never, whatever you do, do not ever look at the program. Do not ever analyze what they are doing. That can be very, very, disquieting when you find out some of the incredible judgments which have gone into this gigantic waste of money.

It has been, Mr. President, it has been just incredible to consider what has been wasted on this program. No one looks into it—at least no one listens to the alarms—because no one seems to understand.

We talk about the bore holes; what does that mean? The scientists must have a reason for that, right? EPA set a carbon 14 discharge level of one-millionth background radiation, for the amounts of the carbon contained in the body naturally. Nobody said anything. We tried to straighten that out with legislation. We gave it to the scientists and all we got was babble.

This report is an embarrassment to the National Academy of Sciences, Mr. President. It is almost unintelligible. The nuclear waste director says this means that you cannot build a repository—cannot build one no matter how much money. It just cannot pass the test.

Some of the scientists who did the report said, ''Oh, no, this will make it easy to do it.'' It is babble, Mr. President.

Mr. President, I hope by my little soliloquy here on the floor today that we can awaken a little interest in this subject, that we can alert people who ought to be interested in it, people in the nuclear industry ought to be interested in this. Ratepayers ought to be interested in this. The National Association of Regulated Utility Commissioners ought to be interested in this.

Some years ago they said look, if you do not get this program straightened out, we are going to discontinue allowing you to rate base the 1 mill per kilowatt hour fee. That means that they

were going to not pass it on to customers because it was a program that could not work, but we are going to require utilities to eat it—that is, to have their stockholders pay for it. I am telling you, this program cannot work. Who says so? Dr. Dreyfus, who is running the program, says that at these levels of funding, you cannot have an appropriate program. You cannot have a workable program.

I hope we get a little attention here. I hope early next year we can pass legislation. If we cannot, we ought to shut this program down.

I would like to reiterate my praise for the distinguished chairman of this committee for, otherwise, a very good bill. This is not his fault, because he is operating under a veto threat. But it, unfortunately, is going to be his responsibility because he now occupies the position which I did for so many years, which is the guy who has to make the program work. And as of right now, it is not working and cannot work.

I yield the floor.

The PRESIDING OFFICER (Mr. GORTON). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, let me once again compliment my friend from Louisiana, Senator JOHNSTON. I am not sure how many people were listening today. But I tell you, there ought to be a lot. Because you have just expressed and explained thoroughly one of the real disasters, in terms of the U.S. Government's inability to cope with a serious problem in a realistic way.

I can recall about 3 years ago when Senator JOHNSTON was presiding, the issue came up and this project was then going to cost about $3.7 billion. It now comes close to $6 billion, I understand—a little more than the $5 billion the Senator indicated. One of the Senators on the committee said, ''How much do you think it would cost to build it?'' Everybody scurried around. ''Build the facility?'' The conclusion was it would cost far less than we are going to spend characterizing the mountain.

He gave a rather practical suggestion, it seemed to me. You give this suggestion to average Americans, they would have said, ''Do it.'' He said, ''Why don't you just build it and then find out after it is built? Do all the kinds of tests you want as to whether it will succeed. If it will not work, close it down. At least you will have something there finished and completed.'' Now we are just boring holes in and doing scientific work to try to achieve a goal that seems like, scientifically, the standards have been set so high we are never going to achieve it.

We do not have any disagreement on it. I think at this point we are never going to get that depository finished. We are never going to prove up the requirements. There are going be more lawsuits around, and you will never get a permanent repository in that site—not for a long time, if ever.

So the issue comes, as I see it, what do we try to do on this bill? Let me suggest, so there is no doubt about it, we would have put an interim storage facility in this bill and it would have been sited in the State of Nevada, but for the fact that the President of the United States has sent a rather clear signal through his high-level staff that they would veto a bill that designated that site or any other site specifically.

I might say to my friend from Louisiana, as hard as he tried with his amendment, when he finished it all, it was actually designating Nevada as the site before we really knew that we would have a final site here. He couched it differently but that is a truism.

Essentially, what he, the President of the United States, was saying, and his advisers, was: Do not site it there unless the permanent repository is there or we will veto it.

The Senator from New Mexico has very few alternatives. What I wanted to do was to spend $400 million in this bill and use $85 million to move ahead with the temporary facility, the temporary storage, the interim storage. But we cannot do the interim storage without an authorization bill or without a President signing something. I think my colleague would agree with that. Whether he signs an appropriation bill or authorizing bill, the President of the United States has to sign something for Congress to be able to fund an interim storage facility there or anywhere, because the law does not now permit the Federal Government to build such a facility anywhere.

Having said that, it is clear to me that we ought to at least provide some money in this bill to fund the eventuality of us getting an authorizing bill through here that the President would sign.

I say to my friend, Senator JOHNSTON, I do not deny the authenticity and truthfulness of his remarks, because he is suggesting it probably will not happen, the President will veto it. It is an election year. But I think we had to do some work and say here is some money. So we fenced $85 million in this bill—put a fence around it—and we said it will be spent for an interim facility if in fact this is authorized and permitted by the Government of the United States. That money is sitting there. We are saying to the legislators in the authorizing committees here in the Energy Committee, its counterpart in the House: Pass a bill. You can start the project.

Will the President sign it if we pass it? We do not know. But let me suggest we cannot stall this too much longer. Sooner or later, a President must sign something that will let us move in a different direction.

My original plans were $400 million, $85 million fenced for the interim facility. It turns out that I left the bill that way, and I am fully aware that the $315 million does not satisfy the Director of the program, Mr. Dan Dreyfus' needs to keep this program going on schedule as he wanted it going on schedule. But we were going to tone it down some. If we were building a temporary facility, we were going to cut the expenditures on the permanent facility and spread it out a lot longer. I think we are still on that path.

I might say for the record, this Senator is not going to be carrying this bill very many years on this floor with funding for the permanent deep repository if we have not solved the issue of an interim storage facility. In fact, I may not carry it one more time without that, in terms of continuing what seems to me to be a borderline hoax, in terms of promising the American people we are going to have an underground permanent repository.

The reason I say that is because, in spite of the good work by the current Director, Mr. Dan Dreyfus, who used to work for the Energy Committee—and we are all very, very complimentary of his work—the rules and regulations that we live by, under that project, just may be so that man cannot comply. It may be we cannot comply.

So I hope everyone understands today on the floor of the Senate, with very little attention, some very, very serious remarks have been made about the competency of this process, of the legislative process and the President, to work to get something done that must be done.

I want to add one other comment. The Senator might not remember it, but I remember it. I speak to my friend from Louisiana. I think some of us figured, when then Senator Gary Hart of the State of Colorado proposed that we had to close the loop on atomic energy and had to have a permanent repository, I think some of us were thinking, ''Well, if that gets out of hand, it is calculated to stop nuclear power.''

In fact, we may go back to the RECORD and find that either you or I said that. We might have said it. That is what it was. It was an approach that said you need to close it at the tail end with a permanent repository. If you cannot do it, then you cannot have nuclear waste and therefore you cannot have nuclear energy.

The calculation is coming true. Not because we cannot do it, but because we refuse to do it in a commonsense, practical way that is really consistent with engineering and science achievement. So that is about where we are.

I ask unanimous consent to have the letter printed in the RECORD wherein the President's staff indicates they would veto this bill and move onto another project.

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

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 13, 1995.

Hon. PETE V. DOMENICI,
Chairman, Subcommittee on Energy and Water Development Appropriations, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to provide the Administration's views on H.R. 1905, the Energy and Water Development Appropriations Bill, FY 1996, as passed by the House and by the Senate. As you develop the conference version of the bill, your consideration of the Administration's views would be appreciated.

The Administration is committed to balancing the Federal budget by FY 2005. The President's budget proposes to reduce discretionary spending for FY 1996 by $5 billion in outlays below the FY 1995 enacted level. The Administration does not support the level of funding assumed by the House or Senate Committee 602(b) allocations. The Administration must evaluate each bill both in terms of funding levels provided and the share of total resources available for remaining priorities. The House-passed version of the bill is $1.8 billion below the President's request, and the Senate version is $0.3 billion below the request. With respect to the overall funding levels for programs covered by H.R. 1905, we generally prefer the Senate's recommended funding levels.

The Administration has very serious concerns about certain language provisions that may be included in the final bill. One is a provision that would direct the construction of an interim storage facility for nuclear wastes at a specific site. Others are provisions that would override environmental and other laws in specific situations, such as those concerning the Bonnevile Power Administration fish program and, potentially, the Animas/La Plata water project. If these provisions were contained in the final bill, the President's senior advisers would recommend that he veto the bill.

Since taking office, the Administration has developed and implemented a number of policies to increase government efficiency, known as ''Reinventing Government,'' and to concentrate resources on investment programs critical to ensuring a strong economic future. The Administration is disappointed that neither the House nor the Senate, in action on this bill, has been more sensitive to these priorities.

DEPARTMENT OF ENERGY—NUCLEAR WASTE DISPOSAL FUND

The Administration strongly objects to any language that would designate a nuclear waste interim storage facility at a specific site. Any potential siting decision concerning such a facility should ultimately be based on scientific analyses. If an interim facility is to be developed, FY 1996 spending on it should only be devoted to non-site-specific design and engineering, with the majority of FY 1996 monies in this account continuing to support the scientific investigation of the proposed permanent waste repository.

The Administration is disappointed with the funding levels in both the House and Senate versions of the bill for the Civilian Radioactive Waste Management program. The Administration urges the conferees to consider seriously the funding level proposed in the President's budget in order to support fully the scientific work on the permanent repository program.

BONNEVILLE POWER ADMINISTRATION (BPA)

The Administration strongly opposes the inclusion of section 509, General Provisions, in the Senate version of the bill. This section, though somewhat vague, would limit BPA's annual fish and wildlife expenditures and introduce language specifying that BPA's spending is adequate to meet environmental requirements, which overrides existing environmental laws. The inclusion of such an override is unacceptable to the Administration. The Administration is working with the Congress and the various interested groups in the Northwest to try to identify a core program of fish recovery activities that could provide a stable base for several years at a reasonable cost.

DEPARTMENT OF ENERGY—GENERAL

The Administration is committed to maintaining the Department of Energy and to moving forward in its restructuring and realignment. We are disappointed that both the House and Senate propose to cut the Department significantly below the FY 1996 request in many areas. Although the Administration appreciates the Senate's overall restoration of nearly $250 million in reductions made by the House to the request for energy supply, research and development, we are concerned about the remaining cuts to many key areas, including the Climate Change Action Plan initiatives and the Department's global climate change research and technology development efforts.

DEPARTMENT OF ENERGY—NUCLEAR ENERGY

The Administration strongly objects to the House action that would eliminate funds requested for the Department of Energy to assist countries with Soviet-designed nuclear power plants in addressing the health and safety problems posed by these plants. The requested $83.5 million was substantially restored by the Senate. Failing to provide these funds would undercut the nuclear safety program developed in concert with other G–7 countries, countries of Central and Eastern Europe, and the New Independent States of the former Soviet Union.

The House version of the bill does not provide the $3.9 million requested for completing the processing and stabilization of North Korean spent fuel, which is currently underway. The fuel stabilization effort is important because it will help to ensure that this fuel is not processed to recover plutonium. This program is part of a United States commitment to encourage North Korea to abandon its nuclear weapons program. This key non-proliferation goal would be threatened by the House's action. The Administration urges the conferees to provide the full $3.9 million, as recommended by the Senate.

DEPARTMENT OF ENERGY—SOLAR AND RENEWABLE ENERGY PROGRAMS

Both the House and the Senate propose significant cuts to the Administration's request for solar and renewable energy research programs. These programs help to create jobs, increase energy security, and protect the environment. The House version of the bill, in particular, would eliminate or drastically reduce many programs that have been making notable technical progress, including many of the most cost-effective implementation programs for reducing greenhouse-gas emissions. The Administration urges the conferees to provide funding at least at the Senate level.

DEPARTMENT OF ENERGY—DEFENSE PROGRAMS

The Administration believes that the Senate additions above the President's request for nuclear weapons stockpile management are unnecessary, especially given the deep cuts made to many of the President's investment initiatives in both the House and Senate versions of the bill.

The Administration strongly urges that the conferees provide the Department of Energy with the flexibility to implement dual-use Cooperative Research and Development Agreements in the weapons programs.

The Administration objects to the House's proposed elimination of funding for detailed design of the National Ignition Facility (NIF). The Senate proposal to fund the NIF at the President's requested level would simply allow design work to continue without delay and would not initiate any construction activities.

DEPARTMENT OF ENERGY—ENERGY RESEARCH

The Administration commends both the House and Senate for supporting the Science Facilities Initiative. However, funding levels proposed by both the House and Senate for the U.S. Magnetic Fusion Energy program send a clear message that the program must be substantially restructured. While the Administration concurs in principle, the President's Committee of Advisors on Science and Technology has concluded that funding over the next several years must be at the level of $320 million to preserve the most indispensable elements of the U.S. fusion effort and associated international collaboration while maintaining momentum toward the goal of practical fusion energy. The Administration urges the conferees to provide at least $275 million for FY 1996.

DEPARTMENT OF ENERGY—DEPARTMENTAL ADMINISTRATION

The Administration is concerned about the personnel implications of both the House and Senate cuts to the President's requested level of funding for the Department's departmental administration. Funding at least at the House level is necessary to provide an orderly downsizing and to ensure proper departmental oversight during a time of substantial change at the Department.

ARMY CORPS OF ENGINEERS

The Administration is disappointed that both the House and Senate have rejected a budget reduction strategy for the Army Corps of Engineers that would commit resources to those missions with the Clearest Federal role, while devolving others to State and local governments. Given this rejection, the Administration plans to continue to work with Congress on a budget reduction strategy for the Corps. The Administration urges the conferees to remove language contained in both the House and Senate versions of the bill that would limit the flexibility of the Secretary of the Army in his current efforts to restructure the Army Corps of Engineers.

The out-year cost of unrequested new starts is a concern, even though the first year cost is relatively small. For example, those in the House version of the bill would only cost $10 million in the first year, but would require $650 million to complete fully. The Administration urges the conferees to trim the list of projects, especially in the area of beach and shoreline protection projects.

The Administration is disappointed with the decision of the House and the Senate not to provide funding for several much-needed environmental studies and research activities. The Administration requests that the final bill provide flexibility for the Corps to allocate its wetlands protection funds to activities deemed to be most effective.

BUREAU OF RECLAMATION

The Administration urges the conferees to adopt the House level of funding for the Bureau of Reclamation's Safety of Dams Corrective Action program. This funding is necessary to accomplish needed repairs to Federal dams.

OTHER INDEPENDENT AGENCIES

The Administration commends the Senate for restoring funds for the independent river basin commissions. The restored funding is in keeping with the increasing emphasis on State and local resource and project management for local flood control.

We look forward to working with the conferees to address our mutual concerns.

Sincerely,

ALICE M. RIVLIN,
Director.

Mr. DOMENICI. Let me go through Animas-La Plata—Animas-La Plata and some sufficiency language which would have deemed that project to have complied with all environmental requirements; that is what the word ''sufficiency'' would have meant. In conference, language was sought to make it sufficient with reference to environmental requirements. Obviously, the President's staff—the chief advisor said in that same letter, which is now in the RECORD, that if sufficiency language, getting rid of any future environmental contention regarding that project was put in, they would also recommend a veto.

It is hard to tell how many of these are for real, when a President's staff says it. But I took this one as pretty serious and a compromise was worked out. I am going to put my interpretation of that compromise in the RECORD.

Suffice it to say, there is no sufficiency language in this bill. There is language that says we should proceed with the project, but it is clear that no environmental contests are waived. So that means, on the one hand, we are starting to fund the project here in this bill with another piece of money—$10 million. And we are saying, let us proceed. But we do in no way waive any challenges that might be made to it.

Mr. President, I have a few brief comments about language included in the energy and water conference report that pertains to construction of the Animas-La Plata water project. The language in the report directs the Secretary of the Interior ''to proceed without delay'' with those portions of the project identified in the October 25, 1991, final biological opinion.

There has been much talk about just what this language means. Specifically, opponents of the project have attempted to paint this as so-called sufficiency language exempting the project from any further environmental analyses required by Federal law. Mr. President, this is not the case. The report language does not override existing Federal environmental requirements, nor does it prevent further judicial review. Consequently, those who say this report language is an attack on the environment or a subterfuge of the judicial process are simply wrong.

At the same time, however, the language makes it clear that the Congress is absolutely committed to the swift and successful completion of this project. Under the terms of the 1988 Colorado Ute Indian Water Rights Settlement Act, the United States has a trust obligation to the Southern Ute and Ute Mountain Ute Indian Tribes to complete the project.

The final bill provides $19.3 billion in budget authority and $11.5 billion in new outlays to finance the operations of the Army Corps of Engineers, the Bureau of Reclamation, the Energy Supply Research and Development and Atomic Energy Defense and Related Programs of the Department of Energy, and several independent agencies.

When outlays from prior year budget authority and other completed actions are taken into account, the bill totals $19.3 billion in budget authority and $19.7 billion in outlays for fiscal year 1996.

The subcommittee which I chair is within its section 602(b) allocation for both budget authority and outlays.

Mr. President, I ask unanimous consent that a table displaying the Budget Committee scoring of the final bill be printed in the RECORD.

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

ENERGY AND WATER SUBCOMMITTEE—SPENDING TOTALS—CONFERENCE REPORT

[Fiscal year 1996, in millions of dollars]

	Budget authority	Outlays
Defense discretionary:		
Outlays from prior-year BA and other actions completed	.....	4,039
H.R. 1905, conference report	10,656	6,402
Scorekeeping adjustment	.....	.....
Subtotal defense discretionary	10,656	10,441
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed	.....	4,171
H.R. 1905, conference report	8,680	5,100
Scorekeeping adjustment	.....	.....
Subtotal nondefense discretionary	8,680	9,271
Mandatory:		
Outlays from prior-year BA and other actions completed	.....	.....
H.R. 1905, conference report	.....	.....
Adjustment to conform mandatory programs with Budget	.....	.....
Resolution assumptions	.....	.....
Subtotal mandatory	.....	.....
Adjusted bill total	19,336	19,712
Senate Subcommittee 602(b) allocation:		
Defense discretionary	10,928	10,632
Nondefense discretionary	8,680	9,272
Violent crime reduction trust fund	.....	.....
Mandatory	.....	.....
Total allocation	19,608	19,904
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Defense discretionary	−272	−191
Nondefense discretionary	−0	−1
Violent crime reduction trust fund	.....	.....
Mandatory	.....	.....
Total allocation	−272	−192

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. DOMENICI. Mr. President, I think Senator MCCAIN has been waiting. I yield the floor.

Mr. McCAIN. Mr. President, I have been informed by the Senator from North Dakota that he is going trick-or-treating with his children tonight at 6. I find that a transcendent priority. I will be extremely brief and submit my written comments for the RECORD. I hope all my colleagues will also make their comments brief so it is possible for those Members with children to be able to partake in this time-honored family tradition.

Mr. President, I will be relatively brief. I am again disturbed to find unauthorized projects and unappropriated projects in the conference report. I have said to the Senator from New Mexico on numerous occasions that deprives me of my ability to scrutinize, and vote, if necessary, on projects. It is my initial screening—as I say, I will submit a written statement for the RECORD—20 unauthorized projects are in this, ranging understandably from Petersburg, WV, to Arkansas City, KS, New Orleans, LA, White River, IN, to a Pennsylvania environmental pilot program. The conference report modifies the bill by increasing the authorization from $17 to $50 million for water and sewer projects. Mr. President, $3.5 million is appropriated in the conference report. The authorization is only available for projects within two Members' congressional districts.

Mr. President, this is wrong. It is wrong to do that.

There is funding for the central Indianapolis waterfront concept master plan.

Mr. President, the Corps of Engineers' authority is not to be involved in waterfront master plans unless it has to do with flood control.

The Arkansas City flood control project in Kansas was unauthorized. I will read several of them.

The Homer project in Alaska, $3.8 million; Dog River, AL, project, $200,000; Sacramento River, CA, $300,000; West Dade, FL, $150,000; Holmes Beach County, FL, $150,000; Ohio River, Greenway, IN, $500,000; Indianapolis waterfront, $2 million.

Mr. President, none of these have been authorized. They were inserted in the conference. Mr. President, we deserve better. I do not know if these projects are good or bad, and the American people certainly do not know. And there will be nothing in the CONGRESSIONAL RECORD to let us know if they are good or bad.

I notice that we are going to fund the Appalachian Commission this year for a considerable amount of money. I think it is $140 million. That clearly is something that should not continue since every part of America now needs the same kind of assistance that those States which are now included in the Appalachian Regional Commission receive.

Mr. President, I think that it is important for us to understand—another one, $2 million, acting through the Corps of Engineers, to authorize the director to proceed with engineering, design, and construction of projects for flood control improvement for the rainwater drainage systems in Jefferson, New Orleans, and St. Tampa Parish, LA—authorized to be appropriated $25 million for the initiation and partial accomplishment of projects described in these reports. My understanding is that there has been no screening, and that there has been no request for authorization. There has been nothing except that this was stuck in, in the conference report. The corps has not finished its studies as to whether this is needed.

Mr. President, again, I have no doubt that some of these projects are worthwhile, and have great virtue. But we do not know whether they do or not because they are placed in the conference into the conference report without authorization and without any kind of screening.

I would like to finally say there are several appropriations bills, including the transportation bill and several other appropriations bills, which are excellent, where the business of putting in projects in conference that were in neither the authorization nor the appropriation bills has largely been done away with. I wish I could say that is the same for this bill. It is not the case. And I think that we should reject this practice over time.

Mr. President, I hope my friend from North Dakota enjoys his evening and his children.

I yield the floor.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, we have been listening to two very well briefed men who are handling this piece of legislation here on the floor. When we begin to talk about nuclear storage and that sort of thing, spending hundreds of millions of dollars, it kind of goes over some heads. But I want to talk about something that affects real people now. Several weeks ago, Mr. President, in the House an amendment was floated to this bill, and to the reconciliation bill, to sell the Power Marketing Administrations. The Power Marketing Administrations with hydroelectric furnish low-cost power to rural areas in this country. To do even better than that, the amendment came out on the bill that would sell the lakes that provide the water to generate the electricity.

I want to tell you. A furor occurred down in my part of the country because you have recreation, fishing, camping, and swimming on these various lakes—four of them in Kentucky where a father has taken a son fishing and camping, and now that son is taking his son to the lake fishing and camping. And it is something a family of low income can enjoy.

So with all these furors that followed this suggestion, our people in my part of the State said, ''Sell the lakes? Never.'' The calls came to Washington, and Speaker GINGRICH was contacted. And he assured them that this was off the table—that it would not be considered. But it would be considered when the communities have calmed down a little bit, and it would be revisited when the communities are more comfortable with the sale, I believe the Speaker said. But Mr. KASICH, the chairman of the Budget Committee, said that they will be sold but it will be done a little later because of the furor. Then the proposal to sell the Power Marketing Administrations was proposed, and another furor followed. Again, the Speaker said that this would be off the table.

So you have to watch around this place, Mr. President, because there is always someone trying to back door you.

If you think the Power Marketing Administrations are off the table, or if the power lines and the facilities to generate this electricity is off the table, you ought to read page 476 of the reconciliation bill from the House.

We have in the statutory language now that the Secretaries of Energy, Interior, and Army cannot sell power marketing administrations. Well, on page 476 of the House reconciliation bill, they repeal those prohibitions. And in the next section they authorize and say, ''The Secretaries shall''—that is plural, of Energy, Interior, and Army—''shall secure and enter into arrangements with an experienced private-sector firm to serve as advisor to the Secretaries with respect to the sale of the facilities used to generate and transmit the electrical power marketed by Southeastern Power Administration, Southwestern Power Administration, and Western Power Administration.''

And so prior to December 31, 1996, they shall come back with their report to sell. And in these instructions in the reconciliation bill in the House, they say they can cluster the generated facilities where they might be sold at a higher price.

That does not seem to me that power marketing administrations and the facilities used for such a transmission line are off the table. Lo and behold, Mr. President, in this bill—in this bill—we are about to pass here in the Senate, there is no language under amendment 51.

It says:

> The conferees agree that the statutory limitations do not prohibit the legislative branch from initiating or conducting studies or collecting information regarding the sale or transfer of the power marketing administrations to non-Federal ownership.

Mr. President, the power marketing administrations are not off the table. We are just being backdoored, making big headlines, big statements, ''They are off the table,'' then insert them in language, try to hide it, and in the language of this bill, as an afterthought, I suspect, they authorized GAO for the study.

Mr. President, I am torn about whether to vote for this piece of legislation or not because it does authorize GAO to make the study for the sale of these power marketing administrations. So I want to just say to my folks that have an interest in it all across the country—all across the country—that you better be careful because the majority has made up its mind it is going to sell the power marketing administrations. And the testimony in the House committee said that rates would go up, the rates would go up.

If you want rural electrical rates to go up, you just sell your power marketing administration, and you will see what happens to you. This majority is trying to sell everything.

Mr. DOMENICI. Mr. President, I also want to thank the Senator from Arizona for his comments. I am not sure how the Senator arrived at the number of 20 unauthorized projects, and I do not agree with that number, but it is accurate that the conference report does include some authorizations for the Corps of Engineers water projects.

When the energy and water development bill passed the Senate it included four provisions which addressed ongoing projects. The conference agreement includes four additional provisions. For example, a provision is included in response to the devastating flooding which occurred earlier this year in New Orleans, LA, which allows the Corps of Engineers to undertake additional measures to limit the flood damages in that city. Another provision allows the corps to transfer land to the city of Prestonsburg, KY, for a public park.

So, while the conference agreement does include some small authorizations, I do not understand how the Senator arrived at his figure of 20 unauthorized projects in the conference report.

Mrs. MURRAY. Mr. President, I would like to clarify a single sentence in the conference report accompanying H.R. 1905 relating to economic development activities. Within the Department of Energy environmental management account, in the nuclear material and facilities stabilization section, there is a sentence that provides: ''Additionally, none of these funds should be used for economic development activities.''

It is my understanding that this language was included because there was concern by some members of Congress that money was being diverted from cleanup and restoration efforts and used for economic development. It is clear from this language that money should not be used for economic development activities when those activities are unrelated to the project for which the money was appropriated. However, where this money can be used both to achieve its intended purposes and assist in community transition and diversification, it should be so used.

The Department of Energy should allow the use of these funds to achieve as many positive results as possible and leverage this money to assist the communities they serve in achieving economic diversification.

● Mr. HATFIELD. Mr. President, I would like to engage in a brief colloquy with the distinguished chairman of the Energy and Water Appropriations Subcommittee, Senator DOMENICI. Included in the conference report to the fiscal year 1997 Energy and Water Appropriations bill are provisions related to the Bonneville Power Administration. I would like to focus on these provisions for a moment.

As the chairman is aware, a longer term regional review initiative was recently announced by the Bonneville

Power Administration and the department of energy. It is my understanding, as a member of the conference, that the conferees were aware of and supported this reexamination of Bonneville's statutory authorities and responsibilities. However, it is my understanding that the conferees did not intend their action in this conference report to prejudice any future regional discussions regarding the comprehensive regional review of Bonneville and the electric utility industry in the Northwest.

The sharing of benefits established in the Northwest Power Act of 1980 has been accomplished in large part through a provision in the act known as the residential exchange. It is my understanding that conferees believe there should continue to be a fair sharing of the benefits from the Bonneville system for all ratepayers across the region, consistent with existing law. To further this objective, the conferees provided for $145 million to maintain the residential exchange benefits at approximately the fiscal year 1996 level. It was not intended that BPA's residential exchange payment of $145 million in fiscal year 1997 be recouped from BPA's residential exchange customers in the remaining years of the 5-year rate period.

The conference report now before the Senate encourages BPA and its customers to work together to phase out the residential exchange by October 1, 2001. Furthermore, it is my understanding that the conferees did not intend this encouragement to affect the current development of rates by BPA because the outcome of the regional review and settlement discussions are not known at this time.

Mr. President, Let me ask the Senator from New Mexico, if this comports with his understanding?

Mr. DOMENICI. Mr. President, let me say in answer to my friend from Oregon, the distinguished chairman of the full committee and the author of the provision we are now discussing, that his statement does indeed comport with my understanding.

Mr. HATFIELD. I thank my friend for engaging in this dialog with me.●

KOTZEBUE WIND ENERGY PROJECT

Mr. STEVENS. Mr. President, I have a concern regarding the conference report to H.R. 1905, the energy and water development appropriations bill for fiscal year 1996, and would like to ask Senator DOMENICI, the distinguished chairman of the subcommittee, a question about the Kotzebue wind energy project in the State of Alaska.

Mr. DOMENICI. I would be pleased to try and clarify anything of concern to my friend from Alaska.

Mr. STEVENS. On page 90 of the original Senate report (S. Rept. 104–120), the Appropriations Committee highlighted the Kotzebue project and directed the Department of Energy ''* * * to provide technical assistance and other appropriate support for this project.'' Unfortunately, on page 60 of the statement of managers accompanying the conference report to H.R. 1905 (H. Rept. 104–293), the House and Senate conferees indicate that neither technical support nor other support is provided for the Kotzebue project.

I am disappointed by the language in the statement of managers. I want to clarify that the conferees certainly did not intend that the Department of Energy halt its current and future assistance for Kotzebue, which is an ongoing DOE wind energy project. Under the Department's sustainable technology energy partnerships [STEP] program, Kotzebue Electric Association, with the State of Alaska, will receive $580,000 in fiscal year 1995 funds from the Department's Wind Program for its 50/50 cost-shared project that will result in the installation of wind turbines near Kotzebue. This pilot project is at the forefront of Alaska's activities to promote wind energy for many of the State's remote communities. The project will provide information on the potential of wind energy as a reliable power source in our extreme arctic climate.

Furthermore, based on current DOE estimates, approximately $50,000 in fiscal year 1996 funds will be required to provide necessary technical assistance and support for the ongoing Kotzebue project, which will eventually provide 5MW of wind generation for Kotzebue plus outlying villages.

Mr. DOMENICI. I appreciate the Senator's explanation of DOE's continuing involvement in this project, and agree that termination of support for the project would jeopardize many years of work. Accordingly, we did not intend to prohibit the Department of Energy or any other agency from continuing and completing on-going technical assistance and other support for the Kotzebue, AK, wind project.

Mr. STEVENS. I thank the chairman for this clarification. I take it the conference merely meant that no funds have been earmarked for the Kotzebue project. It does not object to the project.

Mr. DOMENICI. The Senator is correct.

ANIMAS-LA PLATA

Mr. CAMPBELL. Mr. President, I rise to commend the conferees to the energy-water development appropriations bill for their action on the Animas-La Plata water project. This conference, led ably by Senators DOMENICI and JOHNSTON and Congressmen MYERS and BEVILL, has taken a decisive step toward the expedient completion of the Animas-La Plata water project.

In 1868, more than 125 years ago, the Ute Bands signed a treaty with the United States. This treaty entitled the Utes to water. One hundred years later, the Ute Tribes were not receiving their entitlement. Finally, in 1972, the United States filed suit on behalf of the Ute Tribes in an effort to quantify the native Americans' water rights.

Mr. President, the Ute Tribes have encountered procedural hurdles and stiff opposition at every turn. Even though the United States promised this water to these tribes, who more than 100 years ago had been relegated by the Federal Government to dry, arid, lands, the fact is that the Utes have not been provided the water that they were clearly entitled to in the middle of the last century.

In 1984, events took a turn for the better. All the interested parties, including the Ute Mountain Utes, the Southern Utes, Federal agencies, the States of Colorado and New Mexico, the local water districts, and other involved parties sat down at the negotiating table. They worked together, and within 2 years, in 1986, they came to an agreement on how water would finally be provided to the Utes.

Mr. President, I suggest to my colleagues that this was a rare display of cooperation. Water rights disputes in the arid West can be bitter, emotional fights of deep acrimony and enormous economic consequence. The Utes could have asserted their Winters Doctrine priority water rights in a manner that would simply have disrupted the social and economic health of the Four Corners area. Instead, they chose good faith negotiation. And we are not holding up our end.

The agreement, in essence, was this: The United States shall provide water to the Ute Tribes, and in return, the Ute Tribes shall defer their precious senior water rights. The Utes surrendered their most valuable tribal asset, in return for which the United States promised to provide water.

The United States would provide water not by taking it away from neighboring towns, farms and mines. Rather, the United States would build the Animas-La Plata project so water could be acquired. This project would create an off-stream reservoir, so that it would not be necessary to dam the Animas River, which would in turn supply the Ute Tribes and non-Indians in the region with water.

In 1988, as a Member of the House of Representatives, I introduced legislation to implement and ratify this agreement. The Colorado Ute Indian Water Rights Settlement Act of 1988 passed the House of Representatives by a wide margin, and it passed this body without a dissenting vote.

After Congress decided to provide water by building the Animas-La Plata project, the Ute Tribes discovered a new and unexpected enemy: The professional environmental advocacy groups of this country.

Mr. President, when we passed the Settlement Act in 1988, at that time the Animas-La Plata project had already met, and was in full compliance with, all the requirements of our environmental statutes, including the National Environmental Policy Act, the Clean Water Act and the Endangered

Species Act. A final environmental impact statement had already been completed, all the appropriate consultations had occurred, all the necessary permits were in place.

When we ordered the Bureau of Reclamation to build the project, we expected the Bureau to do just that.

But environmental groups have advanced claim after unfounded claim against this project. Environmental groups contend that more studies and more reviews are needed to complete this project, when in fact, this project has been the focus of years of study and five reports issued pursuant to environmental statutes.

This project has been the subject of two separate biological opinions under the Endangered Species Act, an environmental impact statement and a draft supplemental environmental impact statement under the National Environmental Policy Act, and a section 404(r) permit exemption under the Clean Water Act.

This project has been reviewed with a fine-toothed comb, but environmental groups have threatened more years—40 years, to quote one of them—of litigation and delay. Their avowed purpose is to kill the Animas-La Plata project.

Mr. President, I have heard talk of alternatives to this project. Opponents of this project suggest that we should consider more alternatives. Any party is free to propose an alternative at any time. Some have even suggested that there may be a viable alternative to the Animas-La Plata project. However, those who claim that we should consider more alternatives are simply seeking to kill this project. They are not interested in providing water to the Ute Tribes as the 1988 Settlement Act requires.

If a so-called alternative does not meet all of the terms of the settlement, then it is no alternative at all. Some groups claim they can muster an alternative, but the only proposed alternatives would take water away from parties to the 1986 agreement. Mr. President, that is not an alternative. That is a sham and a dealbreaker.

Why does this situation exist? It exists because environmental extremists simply oppose all major water projects —even an off-stream project like this one, designed to minimize environmental impact. They ignore the social, recreational and economic benefits a water project and settlement such as this can bring to an arid Western region. They disagree with the congressional policy decision to meet the water demands of the Ute Indian Tribes and other water consumers.

They do not want the Animas-La Plata project to be built, even though that is what Congress has ordered. Because they oppose large water projects, they use environmental statutes as an underhanded subterfuge to tie up projects in court. With crafty attorneys, they can delay a project for years, and maybe even kill it.

Mr. President, this is what the environmentalists want. They do not care about economic security or even the unsatisfied water claims of two tribes of native Americans. They will stop at nothing to meet their extreme ideological agenda. Frankly, I am also disappointed that this administration has placed the ideological goals of the Fish and Wildlife Service and EPA ahead of its trust responsibility to native Americans.

If the project dies, then this Nation will have again broken its word to native Americans. I urge my colleagues not to follow this shameful path of dishonor and deceit. There are enough of these unfortunate incidents in the history of this Nation's dealings with native Americans.

Mr. President, the language before the Senate in the Energy-Water Development Appropriations conference report directs the Secretary of the Interior to proceed, quote, ''without delay'' and construct the Animas-La Plata project. I urge my colleagues to support this action. This project is the best alternative, in the eyes of Congress, to settle this water rights dispute.

I would like to take this opportunity to thank the chairman of the Energy-Water Development Subcommittee, Senator DOMENICI, for his fine efforts on behalf of the Animas-La Plata project. The Senator's efforts are a credit to his uncompromising dedication to the native Americans of Colorado and New Mexico, and I'm sure the people of New Mexico appreciate his service as much as my constituents in Colorado.

BIOFUELS ENERGY SYSTEMS

Mr. GRAMS. Mr. President, I want to clarify the intent of the Energy and Water Development appropriations conference committee with regard to their support of the Biofuels Research and Development Program within the Department of Energy. Based upon contact my office has had with the Subcommittee on Energy and Water Development Appropriations, it was never the intent of the committee to exclude the other 48 States when it made note of projects in Hawaii and Vermont. Projects, including those in my own State of Minnesota, would be eligible to apply for available funds as would be the rest of the country. Furthermore, I understand that it was never the intent of the committee to discourage a continuation of the ongoing biomass electric program in all States parallel to the ongoing biomass fuels research and development program.

While I have received word of the intent of this clarification, I want the record to reflect that I will be carefully watching the interpretation of this conference language by the Department of Energy. Should there be any misunderstanding, I will work with the distinguished chairman of the Energy and Water Subcommittee to rectify this matter.

I also seek unanimous consent to have the attached colloquy between the House Energy Subcommittee Chair and my Minnesota colleague, Representative MINGE, on this matter be printed in the RECORD.

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

COLLOQUY BETWEEN REPRESENTATIVES MYERS AND MINGE

Mr. MINGE. I wish to thank the ranking member for the time and Chairman MYERS for entering into this colloquy. I would also commend the chairman and ranking Member for reporting a balanced bill, particularly in support of the Biofuels R&D Program within the Department of Energy. And I would like to clarify the intent of the conference committee with regard to this program. Am I correct in understanding that nothing in the conference report prohibits continuing research, development and demonstration on energy crops for fuels and electricity or in any way discourages a continuation of the ongoing biomass electric program in all States in parallel to the ongoing biomass fuels research, development and demonstration program, on the understanding that the expenditures for the biomass electric program do not reduce the conferees' allocations to other biofuels programs?

Mr. MYERS. Yes, the gentleman from Minnesota is absolutely correct.

Mr. MINGE. I wish to thank the Chairman in regard to the intent of the conference committee.

DISPROPORTIONATE CIVILIAN R&D CUTS IN ENERGY AND WATER APPROPRIATIONS WILL HURT IN THE LONG RUN

Mr. BINGAMAN. Mr. President, I rise to express serious concern about the cuts made to civilian energy research and development programs in the energy and water appropriations conference report that will be adopted by the Senate today. While some level of reduction to Government programs may be expected in order to reduce and eventually eliminate the deficit, the drastic cuts in our civilian R&D programs, not just in this bill, but across the civilian research agencies—with the possible exception of the National Institutes of Health—are shortsighted.

Overall, this budget proposes a 17-percent reduction in our civilian energy R&D from the level requested in the President's budget. An ever larger percentage—35 percent—is cut from solar and renewable energy R&D. A chart comparing budget request levels versus the decisions contained in the conference report, which I ask unanimous consent be included in the RECORD at the conclusion of my remarks, shows the magnitude of the cuts in the energy and water appropriations bill. Cuts that will start us down a path that will ultimately and inevitably harm our Nation's economy and energy security.

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

(See exhibit 1.)

Mr. BINGAMAN. The Republican budget resolution adopted in June will reduce our civilian R&D budget to a four decade low as a percentage of our economy by the year 2002. These cuts will not be made up by the private sector, who are showing, through deep cuts being made in their own research

budgets, an ever narrower focus and an unwillingness to invest in long-term research projects. So our research dollars will be shrinking while those of our economic rivals, Germany and Japan for example, continue to rise. Recognizing the importance of civilian research investments, they and other industrialized countries around the world are seeking to emulate the successful American model of the last half century, just as we seem to be abandoning it.

In the energy arena, our investments have paid off in terms of lowering energy costs and creating new technical advancements in photovoltaic, wind energy, solar thermal, biofuels, and geothermal systems. These developments are positioning the United States as a world leader in new technologies. This has been confirmed by a recently completed report of the Yergin Task Force on Strategic Energy R&D which found that ''DOE energy R&D has resulted in billions of dollars' worth of annual consumer energy savings and new business opportunities.'' In addition, the Yergin report concluded that technological R&D advancements from both the public and private sectors are imperative in order for our Nation to meet its future energy needs.

With all of the significant accomplishments these R&D efforts have yielded, with huge potential in energy products and services markets over the next 25 years, and with the serious trade deficit we now face, I ask my colleagues, how do these cuts make sense? Well, Mr. President, in my opinion, they do not.

I plan to vote for the energy and water conference report today. Given where many Republicans started several months ago on the defense side of this bill, the conference report we are voting on today is not as bad as it could have been. Essentially the bill preserves the President's initiatives for stockpile stewardship and arms control verification and nonproliferation technologies, vital programs for our long-term national security. However, the details that have emerged on the DOE civilian research budget present a very bleak story—one I fear will put our Nation's well-being and prosperity at considerable risk in the long run. I urge the President to continue to fight for adequate investments in energy research even if he reluctantly signs the bill into law.

EXHIBIT 1

CUTS IN ENERGY R&D—FISCAL YEAR 1996 ENERGY AND WATER APPROPRIATIONS BILL

[In millions of dollars]

	Request	Conference
Solar and Renewable R&D	423.4	275.2
Nuclear Energy R&D	379.8	231.0
Environment, Safety and Health	164.6	128.4
Energy Research	1,721.4	1,518.5
(Of which:		
Biological and Environmental	(428.7)	(419.5)
Fusion	363.3)	(244.1)
Basic Energy Sciences	(805.3)	(791.7)
Other Energy Research)	(124.2)	(63.3)
Energy Support Activities	102.6	32.0
(Of which: University and Science Education Programs)	(55.0)	(20.0)

CUTS IN ENERGY R&D—FISCAL YEAR 1996 ENERGY AND WATER APPROPRIATIONS BILL—Continued

[In millions of dollars]

	Request	Conference
General Science and Research	1,011.7	981.0
Total DOE Civilian Research	3,803.5	3,166.1

Fiscal year 1995 Total = $3,628.5 million.
Cut from Requested Level = $637.4 million or 17 percent.
Cut from fiscal year 1995 Level = $462.4 million or 13 percent.

ANIMAS-LA PLATA PROJECT

Mr. BINGAMAN. Mr. President, there is one more important point I want to make about this bill. I understand language regarding the Animas-La Plata project was considered which would have read, ''In order to ensure the timely implementation of the Colorado-Ute Indian Water Rights Settlement Act of 1988, and notwithstanding any other provisions of law, the Secretary of the Interior is directed to proceed without further delay with construction of those facilities approved for construction in the Final Biological Opinion for the Animas-La Plata Project, Colorado and New Mexico, dated October 25, 1991.'' I understand this language including the phrase ''notwithstanding any other provision of law'' was rejected.

The conferees adopted substitute language which says, ''In order to ensure the timely implementation of the Colorado Ute Indian Water Rights Settlement Act of 1988, the Secretary of the Interior is directed to proceed without delay with construction of those facilities in conformance with the final Biological Opinion for the Animas-La Plata project, Colorado and New Mexico, dated October 25, 1991.''

I understand conferees adopted the language they did because they are frustrated with the pace of the work to comply with existing law before the Secretary can legally proceed to implement the Colorado Ute Indian Water Rights Settlement Act. Efforts to finalize numerous steps required to begin construction of the project, including completion of a satisfactory supplemental environmental impact statement demonstrating compliance with the National Environmental Policy Act, Clean Water Act, and the Endangered Species Act have taken several years. Based on assurances from members of the administration and the conference committee, the amendment is intended to provide clear direction to the Bureau of Reclamation to complete the work necessary to move forward by complying expeditiously with these and other provisions of law. The House added $5 million to the administration's budget request for the project for fiscal year 1996, and the Senate concurred, to assist the Bureau in its effort to comply with the directions of the amendment.

Mr. WELLSTONE. In the conference report language, it is stated that $55.3 million is provided for biofuels energy systems. When $27.65 million is taken out for biochemical and thermochemical conversion, that leaves another $27.65 million. Then $3.94 million goes to the regional biomass program and full funding is provided for biomass power projects in Vermont and Hawaii. There is no instruction for the remainder of the nonbiochemical and nonthermochemical biomass funding. Am I correct in stating that that remainder could be applied to the Biomass Power for Rural Development Program?

Mr. DOMENICI. The Senator from Minnesota is correct. DOE could apply the funding as he describes.

I do not think there is anything further on our side.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. 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. GORTON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

Mr. GORTON. Mr. President, during the past 6 months the Northwest congressional delegation and the Clinton administration have spent a great deal of time in an attempt to control the costs imposed on the Bonneville Power Administration's ratepayers by the Endangered Species Act mandating recovery of certain salmon runs of the Columbia and Snake River systems.

The threat of a financial collapse of the Bonneville Power Administration and the reality of exploding fish recovery costs borne by the region prompted this attention. The Bonneville Power Administration bears many financial burdens to threaten its ability to remain competitive. The entire electricity industry is being rocked by fierce winds of change that were not anticipated when the Northwest Power Act was passed by Congress in 1980.

The most immediate and increasing burden on BPA and its ratepayers arises out of Endangered Species Act-mandated salmon recovery costs.

Until just a few weeks ago, Clinton administration officials at the National Marine Fisheries Service estimated that BPA's share of salmon recovery costs for fiscal year 1996 would exceed $600 million. As a consequence, the Clinton administration decided, quite correctly, that neither a collapse of BPA nor huge rate increases in salmon costs would be tolerated by the people of the Pacific Northwest, and so the administration announced that BPA's salmon recovery costs would be administratively capped at $435 million for the year. That agreement is incorporated in this bill.

The Clinton administration also made the political calculation that the

President could not afford to anger national environmental organizations by supporting any legislative efforts to control salmon recovery costs borne by Northwest ratepayers. After all, earlier this year, this administration enraged those organizations by signing a rescission bill that included provisions on salvage timber and Northwest timber harvest programs. So the administration, aware of this slow-burning anger among its environmental constituents, decided that it could not support a legislative remedy that would help the ratepayers of the region because that action would further outrage a vital political constituency.

The only positive aspect of the resulting agreement is that it represents the first acknowledgement on the part of the administration that there is an economic limit on Columbia and Snake River salmon costs. But this agreement, while it represents our acknowledgement of fiscal reality, is severely flawed and incomplete.

The agreement is flawed because it is so vague. First, we have not seen any paper outlining the agreement. Second, without legislation, there is no real legal protection for BPA, or for the investment already made by the region's ratepayers.

Without such protection, BPA said that many of its customers would leave the system and purchase power from cheaper alternative sources. BPA said that letting its salmon costs escalate uncontrollably would push it to the brink of financial ruin. It was, in my view, no idle threat.

But the best that BPA can now tell its customers is that the administration promises that $435 million a year from BPA should be enough for fish and, if not, there will be a pool of $325 million in Federal dollars if costs exceed that $435 million.

Mr. President, if the BPA is on the verge of financial ruin, how can a promise from the administration to not spend more than $435 million provide the certainty that BPA says it needs? What confidence can we have in an agreement that can be broken if an administration official decides next year that BPA should spend more than the $435 million? The answer: no confidence. And what happens if a Federal judge is asked to decide whether the $435 million was derived by political science rather than biological science and finds that number insufficient to meet the Endangered Species Act? Answer—the cap will be broken.

What happens if that Federal judge issues orders that require BPA to spend more than the $325 million in taxpayers' dollars made available by the agreement? Answer—taxpayers and ratepayers will pay more.

This agreement provides little, if any, assurance to BPA customers that they—or the Federal Treasury—will not be forced to pick up the tab for ESA-mandated salmon recovery. In short, this agreement, with all of its what ifs, increases the likelihood that the BPA will soon be right back where it started—on the brink of financial ruin because of rapidly escalating salmon-recovery costs.

The agreement is also incomplete. This agreement does nothing to provide any certainty or predictability for other economic interests along the Columbia and Snake Rivers system. BPA gets short-term relief from this agreement with the administration, but no certainty.

Other rivers system users—ports, PUD's, irrigators, agriculture, private utilities, non-Federal hydroelectric projects, recreational, and commercial users—are left with even less protection from Federal decisions to drawdown reservoirs, spill water over dams, increase water flows or even order dam removal.

Arguably, this agreement by the administration to limit BPA fish costs, while not changing Federal salmon policy, increases the chances that fish costs will be shifted onto other economic entities in the region. Clearly, these entities are not disinterested spectators. They are affected greatly by the vagaries of BPA policies and NMFS decisions about how the water from the Columbia and Snake Rivers will be used. The characteristics of this administration's environmental policies are inherent all across this agreement—environmentalists are listened to, but working people do not count.

This agreement is flawed because it fails to deal with the root of BPA's and the region's problem. The root problem is not how much BPA and its ratepayers spend on fish recovery. The root of the problem is that this administration has used the ESA to craft a salmon policy that forces the most expensive possible measures for the least productive returns.

Despite BPA's agreement with the administration, the necessity to control BPA and the region's fish and wildlife costs is hardly resolved. Many will use this agreement as an opportunity to declare victory and go home. but if this agreement accomplishes anything, it illustrates the need for dramatic action now on legislation fundamentally to change salmon restoration and conservation practices on the Columbia and Snake Rivers system.

This agreement is unlikely, in the long term, adequately to stabilize BPA's financial position. And, despite the claims of an administration cabinet member that this agreement will recover the species, it clearly will do little to restore an abundant Northwest fishery. Why? Because this agreement perpetuates the status quo, a status quo that has accomplished little if any salmon recovery.

Presently, I am typecast as an enemy of salmon. I would like to dwell upon this typecast for a moment. Our last great regional natural resource debate was, of course, over the extent of measures to protect the northern spotted owl. I will make a confession. While I do not desire the extinction of that bird, I do not worry overly about its survival. I believe that it will survive, regardless of Federal policies designed to protect it, but more fundamentally, I don't worry because I don't believe that that bird is vital to the human condition or to life on this planet—while I believe that families and people are. I believe that preserving a reasonable amount of owl habitat—our old growth forests—is important, but, in truth, if you wish to portray me as opposed to the proposition that owls are more important than people, you are not far off the mark.

I see salmon in a completely different light. I am committed to conserving and restoring an abundant Northwest salmon fishery. My legislative proposal to accompany the energy and water appropriations conference report would have locked into place a $500 million a year commitment to Columbia and Snake Rivers river salmon recovery.

But ensuring a healthy salmon resource in the Northwest is not a broad enough goal for the Columbia and Snake Rivers system—we must also consider anadromous and nonanadromous fish, and resident fish populations. I will support Federal legislation that provides that consideration and also assures comparable proportionate commitments to salmon runs in other Northwest river systems. I am convinced that, within reason, Northwest citizens will make large investments to restore the region's fishery.

I believe that the region is committed to such an unprecedented environmental investment because salmon are important to our Northwest economy—they are important to our society, our culture, our lives.

Let me emphasize this point. I will support Federal legislation that requires electric ratepayers in the Pacific Northwest to pay for salmon recovery. I believe that people of the region are committed to this goal and are willing to pay for it. I ask only two conditions in return: First, that the level of expenditures be reasonably predictable, and second, that the expenditures be for scientifically credible measures to strengthen the overall fishery.

While it is inaccurate to claim that I am antisalmon, it is definitely true that I disagree profoundly with the administration's salmon management policies.

What exactly is the current Federal salmon management policy in the Northwest? Beyond spending a lot of money, I'm not sure anyone can honestly tell us what's been accomplished, or even what the goal of the recovery plan for Columbia and Snake Rivers salmon is. This is a plan that only a bureaucrat could develop and understand—it's easy to write a plan like this when there is no political accountability, and you are spending someone else's money. That's what the Federal recovery plan for salmon boils down to.

Today, Federal management of the Columbia and Snake Rivers system is driven by the ESA and it concentrates on the weakest salmon runs for recovery.

Fact: This administration's ESA strategy on the Columbia and Snake Rivers does not even propose to restore a vibrant Northwest fishery in any reasonable period of time. Fact: this recovery plan does not say that our national goal is to have the Columbia and Snake brimming with millions of fish. Instead, the ESA requires the region to focus on saving weak salmon runs—not full species of salmon, not even subspecies of salmon but only on what are called distinct population segments. There actions may mean increasing the number of one listed run of Snake River sockeye from 10 in 1994 to 50 by 2000 forty individual fish. Despite the protestations of NMFS biologists, and inside-the-beltway theorists, these recovery measures for sockeye salmon have no connection to an abundant salmon resource.

NMFS states that recovery of the listed salmon runs will require 50 years, and acknowledges that a century of extraordinary measures is probably necessary. To those involved in tribal, commercial, and recreational fishing, I warn that NMFS, empowered by the ESA, is planning for a century with no fishing.

Do not misunderstand, people in the Northwest do care about conserving and enhancing wild salmon. Wild salmon are valuable. But they are valuable because their survival and enhancement can play a large role in the recovery of an abundant and healthy resource. We have learned that some degree of genetic diversity is important to healthy salmon stocks. The problem with the current law is that it empowers Federal regulators to spend unlimited amounts of money to save genetically distinct salmon runs as a goal in itself and not as a measure to a broader goal.

The goal of Federal regulators is not an abundant fishery, nor is their goal connected in any way to economic reality. Federal policy—driven by saving one genetically distinct run—is in conflict with rebuilding an abundant fishery. A fraction of the dollars the Federal Government is taking from the Northwest economy, dedicated to recovery of there specific fish populations, would produce a infinitely greater return if focused on fish populations throughout the system, including saveable salmon runs and some wild stocks.

I make these points about current Federal salmon policy because the agreement arranged by the Clinton administration and BPA does nothing to change what is wrong with current Federal fish management policies and practices. This agreement literally papers over the problems inherent in poor Federal policy with dollars—dollars paid by Northwest ratepayers and U.S. taxpayers.

But in the end, this flawed Federal policy will not be papered over. As long as Northwest salmon recovery measures and costs are dictated by the Federal Government and the EPA we will court failure. We will have higher costs and little, if any, increase in the number of salmon to show for it.

It is time to change the direction of our salmon recovery policies and the agreement by this administration and BPA does nothing to do so.

Northwest salmon policy should be changed so that it is directed at three goals. First, we must restore an abundant fishery resource. Second, we must enhance the fishery with the least possible economic dislocation. Third, we must give the authority over decisions for salmon recovery back to the region.

Mr. President, I have my own views about effective salmon recovery measures, but I will fight hard to see that Federal law is changed so that nobody in Washington, DC—including me—will make the decisions on how best to conserve and enhance fish populations in the Northwest. The region must be given the freedom itself to make those decisions. If our region, after an inclusive and thoughtful process, decides to spend $500 million a year to restore one weak run of salmon—I will almost certainly disagree—but as a U.S. Senator, I would defend, absolutely, the region's authority to make that choice.

I often disagree with our Northwest Indian tribes on issues of public policy but our Northwest tribes should be heard on how best to restore an abundant fishery. I often disagree with Washington State's representatives on the NW Power Planning Council, but I believe that the Council should be involved in helping to make these decisions. The heads of Northwest fishery agencies and our best scientists should have a significant voice in this process. The region should decide which salmon runs to enhance—not D.C. bureaucrats.

Northwest salmon management measures should be decided by the people, local governments and interests in the Northwest. Today, the region is barred from making these decisions because of Federal law. Federal law grants to one agency, the National Marine Fisheries Service, nearly total control over our Columbia and Snake Rivers systems. I want to dramatically alter this miserable status quo—I want the people of the region to make their own decisions on these issues.

Mr. President, our country is now in a state of revolution over the excessive role the Federal Government plays in our daily lives. The proposition that we should take power from the Federal Government and put it in the hands of local people is driving the debate on issues ranging from education to telecommunications to transportation to welfare. In the opinion of this Senator, the revolution should not stop there.

It shouldn't stop there because these aren't the only fields in which a revolution is occurring. Another is clearly underway in the way our country delivers energy to families and businesses. In the Northwest, this requires a thorough review of BPA and the Northwest utility marketplace.

Our region is just beginning to explore what to do in the face of changes that will dramatically reshape the region's energy marketplace. Over the next few months, I will be seeking the opinions of all who are concerned about what the future holds for Northwest energy policies. We will need to ask questions—tough questions—that don't merely tinker around the edges but delve deeper in order to create more competition and less reliance on government subsidies. In a word—overhaul.

In this process our region will also explore what to do about ESA-mandated salmon recovery measures and how to pay for them. I intend to participate in this process. Questions of energy policy, the role of the Northwest Power Planning Council and salmon recovery and its cost will come before Congress in the next several years.

I believe that residents of the Pacific Northwest will not continue to tolerate exploding costs in the name of salmon recovery, when the immediate benefits are so slight and the promised benefits are esoteric and distant.

Much of the Northwest was built based on a model of Federal answers to regional needs. Those decisions were appropriated at one point in time because our region could not, without Federal aid, have developed and grown. But current salmon recovery measures still reflect the old faith in centralized Federal answers to regional problems.

Now, however, like nearly every issue before the Congress, the answer to the problems of the last 50 years may not be the answers to the problems of the next 50 years. Policies that assure centralized Federal control of energy and salmon policy demand careful review and dramatic change. The status quo is not the answer to the region's problems.

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

Mr. GORTON. Yes.

Mr. MCCAIN. Does the Senator know and the other Members know it is Halloween and not only do Members have children who they would like to go to Halloween with, but there are members of the staff here and all over Capitol Hill that would like to observe Halloween?

I know these are important issues. I know the Senator from Nevada is here. We had one Senator who has already had to leave to miss a vote. I ask my colleagues just once to let us go ahead and have this vote and submit written statements for the RECORD.

Mr. DOMENICI. Mr. President, I——

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

Mr. GORTON. I will yield to the Senator.

Mr. DOMENICI. How much time did the Senator from Nevada want?

Mr. BRYAN. Mr. President, 5 minutes.

Mr. DOMENICI. How much time does the Senator from Washington need?

Mr. GORTON. I suppose I would take about 10 minutes.

I think the way in which the question could be answered, I suppose, would be to have the vote tomorrow.

Mr. DOMENICI. I think the leader wants to get this bill finished tonight.

Is there any reason on this side the Senators want a rollcall vote? Could we just agree the Senator would have 10 minutes?

Mr. GORTON. I think I can probably complete in that period of time.

Mr. DOMENICI. Does the Senator from Nevada want 5?

Could we agree to vote at 6:05 p.m.?

Mr. JOHNSTON. From this side I do not think that a vote is necessary.

Mr. DOMENICI. It is.

Mr. WELLSTONE. Yes, it is.

Mr. DOMENICI. I ask unanimous consent that the rollcall vote which has been ordered start at 6:05 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Reserving the right to object.

Can the Senator put his statement in the RECORD—he will not change the outcome of the vote—so I can catch a 6 o'clock train and get home?

Mr. GORTON. I will not put my statement in the RECORD. I do wish to make it.

Mr. BIDEN. I have no objection.

The PRESIDING OFFICER. Is there any objection to the request?

Without objection, it is so ordered.

Mr. GORTON. Mr. President, I was going to say, under those circumstances I am perfectly willing to allow the vote to take place now and make statements afterward, if that will help the Senator from Delaware.

Mr. BIDEN. That would be wonderful, Mr. President.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. BRYAN. I agree.

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

The Senate will proceed to vote now. And Senators can put their statements in the RECORD or make statements after the vote.

The question is on agreeing to the conference report.

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

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oregon [Mr. HATFIELD] and the Senator from Idaho Mr. [KEMPTHORNE] are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon [Mr. HATFIELD] would vote ''yea.''

Mr. FORD. I announce that the Senator from New Jersey [Mr. BRADLEY] and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

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

The result was announced—yeas 89, nays 6, as follows:

{Rollcall Vote No. 558 Leg.}

YEAS—89

Abraham	Faircloth	Lott
Akaka	Feingold	Lugar
Ashcroft	Feinstein	Mack
Baucus	Ford	McConnell
Bennett	Frist	Mikulski
Biden	Glenn	Moseley-Braun
Bingaman	Gorton	Moynihan
Bond	Graham	Murkowski
Boxer	Gramm	Murray
Breaux	Grams	Nickles
Bryan	Grassley	Nunn
Bumpers	Gregg	Pell
Burns	Harkin	Pressler
Byrd	Hatch	Reid
Campbell	Heflin	Robb
Chafee	Helms	Rockefeller
Coats	Hollings	Roth
Cochran	Hutchison	Santorum
Cohen	Inhofe	Sarbanes
Conrad	Inouye	Shelby
Coverdell	Jeffords	Simon
Craig	Kassebaum	Simpson
D'Amato	Kennedy	Snowe
Daschle	Kerrey	Specter
DeWine	Kerry	Stevens
Dodd	Kohl	Thompson
Dole	Kyl	Thurmond
Domenici	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Exon	Levin	

NAYS—6

Brown	Lieberman	Smith
Johnston	McCain	Thomas

NOT VOTING—4

Bradley	Kempthorne
Hatfield	Pryor

So, the conference report on H.R. 1905 was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote.

Mr. DOLE. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG. Mr. President, thank you. The bill that has just passed is extremely important to my State as it is to a good many States in this Nation.

Mr. President, this bill funds Yucca Mountain at $400 million for fiscal year 1996 with $85 million set for a monitored retrieval site.

What does that mean? That means that to create a managed site to handle high-level nuclear waste until Yucca Mountain is completed. The bill does not designate where this MRS would be located.

Under the terms of the current Nuclear Waste Disposal Act, an MRS cannot be placed in the same State where the permanent repository is located. This means that this Congress must act, and I hope it would act soon on a bill to designate a site for a monitored retrievable storage.

This administration continues to fight a program to open a permanent nuclear waste repository. They ask for no money in their budget request and they continue to be less than helpful in getting an MRS operational.

This is a national disgrace, Mr. President. This country has spent over $5 billion—let me repeat, $5 billion—of electrical ratepayers' money at Yucca Mountain, and what do we have to show for it? A 1-mile hole in the ground. Which is a start, I have to admit but we have a long way to go before an application can even be filed to begin the process of opening a repository facility.

I have introduced S. 1271, the Nuclear Waste Policy Act of 1995. I hope we could move on legislation like this.

Mr. President, 32 States currently generate power from nuclear energy. A brief summary of a percentage of nuclear energy consumed on a State-by-State basis is included for the RECORD, Mr. President.

It is phenomenal to me that 82 percent of Vermont, 74 percent of Connecticut and 74 percent of Maine's power is generated by nuclear energy. These States should be working every day to open up an MRS and a geologic repository so their States do not have to shut down their nuclear power.

I will say they are simply years away from doing that—and not tens of years but a very, very short period of time.

It is time for this Senate to come to grips with the issue of nuclear waste. The Governor of my State recently entered into an agreement with the Secretary of Energy to finally remove the DOE and defense nuclear materials that are stored at the National Engineering Laboratory in Idaho.

It is imperative that we move forward with operating facilities to meet the terms of that agreement which will remove all materials from Idaho in the year 2035.

Mr. President, there is a uniqueness about this agreement. It is no longer just a signed piece of paper between DOE and a Governor. There is a Federal court order that the Department of Energy is now operating under to deal with the issues of Idaho and to deal with the issues across the Nation.

That means 10,851 shipments of spent fuel and transuranic waste will be leaving Idaho. This is the first time Idaho has ever had a schedule for removal. That schedule is now in place and a Federal judge says to DOE they must respond.

Mr. President, it is time that this Senate and this Congress came together in its obligation to the American people to build the facilities necessary to solve this very, very important problem.

Some day, some ratepayer and some taxpayer is going to catch on to the fact that we are simply spending money and not addressing a problem. Mr. President, $5 billion, $10 billion later, one nuclear reactor down, the lights dark in a portion of a major city in this country because the power can no longer be supplied—that should not be the answer to our problem. We should respond and we should respond in a timely fashion.

I thank the Senator from Washington for allowing me to proceed.

Mr. GORTON. Mr. President, before the last vote, I had the floor and I was asked shortly after I began my remarks under this bill to allow the vote to take place so that various people can go home.

I ask unanimous consent that the remarks I am about to make be consolidated with those I made before the vote

and be printed in the RECORD before the vote.

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

Mr. SARBANES. Reserving the right to object, I ask unanimous consent that Senator KERRY be recognized after the completion of Senator GORTON's statement.

Mr. REID. I object.

The PRESIDING OFFICER. Objection heard.

Mr. KERRY. Could the Senator inform us how long he will anticipate speaking?

Mr. GORTON. Approximately 10 minutes.

The PRESIDING OFFICER. Approximately 10 minutes.

Mr. REID. I was similarly situated with the distinguished Senator from Washington. Both of us agreed to forbear making a statement so the vote could proceed.

I simply want the Senator from Washington—we simply agreed to not make our statement so that everybody could cast a vote, and those who wanted to go home went home.

Mr. KERRY. Mr. President, the Senator is correct, and I think that is fair.

I ask unanimous consent that I be permitted to proceed after the Senator from Nevada has completed.

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

Mr. DOLE. How much time are we talking about here?

The PRESIDING OFFICER. Ten minutes.

Mr. KERRY. I cannot say because it depends on—there is no way I can answer that.

Mr. DOLE. Have you got consent to speak for more than 5 minutes?

Mr. KERRY. I have consent to have the floor.

The PRESIDING OFFICER. There was no specific time.

Mr. DOLE. We did not go into morning business? Because we have a speaker on this side who wishes to speak and I wonder how long he is going to have to wait.

Mr. KERRY. Maybe the majority leader and I could visit for a minute and see if we could work that out, Mr. President. Would that meet the minority leader's approval?

Mr. DOLE. Fine. I just do not want to start speaking here and never get back to this side of the aisle.

The PRESIDING OFFICER. The Senator from Washington still controls the time.

Mr. DOLE. Why do we not visit while the Senator from Washington speaks?

Mr. SARBANES. Are we limiting everyone to 5 minutes?

Mr. DOLE. I thought we had gotten the regular, routine morning business for 5 minutes. Apparently not.

Mr. SARBANES. The Senator from Washington, as I understand it, will speak for more than 5 minutes. We have no objection to that.

Mr. GORTON. Both the Senators from Washington and Nevada are speaking on the bill we just passed, deferring their right to speak before the vote in order to accommodate Members who wanted to leave.

Mr. SARBANES. We understand that.

The PRESIDING OFFICER. There have been no other time agreements or restrictions.

Mr. DOLE. There has been no consent on who speaks?

The PRESIDING OFFICER. It will be the Senator from Washington, who has the floor now, then the Senator from Nevada has been recognized to speak following that, and then we had consent for Senator JOHN KERRY of Massachusetts to follow.

The Senator from Washington.

Mr. GORTON. Was my unanimous-consent agreement to have the speech consolidated before the vote?

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

(The remarks of Mr. GORTON appear at an earlier point in the RECORD.)

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BRYAN. I thank the Chair.

Mr. President, the energy and water conference report that was just adopted earlier this evening is correct when it concludes that the Nation's nuclear waste policy with respect to permanent disposal is deeply flawed.

It is a program that has cost some $5 billion, and the solution to the nuclear waste issue in America is no closer to resolution today than it was in 1982. The reason for that, Mr. President, is that politics and not science has been a driving force. The second reason is because of unrealistic deadlines that have been constantly mandated on the program that have been counterproductive.

Based upon some of the comments made by a number of my colleagues this evening, the Nation is about ready to commit another serious error in nuclear waste policy as it relates to interim or short-term storage or, as it has been characterized by some, a monitored retrieval storage system.

Mr. President, we have been to that show before. In the early 1980's the advocates of nuclear power, in urging upon the Congress the adoption of an AFR program, Away From Reactor Program, indicated that unless action was taken immediately, a number of nuclear reactors around the country would be forced to close down because of the nuclear waste problem and the Nation would face an energy crisis. The Congress did not respond to the request made by the nuclear power industry, and no nuclear reactor was closed as a consequence.

In the debate that is about to ensue on the interim storage issue, we are about ready to fall into that similar trap that was foisted upon us by Congress in 1987 in urging unrealistic deadlines and that science is to take a second place to the politics of nuclear waste.

I think it may be helpful, Mr. President, to respond and to go into a little of the history of the program.

In 1982, the Congress enacted the Nuclear Waste Policy Act. I think the Congress attempted to develop a sensible policy. Its underlying premise is that we should search the entire country looking at various types of repositories. We would look in the New England States of America for granite, look in the Southeast for salt domes. We would look in parts of the West for a volcanic material called tuff. Those three sites would be evaluated and studied—''characterized'' is the technical terminology that is used. And those three sites would be forwarded to the President of the United States, and the President would make a decision.

The law also contemplated that there would be regional bounds, or equity; that is, no part of the country would bear the entire burden of the Nation's nuclear waste disposal.

Mr. President, no sooner had that policy been signed into law by President Reagan in the early part of 1983, than immediately politics became a driving force. In the campaign year that ensued, candidates for the Presidency asserted that, if elected—the promise was made to constituents of particular States that those States would be off limits in terms of being considered for a nuclear waste repository.

Indeed, the Department of Energy itself was immersed in the politics of nuclear waste and in an internal memorandum concluded that New England with granite as a possible repository site would be eliminated because the politics—the politics, not the science, Mr. President—would be too difficult. So one particular region of the country would be written off.

Ultimately it was decided that a repository should not attempt to be sited east of the Mississippi River, not because of the science, not because of the geology, but because of the politics.

So I repeat, Mr. President, this is a program that has been driven not by science, but by politics and with the imposition of totally unrealistic time lines.

That is not just the conclusion of the Senator from Nevada. That is the conclusion of virtually every independent comment or observation. The technical review committee, the General Accounting Office, and others have all lamented that politics and unrealistic deadlines have caused the problem.

Mr. President, fast forward to 1987, 5 years after the enactment of the Nuclear Waste Policy Act. In a conference report done in the still of evening, without an opportunity to debate the merits of this amendment, an addition was inserted into the conference report which indicated that rather than three sites being studied or characterized, only one site would be studied and that site would be Yucca Mountain in Nevada.

I know of no scientist worthy of that name who would assert as a matter of

public policy and good science that that was a sensible judgment. And yet the politics dictated that the State of Nevada, a small State with a small congressional representation, should be targeted out as the site and the only site to be characterized.

This was not done in the context of public policy debate. It was not done where the representatives of Nevada had an opportunity to debate the merits or demerits. This was done surreptitiously in a conference report, and as the Members of the Chamber fully understand, that means that it is impossible to debate an amendment to remove that provision up or down.

I wish I could say that that is the only tragic experience that the State of Nevada has had with the politics of nuclear waste. In 1992, the issue before the Congress was in an energy bill. In neither the House nor the Senate was debate or consideration given, as that piece of legislation was processed, to a reduction of health and safety standards that would apply only at Yucca Mountain.

Once again, Mr. President, the State of Nevada was victimized by having a provision inserted into the energy bill that had not been debated, had not been considered by the Members of either House, and was added to the conference report. Once again, the State was disadvantaged in terms of raising legitimate public health and safety issues because the conference report is up or down, no opportunity to amend.

The 1987 amendments are known ignominiously in Nevada as the ''screw Nevada'' plan. The 1992 amendments are ''screw Nevada II,'' and I am afraid that we are about to see unfold in this Congress what might be ''screw Nevada III.''

Mr. President, the State of Nevada continually seems to be focused with a nuclear bull's-eye on either Yucca Mountain or the Nevada test site. As in 1981 when the Away From Reactor Program was debated, again we hear the hysteria beginning to mount that unless we provide for interim storage, nuclear reactors will close and, indeed, regions of our country may be left without power.

Nonsense. No nuclear reactor closed in 1981 as a result of the failure to adopt the AFR program. And no nuclear reactors are about ready to close today because of the failure to provide for an interim storage.

There are two provisions, Mr. President, that currently exist in the Nuclear Waste Policy Act that I apprehend are in danger. One is a matter of fairness. One simply states that if a State is being characterized, studied, evaluated for the permanent high-level nuclear waste repository, it may not be designated as an interim storage, an MRS, monitor retrieval storage. Nuclear waste, whatever one feels about the propriety or the soundness of pursuing nuclear power, ought not to be the burden of a single State. And the Congress in 1992, to effect some semblance of fairness, made that point that if you are being considered for the permanent repository, you ought not to have to be considered for the interim storage.

Recognizing another political fact of life, a reality, the Congress further concluded that an interim storage ought not to be selected until after the permanent site is selected because of the concern that everybody in this Chamber fully understands, that once an interim site is chosen, it will de facto—de facto—become the permanent site. That is the state of the record.

What is involved with all of this hysteria about the need to have immediately an interim storage? It is the hysteria and propaganda of a nuclear power industry. Current law authorizes on-site storage, called dry-cast storage, and a number of responsible nuclear utilities have availed themselves of it.

Not far from the Nation's Capital, I was privileged to visit such a nuclear reactor site in Calvert Cliffs where on-site dry-cast storage currently exists. It results in no change in the law and is available as a result of it having been licensed by the Nuclear Regulatory Commission.

This provides a window of opportunity of approximately 100 years for us to deal responsibly and sensibly with the issue of nuclear waste and not driven by the immediacy of the politics nor of the unrealistic deadlines that are being thrust upon us.

I know most Members of the Chamber would assume Nevada is the only one with a dog in this fight. That is simply not the case. Mr. President, there are 43 States that will be affected by the transfer of nuclear waste across the country. Some of the largest cities in the country, some of the most populous areas will be affected by some 16,000 shipments that literally will move from every point on the compass.

Not only do we apprehend the possibility of an accident, there are literally hundreds and hundreds of derailments each year in which a shipment of high-level nuclear waste could be the subject of an accident, more recently in Hyder, AZ, as we tragically found out the possibility of an act of terrorism. I cannot think of a more inviting target: a train load of high-level nuclear waste en route to a major metropolitan area to be targeted for an act of terrorism. As we have learned in the Hyder, AZ, incident, it took but a matter of minutes and did not require much sophistication to effect that tragedy.

Mr. President, in this Congress, we have heard a lot about State's rights. Most of the debates in the major pieces of legislation that we have had have constantly emphasized the importance of returning to the States, to abandon the notion that the Federal Government has preeminent wisdom on major public policy issues, to allow the States to make decisions for themselves.

It is for that reason I find it inconsistent with that philosophy that a number of my colleagues in the Chamber are suggesting that the Federal Government must preempt local government decisions and somehow formulate this policy of having an interim storage site chosen by this Congress and the site to be chosen is Nevada. That makes no sense to me, Mr. President, and I see no reason why that need be done.

I might also point out to my colleagues that there is a certain hypocrisy. A number of my colleagues have gotten up and have expressed their strong support and commitment for nuclear power. Many apprehend that the industry, which is on its death bed in terms of its economic vitality and its prospects in the financial markets of the world, they believe passionately that locating an interim-storage site will regenerate interest in terms of the financial markets in the country in nuclear power. That is fine if they believe that. We have heard impassioned pleas by the distinguished senior Senator from Louisiana.

Let me just say to my colleagues that those of you who believe that a nuclear power future is the future that you envision or contemplate for America, and if you think that that is the kind of public policy we need to adopt, volunteer your own State. Volunteer your own State. The current law permits a State to step forward and say, ''Look, we will voluntarily accept an interim site,'' and if that is what you believe and you are honest with your convictions and consistent with your convictions and believe it is in the national interest, then go ahead and volunteer your own State.

What I take strong exception to and bitterly resent is the notion that somehow only Nevada can be the solution for the interim and the permanent nuclear waste problem in America. I do so, Mr. President, because Nevada has not chosen to have a nuclear power future. We have no nuclear reactors in Nevada. We do not want nuclear reactors in Nevada. We had no part of the decision made by many States to locate nuclear reactors in their own States and their own communities, and Nevada ought not to be called upon to bear the burden of the Nation's high-level nuclear waste when it neither sought such a policy nor participated in the decision of other States to do so.

So, end this hypocrisy for those of my colleagues who want nuclear power to continue as a source of energy for America. Step forward and do the responsible thing if that is what you believe: Volunteer your own State. You can do so, but leave my State out of that equation, because we did not buy into the nuclear bargain that you did.

Mr. President, I thank you, and I yield the floor to the distinguished Senator from Massachusetts.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Massachusetts.

MIDDLE EAST PEACE FACILITATION ACT AND STATE DEPARTMENT REORGANIZATION

Mr. KERRY. Mr. President, during the interval, I had an opportunity to visit with the majority leader, and I think that we have agreed to try to find a way to resolve some of the impasse here. But I would just like to say for the Record, and I think it is a very important principle that we need to try to set out on the Senate floor at this time with the hopes that it will enable us to depart from a new point tomorrow with respect to the issue of the State Department reorganization and the reauthorization bill, S. 908.

There is currently a direct linkage, regrettably, between the passage of the Middle East Peace Facilitation Act and the arrival at an agreement by the managers of S. 908. I would simply like to say for the Record, and I do not intend to go on at great length about this or to try to create a firestorm of any kind, but I do want to say for the Record that there are many, many Members on the Democratic side, and particularly all of the members on the Democratic side of the Foreign Relations Committee, who feel very, very strongly that it is inappropriate to link the Middle East Peace Facilitation Act to a reorganization, an internal reorganization of departments of foreign policy in this country.

One represents an internal bureaucratic decision; the other represents an agreement by the United States of America, signed by the President of the United States, to engage in a certain set of actions with respect to a very volatile issue universally accepted to be one of the most complicated and important to the United States and to other countries in the world.

Our ally, Israel, does not deserve to have the peace process made hostage to a bureaucratic decisionmaking process in this country. My hope is that in order to permit us to go forward, we can be told that that linkage will not exist; that that linkage is inappropriate. I think the time is of the essence here, because this facilitation act will expire within hours—the next 24 hours—and we have a small window of opportunity here to try to correct this situation.

I might also add, Mr. President, and I say this purely for the purposes of making the Record clear as to where we stand, that there are now 18 nominations being held up within the Foreign Relations Committee; the START treaty is being held up within the Foreign Relations Committee, and the chemical weapons treaty is also being held up. Clearly, there is a lot of hostage-taking here, and while I understand completely the desire of the chairman to move in a certain direction, I think it is equally important that we try to do so with comity, within a collegiate atmosphere and with bipartisanship, because foreign policy has always been stronger when we are bipartisan.

Let me also say for the Record, I heard the majority leader—and I had a chance to talk with him briefly now—earlier today express his concern that somehow additional requests were made of Senator HELMS at a sort of subsequent, post-meeting time that somehow upset the negotiating process. And I simply want to clarify, for the RECORD, that we have had a series of meetings with Senator HELMS. In fact, on September 29, late in the evening, we entered into a unanimous-consent agreement which said that after the managers of the bill have agreed on a managers' amendment, S. 908 would come back to the floor. Subsequently, we went to work trying to reach some kind of an agreement.

We had a series of meetings over a period of weeks, and during the course of those meetings, we managed to pull together a certain number of proposals that we made to Senator HELMS, including a specific figure of reductions. During the course of the meeting with Senator HELMS, he indicated that the offering of reductions was not sufficient and that, therefore, there was really no room for further discussion at that time. And so the meeting, Mr. President, really terminated prior to our having completed all of the issues.

Subsequent to that meeting, as progress was made in an offering on the numbers and other issues, it became apparent that there might then be more room for discussion, and so those items that were simply never reached during the course of that meeting were put on the table, as they had been, I might add, in previous discussions.

I have secured from the administration a finite list of items. I have indicated to Senator HELMS that that list will not change, and it has not changed. I have indicated to Senator HELMS that we have even screened out a number of issues from the list that we gave him, which the administration gave us, that we thought were important, but which members of the committee felt strongly that they did not want to delete. So it is already a reduced list.

There is one final issue that the majority leader referred to which we think is a fair issue for concern. As we currently stand today in the Senate, a united Democratic caucus is unwilling to allow this bill to move for the simple reason that the caucus objects to having a one-sided process foisted on it, where there is not some kind of give in the legislative process. And so we are concerned that, without some agreement about a Senate position, a Senate consensus, if you will, that we arrive at to go to a conference without some assurance that the Senate position is the position we will try to achieve out of the conference, to effectively do nothing now, because it means that whatever we pass here, without some assurances about where we will go with respect to the Senate position in the conference, would simply open the bill up to be completely rewritten in the conference. So we would simply be back where we are, in a position of not having really furthered the legislative process whatsoever and having forced the Democratic caucus to then come back and filibuster the conference report, which takes none of us anywhere.

So the purpose of the agreement we reached on September 29, where we released the Middle East peace facilitation program in order to arrive at the agreement of the managers' amendment, we said the following: We entered into a unanimous-consent agreement that we would turn to S. 908 after the managers of the bill have agreed on a managers' amendment.

Now, if we have agreed on a managers' amendment, and that is the reason we allowed the bill to come to the floor, what would the purpose be of taking that position and simply throwing it out the window as we go to the conference? So we have simply asked that as we go into the conference, there be some agreement. We are not unwilling to change what we do; we are not unwilling to suggest that the House might not have a better proposal, or that some other proposal might not be put in front of us at a later time; but we believe that there ought to be a de minimis position that the Senate has arrived at and that, by consensus, we would agree on further changes, not that changes could not be made.

That is not an uncommon position for the U.S. Senate to take. We often instruct our conferees that the position taken in the Senate will be the position. We have instructed conferees that we will not recede from a certain position. Indeed, when we have had 87 or 90 votes on a particular issue in the Senate, that has almost automatically dictated that was the consensus position of the Senate—that we would not recede from it.

So we do not think we are asking for anything unreasonable, Mr. President. One of the great difficulties here is that, in the unanimous-consent agreement we came to with the chairman of the committee, there are only 4 hours of debate and only one amendment. If we are to come to the floor with a managers' amendment and only one amendment, and that amendment is to contemplate a full reorganization structure with major reductions which would affect salaries, posts, post closings, and administrative capacity, we have to make sure that it is correct. That is not easy. We have to make sure that we have really crossed the t's and dotted the i's and come to an agreement that we can all understand.

So I say again to my friend, the chairman from North Carolina, that we are prepared to sit tomorrow, but we are not prepared to sit in a hostage situation. We need to know that the committee business can move forward, and we need especially to know that this particular peace initiative, which is so vital to our ability to move forward in

the Middle East, will not be linked to this particular effort.

I cannot emphasize that enough. We are at a critical point in the Middle East peace process. Israel's withdrawal from the West Bank town of Janin has just begun. The Secretary has just arrived back from Oman, from the economic summit, where the United States and Japan and Europe are working with countries of the Middle East to finalize the initiatives for the development of the West Bank and Gaza economy. And with the passage, only a week ago, of the Jerusalem initiative in the Senate, it is really even more important that the U.S. Senate fulfill its role, together with the administration, in representing the United States, that we fulfill our role as a facilitator and an honest broker in the peace process.

Our policy in the Middle East has always been bipartisan, and we believe that some things should be above politics. And peace in the Middle East is clearly one of them. So the delinkage, we believe, is extremely important, and holding a critical piece of legislation hostage to a proposal about how the foreign affairs bureaucracy in this country is organized, I think, undoes some of that facilitation capacity and honest broker perception.

So it is my profound hope that tomorrow we will all make wise decisions dealing with these two items and come to an agreement on a managers' amendment, which I believe is possible. I hope we will do that.

I yield the floor.

Mr. SARBANES addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Maryland is recognized.

Mr. SARBANES. Madam President, I question this whole idea of linkage. I do not think it has legitimacy. I have never seen it used to this degree, or in this manner, in the 19 years that I have been in the Senate, and I think it is very harmful to the national interests of the United States.

Now all of us have bills we would like to see get enacted. There is a process one goes through in order for that to be accomplished. Senators can oppose that, and of course under the rules of the Senate, if enough Members are in opposition you may be required to gain 60 votes in order to limit debate, in order to get to the consideration of the legislation.

Now, the reorganization plan for the foreign policy agencies of the Government is highly controversial. It has very severe and significant foreign policy implications. Some support it, some oppose it, some are in between. They support some parts of it, oppose other parts of it.

Many objective outside groups who deal in the foreign policy field are critical of one or another aspect of the proposal embraced in the plan put forward by the chairman of the Foreign Relations Committee.

Now, that bill was not a bipartisan product out of the Foreign Relations Committee—just to the contrary. It has been highly controversial ever since it has been brought out of the committee, in my judgment.

Now, that is one problem: what is to be done on the reorganization.

A different problem has been raised by the linkage of the reorganization with every other matter in the foreign policy field. Now, it is graphically demonstrated at this particular time because we have the situation of holding up the Middle East Peace Facilitation Act, which expires at midnight tonight and needs to be extended.

Of course, failure to extend the Middle East Peace Facilitation Act could cause serious harm to U.S. national interests and to the cause of peace in the Middle East more generally. I will not go into all the provisions of the MEPFA because it is a matter that has been considered here before.

It has been moved through by overwhelming support in the Congress. If the United States fails to play its role in that process, other nations will cease to play their part. Of course, the efforts to move towards peace will be severely hampered. It is clearly a matter of vital national interest and it ought not to be held hostage.

Now, this is not the only hostage that is being held. In fact, the list is very, very long indeed. I do not intend tonight to address all aspects of that. I do want to make the point that in effect everything on the Foreign Relations Committee agenda is being held hostage in the insistence that capitulation be made in order to gain their way on a substantive piece of legislation.

The ambassadors are being held up, the START II treaty is being held up, the Chemical Weapons Convention, the Convention on Biological Diversity, the Law of the Sea Treaty, more than a dozen bilateral investment treaties, mutual legal assistance treaties and extradition treaties are being held up.

Some of these treaties may well turn out to be controversial. Others are not. In any event, we ought to be able to deal with them. We ought to have a business meeting of the committee and address them, report them out, amend them, turn them down—whatever the will of the Members may be on the substance of the matters that are before the Senate.

Now, I have seen ambassadors held up on occasion—usually one or two of them—but I have never seen this unprecedented situation. There are currently 18 ambassadorial nominees in the committee who have had their hearings and are waiting to be reported. Some have had their hearings as far back as early and midsummer. They have been waiting for months now for movement on their confirmation. Others have their files completed and are awaiting hearings. There is also a large number of Foreign Service officers whose promotions are being held up.

This situation is very disturbing for three related reasons. First, it is unfair to the individual nominees and their families who have absolutely nothing to do with this consolidation proposal. The play of the game is that the chairman and others support a certain consolidation proposal, and they in effect say if we do not get our way on it we are not going to allow any other business to be transacted. We will not act on these ambassadors. We are not going to act on these treaties. We are not going to act on any other matter before the committee.

It has been highlighted here of course because we have this pressing issue of the Middle East Peace Facilitation Act which expires at midnight tonight.

These nominees that are being held hostage—our Foreign Service officers—are not being held hostage by foreigners; they are being held hostage right here in the U.S. Senate. It is very unfair to the individual nominees and their families. They are being punished for reasons completely unrelated to their nominations.

Secondly, I think it is symptomatic of a very disturbing trend towards disparaging and undermining the professionals in the Foreign Service.

Finally, I think it is clearly contrary to the national interests of the United States.

Now, many of these nominees have families. They have children who should have started school in the places to which they are expecting to be sent. They have made arrangements in their personal lives to undertake this responsibility and they are being taken hostage not for an issue that involves their nomination—that is a different matter.

None of this involves the nominee or the nominee's record. It is an issue totally unrelated to the nominee. They are being used as hostages in order for people to gain their way on a completely unrelated issue.

Now, U.S. interests also suffer, and I think suffer severely by our failure to send these ambassadors out to assume their jobs. I do not know that I need remind my colleagues about the danger connected with this line of work.

The fact of the matter is in the last 25 years more ambassadors have lost their lives in service to their country than have generals in the armed services. There is an honor roll in the State Department of the men and women who have lost their lives serving the Nation.

Not having these ambassadors out there at their posts only can hurt the United States. They are not there promoting U.S. interests such as human rights, conflict resolution, antiterrorism, counternarcotics cooperation, encouraging U.S. exports. They are not there to assist U.S. tourists or business people. They are not there to deal with sensitive situations. They are not there to promote U.S. good will and to represent American values and ideals. Some of these are countries like Malaysia, South Africa, Indonesia, Pakistan, China, Lebanon.

Let me just quote from a letter that was sent by the American Academy of Diplomacy. The American Academy of Diplomacy is chaired by the former Secretary of State, Lawrence Eagleburger. Lawrence Eagleburger is cited by the chairman of the committee in support of his reorganization proposals. In fact, he testified in front of our committee in support of certain aspects of the reorganization proposal which the chairman now is trying to leverage through. He will not take it on its own and deal with it through the regular process. He wants to hold all these other things hostage to it.

Let me quote from the letter the Academy sent on this very issue:

The Academy has taken no position on the authorization bill which is currently in contention. But it does not believe the country's larger interests are served by linking action on that bill to the ambassadorial nomination process. Doing so would leave the United States without appropriate representation in these countries at a time of dramatic, historical, global change. We believe that decisions on America's diplomatic representation abroad, including both the timing of such action and the qualifications of those nominated, should be made strictly on the basis of our interests in the country involved.

I think that is very well put. I commend the entire letter to my colleagues.

I ask unanimous consent to have it printed in the RECORD at the conclusion of these remarks.

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

(See exhibit 1.)

Mr. SARBANES. In addition to holding these Ambassadors hostage, the chairman is refusing to take action on a number of other very important matters before the committee, a number of very significant treaties. We have completed hearings on the START II treaty. Agreement has been reached on all the substantive issues relating to that treaty, but no business meeting has been scheduled to consider it. We have not moved on the Chemical Weapons Convention, the Convention on Biological Diversity, and the Law of the Sea Treaty. More than a dozen bilateral investment treaties, mutual legal assistance treaties and extradition treaties are being held.

So, Madam President, I will not go on at greater length. It is late into the evening. There are a number of other observations I would like to make on this ambassadorial issue because I think we are being terribly unfair to a lot of people, people who really put their lives on the line and are disparaged, often, here in the Congress in the course of debate, in a very unfair way.

These attacks on these professionals are extremely unfair. They are losing their lives. Then we are told that they wear long coats and high hats and live in marble palaces.

Ambassador Robert Frasure lost his life in Bosnia. He was not wearing a long coat and high hat. In fact, as State Department spokesman Nicholas Burns put it, ''he was riding in an armored personnel carrier and wearing a flak jacket, not striped pants.'' His wife recently wrote a very moving letter to the editor of the Washington Post, in the course of which she said, in defense—it should never have been necessary for her to have to defend—but she said:

Our diplomats are some of the finest, bravest, most courageous people I have ever met. In the past 10 years alone, my husband and I mourned the death of seven of our friends and embassy colleagues.

She then goes on to list them.

She says, commenting about these remarks that have been made, about the long coats and the high hats and the marble palaces:

I am outraged also because I remember the dangers as well as the many hardships our family endured in Bob's 20-year career.

So, Madam President, I just took the floor to challenge the fundamental premise of the legitimacy of this linkage. I have never seen it done in this manner or to anything approximating this degree. It is my strongly held view that very important national interests of the United States are being sacrificed.

I yield the floor.

EXHIBIT 1

THE AMERICAN ACADEMY OF DIPLOMACY,
Washington, DC, August 9, 1995.

Hon. JESSE A. HELMS,
Chairman, Senate Foreign Relations Committee, Washington, DC.

DEAR MR. CHAIRMAN: The Academy has noted, according to press reports of August 2, that following a deadlock in the Senate on the State Department authorization bill, a hold would be placed on 17 ambassadorial nominations and that committee action was being canceled or postponed on 22 other nominations subject to Senate confirmation.

The Academy has taken no position on the authorization bill which is currently in contention. But it does not believe the country's larger interests are served by linking action on that bill to the ambassadorial nomination process. Doing so would have the United States without appropriate representation in these countries at a time of dramatic, historic global change.

We believe that decisions on America's diplomatic representation abroad, including both the riming of such action and the qualifications of those nominated, should be made strictly on the basis of our interest in the country involved.

Sincerely,

L. BRUCE LAINGEN,
President.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Madam President, I thank the Senator from Massachusetts, [Mr. KERRY], and the Senator from Maryland, [Mr. SARBANES], for their remarks and their thoughts. I absolutely agree it is inappropriate to link MEPFA to the State Department legislation. I do not recall in the years I have been in the Senate, 35, or as chairman of the committee, any similar action being taken.

Mr. SARBANES. Will the chairman yield on that point? When did the former chairman, if I may say, the very distinguished former chairman, go on the Foreign Relations Committee?

Mr. PELL. I think it was 1964.

Mr. SARBANES. So the Senator has been on it more than three decades?

Mr. PELL. Correct.

Mr. SARBANES. Has my colleague ever seen anything comparable to what is now taking place?

Mr. PELL. No, and that is the point that bothers me.

Mr. SARBANES. I thank the Senator.

Mr. PELL. I think we should deal with the question of the extension of MEPFA on its merits and the merits clearly lie with the quick passage of the short-term extension. We should not, as Senator KERRY noted, trifle with the peace process for the sake of reorganizing our bureaucracy. We should pass MEPFA now with no linkage.

In this regard, I am particularly struck by the words of the Senator from Maryland. I know I am correct in saying I am the only former Foreign Service officer in the Senate. Because the Foreign Service was only created in 1926 under the Rogers Act, I think I am the only Foreign Service officer ever to have served in the Senate. I would also point out this linkage that is being created by the chairman of the committee not only sets a bad precedent, but is a linkage that should never have been made in the first instance. It has not been done in the past and it would be a great sin to move this way now.

I also congratulate the Senator from Massachusetts on his handling of this debate on this matter. As chairman, and now ranking member, of the International Operations Subcommittee, he has done an outstanding job.

I promised to limit myself to 4 minutes, and I think I have complied.

The PRESIDING OFFICER. The Senator from New Hampshire.

LOUIS BEAULIEU

Mr. SMITH. Madam President, I rise for just a brief moment to pay tribute to a friend who has passed away recently. I wanted the Senate to have some idea of what a great man he was.

Mr. President, my good friend Louis Beaulieu was born March 26, 1924. He passed away this year on his 71st birthday, March 26, 1995.

Mr. President, Louis Beaulieu was not only a friend for over 15 years, but a great American patriot. No, you would not recognize his name with the likes of George Washington, Thomas Jefferson, and Thomas Paine, but if Louis Beaulieu had lived in 1776, he would have stood shoulder-to-shoulder with those great Americans as they carved out a Nation. Louis Beaulieu had the same trust in God, love of family, patriotic spirit, and sense of honor that characterized the Founding Fathers that Louis admired and loved so much.

I want to take a few moments to share with my colleagues a little bit about Louis Beaulieu's life.

Louis lived his entire life in Newmarket, NH, and he shared his last 46 years with his wonderful wife, and my close friend, Lois. Together they had seven children, Judy, Jeanne, Janie, Joanne, Janet, Jill, and Louis. For those 46 years Louis also owned and operated a small business side-by-side with Lois. ''Beaulieu and Wife Auto Towing and Salvage'' was the name Louis gave his business, illustrating his clever wit and unpretentious personality.

Louis left his hometown of Newmarket to serve his country during World War II in the U.S. Army. He was stationed in Bremen, Germany where he was in the counter intelligence corps as well as a French language interpreter.

Louis' patriotism and sacrifice for freedom was further exemplified by his membership in the American Legion and the Veterans of Foreign Wars.

He served his community as a member of the Newmarket Lions Club and the Newmarket Historical Society, and tirelessly devoted his energy to the Amos Tuck Society, New Hampshire Right to Life, Gun Owners of New Hampshire, the National Rifle Association, the National Federation of Independent Business, the National Chamber of Commerce, and the Portsmouth Chamber of Commerce, and, of course, the campaigns of BOB SMITH as Congressman and Senator.

Louis was a hardworking small businessman, a devoted husband and dad, a veteran, and a dedicated community leader. Louis was also a bedrock conservative and was one of the first people who supported me back in the early days when it was ''BOB who?'' Lois and Louis were both confident that I would win a seat in Congress and bring our brand of yankee conservatism to the ways of Washington. Without their efforts, I would not be serving here today in the Senate realizing my dream—and theirs.

Louis did it all—he made signs, passed out brochures, raised and gave money, attended rallys, hosted events, and campaigned tirelessly for me over the years—always with his wife, Lois, at his side. He did it all with humor, grace, and sincerity and he never asked for anything in return. He was the essence of everything good about America, and everything good about politics. He cared, and he worked tirelessly to make America a better country. And he succeeded in doing just that.

When we lost Louis, we lost a true American patriot, and a very special man. Lois lost a devoted husband, the children lost a wonderful father, and I lost one of my best friends.

I will miss my friend very much. Without the sacrifices that Louis made on my behalf, as I said, I would not be here in the U.S. Senate.

I will do my best in the remaining years that I serve here to strive to remain worthy of the faith, trust, and confidence that Louis Beaulieu had in me, and I will continue to work for the same values and the same principles that Louis so long espoused. In so doing, his legacy will live forever.

Louis Beaulieu, ''thanks for the memories'', and the friendship.

Madam President, I ask unanimous consent that a tribute written about Louis' wife, Lois, on the eve of his passing be printed in the RECORD.

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

THE LEGACY OF LOUIS BEAULIEU

(By Lois Beaulieu, March 25, 1995)

My Louis is a legend in his time; he left us a legacy of hope, love, patience and perseverance. And he planted so may seeds in us all. They will be nurtured and grow with his memory and his spirit which is all around us and will live forever.

Louis goes far and wide, deep and lasting in our memories and our hearts forever.

Family, friends and loved ones are being cleansed and there is a healing process so miraculous he would be proud.

He was a good husband, father and friend to all who knew him.

Our life together was a beautiful adventure in all we did together. We laughed and loved and cried but always together, good and bad, mostly all good. The memories—oh so many memories—he left with us all.

God, thank You for our 46 years together. I know we all belong to You and someday You will call us home to be with You and Louis.

Thank You God for our seven beautiful children: our Judy, Jeanne, Janie, Joey, Janet, Joanne, and Jil. Our seventeen grandchildren: Laura, David, James, Jason, Joshua, Javelle, Jamie, Jennifer, Jeremy, Shelby, Mark, Joseph, Jayne, Manny, Joel, Jacob and three great-grandchildren that Louis lived to see and hold and rock: Lucas James, Sadie Anne and 3-week-old Sarah Beth. Oh how he loved his family.

He was a proud man and so proud of his wife and told me so often. So, so proud of his bag family and bragged about them all the time.

So proud of his business, Beaulieu and Wife we built from the bottom up. He was a great worker, a great lover, a great father, grandfather and great grandfather and—yes—even Santa Claus.

He was also a great friend and pal and buddy to all who knew him.

He loved life, he loved living, he loved working, and he loved his wife and family.

Louis loved his God and Savior Jesus Christ. He is truly a legend, a one of a kind.

He is imbedded in our hearts forever. His spirit is alive and well and we feel his presence always around us.

Au Revoir, my love, your wife forever and ever—until we meet again—Lois.

Mr. SMITH. Thank you, Madam President.

PRESIDENT STONEWALLING ON AMERICAN POW'S AND MIA'S

Mr. SMITH. Madam President, I want to turn to a subject that has long been an area that I have worked on over the years, and I have come to the Senate floor today to report to my colleagues and to the American people on what I consider to be a very disturbing track record by the administration on the issue of unaccounted for American POW's listed as missing in action.

Many of my colleagues are well aware of the deep concern that I and others have had on the POW/MIA issue as a result of some of the previous debates we have had in the Senate concerning United States policy toward Communist Vietnam. But I do not think some of my colleagues or the American people are generally aware of the extent to which this administration is continuing to stonewall and drag its feet in efforts to resolve key questions on this POW/MIA issue. Although the administration's rhetoric might suggest otherwise, the facts show that many leads which could resolve the uncertainty of our missing are not being pursued with vigor.

That is a sad statement to have to make, Madam President. But it is true. And in some very important areas information is deliberately being withheld from Congress in addition to information still being withheld by Communist countries abroad.

This is an outrage, Madam President. It is bad enough that Communist countries are still withholding information about the remains of our servicemen after all these years. But when our own Government deliberately withholds information that would shed light on this issue, it is especially outrageous. It is a very serious comment to say that our own Government is deliberately withholding information. But I am going to prove that on the floor of the Senate as I continue my remarks, because of the administration's actions and inactions which I shall explain in detail in a few moments.

Communist Vietnam, Communist Laos, Communist North Korea, and Communist China are all being let off the hook on key questions regarding missing American servicemen and women.

As a Vietnam veteran who served this country in the United States Navy, and as a member of the Senate Armed Services Committee, I find the administration's track record on this issue deeply offensive. I am going to explain why. But before I do, I think it is important for people to have a perspective of where I am coming from on this issue.

Many of my colleagues have worked on this issue in the past. Many are familiar with some of the things that I have done. I do not think I would be presumptuous if I said that I considered myself to be somewhat of an expert on this issue. I have worked on it for 11 years. Before coming to the Senate in 1991, I spent 6 years in the U.S. House of Representatives where I was a member of the POW/MIA Task Force, and there I worked to get access to my own Government files that they had in their possession to the families of the missing.

When I came to the Senate in 1991, I introduced legislation which ultimately formed the Select Committee on POW/MIA Affairs. Along with Senator KERRY, I cochaired an 18-month investigation by this committee which sunset at the end of the Bush administration.

Our work has been criticized, and some of that criticism is justified. However, I do not think anyone would dispute the fact that our committee played a pivotal role in helping to open many of our Government's files on the POW/MIA's from the Vietnam war. We held numerous hearings, deposed hundreds of witnesses, and learned a great deal about policy decisions that were made on the POW/MIA issue at the end of the Vietnam war.

I am convinced that our work on that committee forced the Government of Vietnam to do more than to resolve to the issue, and, although I am not convinced that Vietnam has done enough, obviously, it did move them and our own Government in the right direction.

Our committee also helped jump start the establishment of a joint commission with Russia which has been researching cold war shoot-downs along with the plight of the Korean war and the Vietnam war POW/MIA's.

I know my colleagues would agree with me that our Government owes just as much to the families from those wars as they do to the Vietnam families.

The Korean and cold war families have been forgotten, Madam President.

I have traveled to Russia on two occasions to hold talks on this issue. I was the first United States Senator to travel to Pyongyang, North Korea, and I went there for the sole purpose of discussing POW/MIA's. In fact, I have been to North Korea twice to discuss this issue. I brought back 11 remains of our servicemen on one of these trips from Korea.

Finally, I have been to Vietnam five times in the years that I have been in Congress, and two of those trips were with Senator JOHN KERRY of Massachusetts.

I point all of this out not to draw to attention to my efforts—I do not want any attention drawn to my efforts—but to underscore that when there is an attempt to dupe those of us here in the Congress by the administration on information, I do not intend to be duped. I continue to follow this issue closely. I know what the President has done, and, more importantly, I know what he has not done. And he knows that I know what he has not done.

When the Senate Select Committee on POW/MIA Affairs sunset in January 1993—and I might add we had to fight for the funding just to keep it going that long—we stated the following in our final report:

With this final report, the committee will cease to exist, but that does not mean that our own hard work on this issue will also end. To the extent that there remain questions outstanding that are not adequately dealt with by the Executive Branch, we will ensure that these questions are pursued.

Let me now explain those issues that are not being adequately dealt with by the executive branch, in my judgment. I have here a chart. This is a summary of several POW/MIA-related provisions from last year's National Defense Authorization Act.

I want the American people to know that this act was signed into law by the President of the United States, Bill Clinton, on October 5, 1994. It is the law of the land. This is not BOB SMITH's opinion. This is not a congressional resolution. This is the law of the land signed October 5, 1994.

And these POW/MIA provisions that were in this bill right here, those provisions had bipartisan support in this Congress. And, as you know, in 1994 it was the other political party who controlled the Congress. So that further exemplifies the bipartisan support of this legislation.

When something is signed into law by the President, the administration has a responsibility to adhere to it—it is the law—not in a manner that they deem appropriate, but in the manner prescribed in the law. It is now a year later. It is October 1995, 1 year since this law, the Defense Authorization Act, went into effect. I think it is appropriate for us to review whether the administration has fully complied with that law.

Section 1031 requires the Defense Department to assist Korean war and cold war POW/MIA families seeking information about their loved ones. Specifically, the Secretary of Defense was required to designate a point of contact for these families that would assist them, the families, in obtaining Government records on their loved ones and ensuring that these records were rapidly declassified.

This past week I received the following letter from the Korean/Cold War Family Association of the Missing concerning the Defense Department's compliance with this law. I want to read it into the RECORD because it is very disturbing.

[Dear Senator SMITH:]

In response to your letter of today's date, I shall herewith attempt to answer in what manner the Defense Department has complied with Section 1031 [right here] of last year's National Defense Authorization Act by the numbers.

1. Establish an official to serve as a single point of contact for immediate family members of Korean/Cold War MIA/POW's.

That is one of the provisions:

In October, 1994 our association began our requests from the DPMO [or the office of POW/MIA's in the government] to name our Single Point of Contact. Jim Wold [who heads that office] insisted that as the Director of DPMO he was automatically our Single Point of Contact. Once we convinced Mr. Wold that it was feasibly impossible for him to act as such, he agreed to appoint a suitable person. In the first quarter of 1995 we were informed Dr. Angelo Collura would serve as our Point of Contact along with two assistants and at that time were given his phone number. Our ability to reach Dr. Collura by phone has been sporadic at best. On too many occasions, when we were finally able to contact Dr. Collura for follow up to previous requests, Dr. Collura stated he was not able to follow through on questions because he was ''pulled off Korean/Cold War to work on Vietnam War.''

2. To have that official assist family members in locating POW/MIA information and learning how to identify such information. We were told explicitly that it was up to the families to locate the information ourselves because 1. DPMO was not tasked to do it and 2. DPMO did not have the assets to do it. So obviously we have had no assistance in this. When questioned on the matter, we were referred to the DPMO contract with the Federal Research Division of the Library of Congress. This contract was for the FRD to ''gather, copy and deliver to DPMO'' documents pertaining to Korean/Cold War POW/MIA held in U.S. archives and agencies. As of July, 1995 20,000 pages have been gathered, copied and delivered to DPMO for families to review. There has been no effort to forward specific case pertinent information to the individual families because no one in DPMO is tasked to do so. This haphazard, certainly overly expensive, redundant method of research was DPMO's intent to comply with an entirely separate section of law. Do we feel assistance has been provided? No.

3. To have that official rapidly declassify any relevant documents that are located? Dr. Collura stated it was not his job to declassify documents and he was getting no cooperation from the section of DPMO whose job it was to declassify documents. ''They are too busy with Vietnam,'' or ''DPMO can get no cooperation from the agency which originated that document.'' To date I know of no documents which have been declassified by our Single Point of Contact.

They go on to say, in conclusion:

Can you tell me what they do other than to spend over $13 million annually ignoring not only the spirit of the laws passed but the very laws themselves? Surely a private business, contracted for half that amount of money, could comply with all the sections of the 1995 Defense Authorization Act pertaining to POW/MIA's and getting information to the families.

I ask unanimous consent that the letter be printed in the RECORD.

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

KOREAN/COLD WAR FAMILY
ASSOCIATION OF THE MISSING,
Coppell, TX, October 23, 1995.

Senator BOB SMITH,
c/o DINO CARLUCCIO.

DEAR DINO: In response to your letter of today's date, I shall herewith attempt to answer in what manner the Defense Department has complied with Section 1031 of last year's National Defense Authorization Act by the numbers.

1. *Establish an official to serve as a single point of contact for immediate family members of Korean/Cold War POW/MIAs.* In October, 1994 our association began our requests for DPMO to name our Single Point of Contact. Jim Wold insisted that as the Director of DPMO he was automatically our Single Point of Contact. Once we convinced Mr. Wold that it was feasibly impossible for them to act as such, he agreed to appoint a suitable person. In the first quarter of 1995 we were informed Dr. Angelo Collura would serve as our Point of Contact along with assistants and at that time was given his phone number. Our ability to reach Dr. Collura by phone has been sporadic at best. On too many occasions, when we were finally able to contact Dr. Collura for follow up to previous requests, Dr. Collura stated he was not able to follow through on questions because he was ''pulled off Korean/Cold War to work on Vietnam War.''

2. *To have that official assist family members in locating POW/MIA information and learning how to identify such information.* We were told explicitly that it was up to the families to locate the information ourselves because 1.

DPMO was not tasked to do it and 2. DPMO did not have the assets to do it. So obviously we have had no assistance in this. When questioned on the matter, we were referred to the DPMO contract with the Federal Research Division of the Library of Congress. This contract was for the FRD to ''gather, copy and deliver to DPMO'' documents pertaining to Korean/Cold War POW/MIA held in U.S. archives and agencies. As of July, 1995 20,000 pages had been gathered, copied and delivered to DPMO for families to review. There has been no effort to forward specific case pertinent information to the individual families because no one in DPMO is tasked to do so. This haphazard, certainly overly expensive, redundant method of research was DPMO's intent to comply with an entirely separate section of law. Do we feel assistance has been provided? No.

3. *To have official rapidly declassify any relevant documents that are located?* Dr. Collura stated it was not his job to declassify documents and he was getting no cooperation from the section of DPMO whose job it was to declassify documents. ''They are too busy with Vietnam.'' or ''DPMO can get no cooperation from the agency which originated that document.'' To date I know of no documents which have been declassified by our Single Point of Contact.

Dino, I still do not know what our Single Point of Contact, Dr. Collura does other than to be ''pulled off the Korean/Cold War POW/MIAs to work on Vietnam War POW/MIAs'', but then after three years of DPMO, I still do not know what DPMO does. Just today I was told by DPMO that it was not a central point of documentation for POW/MIAs. Can you tell me what they do other than to spend over $13 million annually ignoring not only the spirit of the laws passed but the very laws themselves? Surely a private business, contracted for half that amount of money, could comply with all the sections of the 1995 Defense Authorization Act pertaining to POW/MIAs and getting the information to the families.

Again, thank you for your assistance. Without your help, the men and their families would still be in the limbo of 1954. Please see attached final form letter sent to all the families.

Most sincerely,

PAT WILSON DUNTON,
President.

HEADQUARTERS, U.S. AIR FORCE,
Washington, DC, April 16, 1954.

Mrs. GERALDINE B. WILSON,
MacDill Air Force Base, Tampa, FL.

DEAR MRS. WILSON: Reference is made to the letter from General McCormick notifying you that the missing status of your husband has been terminated. In order that you will have all the information presently available to us, I would like to advise you regarding the possible recovery of his remains for return to the United States.

The truce agreement reached with the Communist forces provides for certain activities in connection with the recovery of remains of our honored dead from Communist-held territory. It also provides that the specific procedures and the time limit for the recovery operation shall be determined by the Military Armistice Commission. Until the necessary arrangements for the operation have been completed, we will not know when recovery and return of remains can be initiated.

I appreciate the anxiety you are experiencing, and regret that no information other than that which as now been furnished you is available at this time. You may be sure, however, that we will notify you immediately when further information becomes available.

If I may assist you with any unusual problems or circumstances regarding the above matter, please do not hesitate to contact me. Correspondence should be addressed as follows, to insure prompt delivery to my office:

Director of Supply and Services, Attention: Mortuary Branch, Headquarters, United States Air Force, Washington 25, DC.

Please accept my sincere sympathy in the great loss you have sustained.

Sincerely yours,

L.F. CARLBERG,
Colonel, USAF.

EXECUTIVE SUMMARY

The Secretary of Defense established the Defense Prisoner of War/Missing in Action Office (DPMO) in July 1993 to provide centralized management of prisoner of war/missing in action (POW/MIA) affairs within the Department of Defense. Creation of the office brought together four disparate DoD offices that had been working in the POW/MIA arena for varying amounts of time.

In August 1994, the Director, DPMO, on his own initiative, requested an evaluation of his office by the Deputy Assistant Inspector General for Program Evaluation (PED). We focused our initial work on assessing the processes that provide definition, direction, and structure for the organization. We found that well developed processes in these areas were not yet in place. Specifically, we found that: basic missions and tasks were not well defined or communicated within the organization; no strategic planning process was in place; and the organizational structure was turbulent, poorly defined, and not consistent with current policy guidance regarding organizational layering.

After documenting these observations and providing a briefing to the Director in December 1994, we redirected our work to provide constructive suggestions on defining mission and tasks, establishing a planning process, and structuring the organization at the DPMO. The results of that work are presented in this White Paper and summarized in the paragraphs that follow.

DEFINING MISSIONS AND TASKS

In defining its missions and tasks, the DPMO faces challenges posed by the broad nature of its charter, the different institutional backgrounds of the office's components, and the divergent nature of its internal and external clients. Overcoming these obstacles first requires recognition of the conflicting perspectives that clients and components bring to bear on the operations of the agency. We suggest putting together a specific statement of the organization's purpose and translating it into some general goals as a way to produce awareness of where groups differ on attacking a common problem. This process can also contribute to communication and help foster commitment to the goals that are ultimately established. Only the members of an organization can validly formulate its goals, and the process should incorporate a wide range of input and discussion. However, we do provide some illustrative general goals for DPMO to facilitate our discussion. We recommend finalizing the draft instructions on Missions and Functions as a good vehicle for documenting the results of this effort.

STRATEGIC PLANNING

Carrying out the missions and tasks established by the DPMO means setting up a good planning process. This involves translating the established purposes into more specific objectives or initiatives. Formulating these specific objectives should take into account the internal and external environment and attempt to identify strengths and weaknesses of the organization. The process should also account for the resources needed to reach the objectives and determine ways to measure progress towards achieving objectives. We point out the strategic planning guidelines set forth in the Government Performance and Results Act and urge the DPMO to adopt this model. We suggest that planning efforts should start small and need not wait until full developed strategic plans are in place. We also recommend that the organization adopt performance measures that are simple to apply and linked to the budget process.

ORGANIZATIONAL STRUCTURES

In our discussion of organization structure, we recommend that the DPMO refrain from any ad hoc structural changes until it makes a more systematic assessment of its organizational needs. We analyzed three general alternative ways to divide the work and the assignment of responsibilities and authority in the DPMO:

Alternative 1: The Current Structure With Well Defined Mission and Tasks.

Alternative 2: A matrix-type structure using task forces for specified activities.

Alternative 3: A structure that allocates a significant portion of the work load and responsibility structure by geographic region.

Criteria we present for analyzing structures include clear lines of authority and responsibility, decentralization where possible, and congruence with the strategy of the organization. In formulating the alternatives, we assume that all current functions will remain with the DPMO. The description of each alternative includes any assumptions made concerning the work processes at the DPMO. We believe the alternatives presented are viable alternatives for consideration, in whole or in part, but only those more familiar with the organization can validate our assumptions. Accordingly, we make no specific recommendations on the structure most appropriate for the DPMO.

CONCLUDING REMARKS

In concluding, we recognize the difficulty in setting aside time for such process building. However, in our experience, without the strong leadership that such actions require, the organization will continue to experience difficulty in justifying its resource requirements and completing the assigned mission.

CONCLUSIONS

Likes building a ship while under sail, it is not easy to meld disparate organizational entities together while faced with multiple operational demands. However, that is the challenge faced by the DPMO Our initial research at DPMO led us to conclude that the organization lacked (1) well defined missions and tasks, (2) a planning system to see that major goals were accomplished, and (3) a stable organizational structure that supported effective management.

To assist the office in tackling these areas, we outlined methods that we believe will help the organization define its mission, establish a planning system, and structure its organization. We recognize the difficulty in setting aside time for such process building. However, without the strong leadership that such actions require, the organization will continue to experience difficulty in justifying its resource requirements and completing the assigned mission.

Mr. SMITH. I think the letter certainly sums it up, Madam President. The bottom line is, on section 1031, did the administration comply? The answer is, no, they did not comply. Not only do they not comply, they indicate they have no intention of complying, that they cannot comply, they do not have time to comply.

You have to remember, Madam President, I would point out to you, as one who has worked very closely in constituent services as a Member of the House and Senate, this is not your typical bureaucrat runaround where somebody is trying to find out what happened to some particular thing in the Government or trying to get to the right agency. These are families who lost loved ones, who lost loved ones in the service of their country, and to get that kind of a runaround from people who are told to comply with law is disgraceful.

Let me turn to section 1032. This requires the Secretary of Defense to recommend changes to the Missing Persons Act within 6 months; that is, by April 5, 1995. This is an act from the 1940's that allows the Defense Department to declare that servicemen who became missing in hostile territory are automatically dead after 1 year if no information surfaces indicating who they are.

Senator DOLE, Senator LAUTENBERG, Senator LIEBERMAN and I sponsored legislation to correct this. However, I wanted to allow the Secretary of Defense, to be fair, a chance to submit his own recommendations that we could then work out and reconcile with Senator DOLE's legislation and the Armed Services Committee. I did not try to say I had all the answers. I knew we had problems. We wanted to work it out.

Did we get the report by the end of the 6-month period? The answer is, no, we did not. We did not get it until the end of June, 2 months late. It was obvious the Defense Department made no serious attempts to consult with Members of Congress before submitting what turned out to be an inadequate report. Their delay in submitting the required report has pushed back our own timetable in reviewing this matter. As a result, it remains one of the outstanding issues in the current conference committee deliberations on the fiscal year 1996 Defense Authorization Act.

Congressman DORNAN in the House has worked tirelessly to revise the Missing Persons Act. I want to compliment him for his work. He recognizes the seriousness of this issue, especially as Congress, as we speak, considers sending 25,000 American servicemen into Bosnia, and the White House is leading that effort.

Madam President, we have memos from the Carter administration between President Carter, Secretary of Defense Howard Brown, and National Security Council staff which show in clear terms how the Missing Persons Act was abused, clearly abused, to satisfy other political and foreign policy agendas. There are always other items that move to the surface and push this down. As a result, many Vietnam-era POW/MIA families endured a great injustice as their loved ones were simply written off as dead. These memos clearly show why the law needs to be reformed.

I ask unanimous consent that these memos that I have be printed in the RECORD following my remarks.

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

(See exhibit 1.)

Mr. SMITH. To sum up on section 1032, Madam President, the record clearly shows that the required report was not submitted by the required date. The administration did not comply. So, again, regrettably the answer is ''no'' again to the law which was supposed to be complied with in April 1995.

Section 1033 urges the Secretary of Defense to establish contact with the Communist Chinese Ministry of Defense officials on Korean War American POW's and MIA's.

Madam President, we have learned, through declassified CIA documents and through documents obtained from Russia, that the Chinese have a wealth of information—a wealth of information —on missing Americans from the Korean war. In fact, the North Koreans told me that when I visited them in P'yongyang in 1992. They made a point of telling me. They showed me books. They showed me photographs of the camps. And in those photographs, in those books, were Communist Chinese guards.

The North Koreans said, ''Senator, we know you're here in North Korea looking for information on American POW's. You ought to talk to the Chinese because they were the ones that ran the camps. They were the ones who packed up the American prisoners and took them across the Yalu River when General MacArthur pushed north.''

So, Madam President, section 1033 deals with just that matter that was signed into law on October 5, 1994. Three weeks later, the Secretary of Defense—this is ironic, but 3 weeks later the Secretary of Defense, Dr. Perry, was dispatched to Beijing—not for this issue but another issue more important, more important than this one—where he held high-level meetings with, you guessed it, the Communist Chinese Ministry of Defense officials.

So when Dr. Perry returned, I was excited. The law had passed. It was fresh in their minds. Dr. Perry had been to Communist China meeting with these officials. So I sent him a note and asked him if he raised the subject of unaccounted for Americans held by the Chinese on both sides of the Yalu River during the Korean war. I waited. I never got an answer. Several weeks later, I was informed by a low-level bureaucrat, much to my chagrin, that the subject never came up, never discussed. I was hoping I could say, ''Did we get any leads on some information?'' The subject never came up. In fact, as far as I know, Dr. Perry was not even made aware of section 1033 by his defense POW/MIA office at the time. After all, we saw the letter to the families. They are not interested. They are not interested.

More than 40 years have passed, Madam President, 40 years, and we still have yet to hold any substantive discussions with the Chinese on missing Americans from the Korean war. Forty years. The families wait.

Just a few weeks ago, I was contacted by the daughter of an American pilot shot down over China—not Korea, China—in the 1950's. Intelligence indications are that the Chinese captured the pilot. He was never heard from again.

What is President Clinton waiting for before he decides to approach China on behalf of the family of this man? How many more years do they have to wait before somebody simply asks the Chinese what happened to him. How many more years? Is that too much to ask? When the Secretary of Defense goes to China for high-level talks, is it too much to ask the Chinese what happened to that pilot that we know was shot down? That is what the Congress recommended. That is what the Congress urged by passing section 1033.

So again I must check the ''No'' box. Again we come up short. Again the President ignores the law. Again the families wait and wait and wait. No one cares. We do not have the assets. We do not have the resources. We do not have the time. We do not have the interest to be bothered with finding out what happened to that pilot in 1950, do we? Too many other important things to do, is there not?

This is a terrible message for the President who is about to send and wants to send 25,000 more Americans who wear the uniform today into Bosnia—25,000 more Americans into Bosnia, and he cannot ask his Secretary of Defense to ask the Chinese if they know what happened to this pilot and others. I am not holding the President to a standard he cannot meet. I am not asking the President to say absolutely bring him back alive or dead or bring back information. I am asking him to ask the Chinese what happened to him. That is all I am asking.

Section 1034—another section of the law—requires Secretary of Defense to provide Congress within 45 days a complete listing by name of all Vietnam era POW/MIA cases where it is possible Vietnamese or Lao officials can produce additional information.

I am going to skip this section for just a moment because it pertains to Vietnam, and I wish to finish covering the two sections on the Korean war. However, even though I am going to skip it, as you might expect, we are going to check the ''No'' box here, too, because they have not complied with that either.

This is perhaps the most disturbing affront to Congress, the Vietnam portion, but I will get back to that in a moment.

Let us go to section 1035. This ''requires two reports to Congress on U.S. efforts to obtain information from North Korea on POW's and MIA's.

''Do the reports show any progress since October 1994?''

We have a situation where the answer happens to be ''Yes.'' But it further requires the President to seriously consider forming a special commission with North Korea to resolve the issue as recommended by the Senate Select Committee on POW/MIA Affairs in 1993, and the answer to that one is ''No.''

The remains of those soldiers that we know were in those camps buried in North Korea during the war, where are they? I was allowed to visit, when I went to P'yongyang, the anti-American War Museum in 1992, and I caught a glimpse of their vast archives. It is obvious—obvious—that North Korea has substantial information on Americans that they shot down, captured, or turned over to the Chinese or had taken from them by the Chinese—room after room after room. We were allowed to see maybe half a dozen, maybe a few more, 7 or 8 rooms, in an 80- to 90-room museum full of information on Americans—Americans. It was called the American museum. Some in our Government denied it existed, said there was not any such museum. You are wasting your time to go over there and try to find it. North Koreans denied it, too, but we knew where it was, and we got there.

Let me tell you something. Having served in the Vietnam war and spent 11 years on this issue, to walk through a museum with letters from American POW's that were sent home but never were received at home because the North Koreans intercepted them and hung them up on their walls as trophies, to see photographs of dead American POW's and live American POW's who had been tortured and suffered, to see it all as the North Koreans proudly displayed with a high-ranking North Korean military officer on either side as I and others walked through that museum, that is tough. That is tough to have to go through.

You know what. As tough as it was, it is not half as tough as coming back here and knowing I cannot get anybody in Government who cares enough to go back over there and try to get answers for these families. That is what is tough.

The key question here is, Do the reports show any progress in these two specified areas? And again the answer to that question is ''No.'' And the reports make it clear. So I think I will check the ''No'' box again. There was a little ''Yes'' box here. That is the only ''Yes.'' In fact, the discussions with the North Koreans have been at an impasse now for a long, long time. The North Koreans want several millions from the United States for remains they have already turned over. I am not into that blackmail. We have done that to Vietnam now—millions of dollars for remains, body parts. That is blackmail. It is disgraceful. We should not agree to it. That is not what I talked to the North Koreans about. However, it does not mean that we should not set up a better mechanism to address all of our concerns—remains, possibility that somebody may be, through some heroic effort, left alive, and information, all three, as well as the North Korean concerns about compensation for expenses they can justify.

It was interesting; a South Korean soldier after spending 43 years in a North Korean camp came back alive about a year ago. That did not get a lot of publicity. His picture was not in Time magazine.

It was O.J. Simpson's picture or some rock star's picture, but not this guy.

(Mr. ASHCROFT assumed the chair.)

Mr. SMITH. Mr. President, let me tell you something, he happened to be a South Korean, but what if he had been an American? What if he had been an American? He would have been on Time magazine, would he not? Well, he could have been. He could have been.

I do not know what the President or anyone else in our Government today would have to say to that man, not a young man, not today. What would you say to him when you looked him in the eye when he asked you, ''Where had you been for the past 43 years?'' What would you say?

That is where the second half of section 1035 comes in. The Congress required the President to give serious consideration to forming a special commission with the North, and this is something the Senate Select Committee on POW/MIA Affairs recommended in its final report. All 12 Senators— Democrat, Republican, liberal, conservative—agreed on this point.

Nonetheless, the administration, obviously, has not given this suggestion any serious consideration, and if they had, they would have contacted me to discuss what the Bush administration and I had already worked out and presented to the North Koreans shortly before President Bush left office. I was very involved in those discussions and there has been no followup with me whatsoever—not one word from the previous administration or this administration, absolutely no interest, no consideration, no interest whatsoever in what those discussions were. I am not a State Department official. I have no authority to negotiate. These were simple discussions, but I thought they might be interested in knowing what we talked about and what we might be able to do as a result of those discussions, but I was hoping for too much.

But, oh, you hear the rhetoric, though, you hear the rhetoric. How we worked so hard, we tried so hard, we have the POW/MIA stamp, we have the ceremonies, POW/MIA recognition day, and we have these great speeches about how we will never forget, ''You are not forgotten.'' Words, Mr. President, they are cheap. There has not been compliance with the second half of section 1035. So we will just check the ''no'' block there.

Section 1036, require public disclosure of all Defense Department records on American POW's and missing personnel from the Korean war and the cold war that are in the possession of the National Archives by September 30, 1995, 1 month ago. Our National Archives, Mr. President. Not the North Korean's national archives, not the Chinese, not the Russians, our own archives.

Two weeks ago, the administration reported that they had not complied with this section. They need more time, Mr. President. One year was not enough. So Senator KERRY and I have now extended their deadline until January 2, 1996, in the fiscal year 1996 Defense Authorization Act. We gave the administration 3 more months, and it remains to be seen whether they are going to comply.

Open up the archives. Let us see what is in there. It is the Korean war, over 40 years ago. Are there national security secrets in there? What is amazing about this is that Defense Department officials have admitted to me—admitted—and I will not quote them, but they admit it, that they did not even begin to consider whether they would be in compliance with this provision until 10 months after the bill was signed into law.

At that time, when they were asked about it by family members, then they decided they might have to do something. It is not that we did not warn them. In fact, after the law was signed last year, I sent a letter to the Department of Defense reminding them of this obligation. They did not care about the deadline. It is not important. They have too many more important things to do.

So, again, let us check the final ''no'' box, Mr. President. That is not a very good record, the way I look at it. This is the law. This is the law. These are not simple requests by letters. This is the law. Not one item on there was complied with.

The administration, probably not a very good metaphor, basically thumbed its nose at the Congress and the American people and the families and our Nation's veterans by not complying with the sanctions of this law. I am offended, and every single decent American should be offended. Every mother and father who has a son or daughter poised to go into Bosnia today, sent there by this President or this Congress, ought to be offended.

This is contempt for the laws of Congress, and I know a lot of laws get passed and I know a lot of things are difficult to comply with. God knows I understand that. I serve on the Armed Services Committee and I sympathize with so many of the regulations and laws with which they have to comply. But I have reminded them over and over. I have offered to help. I have given them extensions. Nothing. And yet, if you read any manual on POW's and MIA's today, you know what it will say—try not to laugh, this is the highest national priority—it says in the handbook, ''the highest national priority.'' If that is the highest national priority, I would hate to see what is, really. The President clearly does not care

about disregarding this law, and I think the American people are rightfully going to hold him responsible for it.

Let me come back to 1034, the final point on here. This is the section which last year's law pertained to the Vietnam-era POW/MIA cases. This is the most disturbing violation of all, because it occurred during the same period—and this is very offensive to me personally—it occurred during the same period that the President is showering the Communist Government of Vietnam with full diplomatic recognition and expanding the commercial contacts there. In fact, the State Department and our trade representatives are now coming to the Hill to brief congressional staff on further efforts to expand the economic relations, to set up the diplomatic office.

I have stated all along, and fought this every inch of the way and lost, that these initiatives are premature and that they simply amount to nothing more than putting profit over principle. That is what it is.

Section 1034 requires the Secretary of Defense to provide Congress within 45 days—this is not an unreasonable request—within 45 days a complete listing by name of all Vietnam-era POW/MIA cases where it is possible that Vietnamese or Lao officials can produce additional information. Not additional men, not unreasonable requests, not somebody that was blown up in a fire fight that nobody saw, but POW/MIA cases where it is possible that Vietnamese or Lao officials can produce additional information.

Mr. President, there are 2,170 Americans still unaccounted for from the Vietnam war. We know half of them were believed to be killed in combat at the time of their incident and the other half were listed as missing in action—we know that—which means we did not know what happened to them at the end of the war. That is what it means.

There has been a great debate about how many cases Vietnam really still owes us answers on, how many out of these 2,170 can they legitimately give us answers on. We know they cannot do it all. That would be an unreasonable expectation, because in some cases, frankly, they do not know what happened. There was a lot of concern about some of the wartime photographs that surfaced in the Vietnamese archives on cases where Vietnam had previously said they had no information, no information, do not know what happened to this guy and suddenly up pops a photograph.

So we wanted a case-by-case assessment on this issue. Now you would think that the Department of Defense would have had this information readily available in some type of a database that is constantly updated, if it is the highest national priority. We are trying to find out what happened to the 2,170 men. If we have intelligence information that this or that happened, we ought to be feeding it into a database, we ought to be able to pull it up and send it over here. Wrong.

They spend $54 million a year of the taxpayers' money working on this issue, and they cannot produce a simple list of 2,170 people in which it says on one side this guy was killed in action, here are the witnesses; this guy was captured alive, he was led off, here is the information; this guy was photographed in a POW camp, never came back. They cannot produce it. They cannot do it.

They have the information, Mr. President, because I have read it. I have seen it. Do you know why they do not want to produce the list? I will tell you why. Because if they produce the list, it might screw up the diplomatic relations, mess up the economic gains that American businessmen are going to make by exploiting Vietnam. That is why they do not want to put the list out.

How could the President of the United States—any President—proceed with the normalization of relations with any country—in this case, Vietnam—without first knowing just a simple, basic knowledge of how many cases of missing American servicemen there are? If Vietnamese and Lao officials had more information on them, based on all of our intelligence and investigative activity to date, how can we, in good conscience, move on without getting just that basic information—not out of the Vietnamese, Mr. President, but out of our own Government—what they have that they think the Vietnamese and the Lao have?

I am not saying account for every one of these men. That is not what I am asking for. I am asking them to give me the information on the cases of the men that they have in their best intelligence—perhaps a witness, a buddy who saw a guy led off, whatever. Give it to us because we have reason to believe that the Vietnamese would know what happened to these men, and we can confront them on this.

One example: David Hrdlicka was shot down, captured by the North Vietnamese in Laos, photographed, filmed, used in Communist propaganda, paraded around. Never a word from the Lao or the Vietnamese as to what happened to David Hrdlicka. Do you think they do not know what happened to him? Of course, they know what happened to him. But that information is in that list.

If the Government sends that list over here—our Government—that is going to be a little embarrassing, because when Carol Hrdlicka, David's wife, who has waited all these years, says, ''Why are you normalizing relations with a country that will not even tell you what happened to my husband?'' What are you going to say, Mr. President? The administration has not complied with this law.

You have to ask yourself these questions: Why? Why? I could go over there, probably in a month, with a couple of staff people and get it myself. It is there. It is not that it is not there. Of course, it is there. Of course, there is a database. What are they afraid of? Are they covering up or sitting on information that would show the American people that Vietnam is not fully cooperating on missing Americans? You bet. You bet. That is exactly the reason why they are not giving us the information, because it is going to show that the Vietnamese are not fully cooperating—are not cooperating in any way, shape, or form, to the full capacity that they could.

If this information were released to the public, it would undermine all of the rhetoric from the President, the Secretary of State and their adjectives like ''splendid,'' ''superb,'' and all this cooperation they claim we have been receiving from Communist Vietnam. That is what we have heard—not just cooperation, but ''splendid,'' ''superb,'' ''outstanding,'' ''unprecedented.''

Well, boy, it would sure blow that up if the U.S. Congress and every staff member for every Senator and Congressman in this place could look at that list. That is why we do not have the list. Hold the list up, ignore the law until we get it all done, until we get the mission set up, get the full diplomatic relations set up, then let it out, but do not do it now; you will sure mess it up.

I recall the statements by assistant Secretary of State Winston Lord during his last trip to Vietnam this last May. He stated: ''We have no reason to believe that the Vietnamese are not making a good-faith effort on the POW/MIA issue.'' Well, Mr. Lord, let me just say it as nicely as I can: That is not the truth. That is not the truth, and you know it.

If the President has no reason—and that is the exact word—to believe they are not cooperating, which is what he cited as the basis for announcing his decision to normalize relations this past summer, then where is the list? Why do you not let us see the list?

There will be some who will come back down here on the floor, perhaps tonight or tomorrow and say, ''There goes SMITH again. I thought we could get the war behind us; I want to get it over and move on. I am tired of fighting the war.''

Some things have to be fought. Some things have to be continued because they are right. Many of my colleagues in the 1840's and 1850's stood on the floor of this U.S. Senate and argued against slavery, and it took them a while to get it right, but they got it right, and they were right when they were making those statements and having those discussions on the floor of the Senate. And we are right now to make them now.

History will judge us as being right. History will judge us, who stood up and said we did not get the information, not only from the Vietnamese and the Lao, but from our own Government. We did not get it. History will judge us as being absolutely right. I do not care

who says what differently. History will be the judge. I will stand on that judgment.

I want to review in more detail now exactly where we have been concerning this requirement over the last year. I want my colleagues and the American people to see what is going on. I know this is a long speech and people want to go home, but it has been a lot longer for the people who have waited for answers for their loved ones, some all the way back into the fifties, from the cold war. So I am doing it for them. No one else cares, so I am doing it for them.

I want everybody to know what happened over the last year. It would make you sick, Mr. President, to see the obfuscation, the delay tactics that have taken place. I have drawn my conclusion. I am going to be criticized for this. It is a coverup; that is what it is. It is not a coverup in any sense other than you got information and you will not give it to us, according to the law. If you have information that the law prescribes and you will not give it to us, then you are covering it up. If you are not covering up, get it over here. If I get this information over here tomorrow morning, I will withdraw and retract the comment about a coverup. If I do not get it, or there is some indication that I am going to get it quickly, I am going to assume that this information is being covered up so we can get on with normalization and not mess it up.

This information, if we get it here, will show that right up to the present, despite all the comments about cooperation, the Government is nonetheless holding back information on several hundred—not 10, 12 or 20—American servicemen that were lost or captured in Communist Laos and North Vietnam during the war. Several hundred are on that list. What is that list? That list is the best case, best information available by the United States Government through intelligence sources, buddies on the battlefield, copilots, back seaters, men on the ground as to what happened to these individuals. It is not necessarily that they are alive, but that we know what happened to them, and we think the Vietnamese know what happened to them. That is all we are asking for. But, you see, if we publish that list, it would destroy the argument for normalization.

Do you know what people say to me? It is amazing. ''Why would a Vietnamese hold back any information?'' First of all, I am not interested in why. The first question is, are they holding back and not disclosing information about the fate of our men? In the absence of this list of cases, I can only conclude that the administration is presently engaged in a coverup of information that would answer this question in the affirmative. Pure and simple.

People will yank this phrase out of context. But if you put it in the context that I have said it—and I have been quoted out of context before—they are covering up in providing the information, the best-case information, best available information, as to what happened to certain men who are missing, in order to move forward with diplomatic relations and trade. I am going to let my colleagues and the American people be the judge after they see what happened, because do you know what? Sooner or later I am going to get that list, because I have seen it and I know it exists.

This list was required by law on November 17, 1994. As that date approached, the Deputy Assistant Secretary of Defense sent a letter to Congress requesting a 3-month extension. He also informed us there was an interagency agreement within the executive branch that no revised or new list would ever be produced.

Let me read from the letter we received at the time from the Deputy Assistant Secretary of Defense.

DEAR MR. CHAIRMAN: The fiscal year 1995 National Defense Authorization Act contained a request that the Secretary of Defense report not later than 45 days to the Congress specified information pertaining to the U.S. personnel involved in the Vietnam conflict that remain unaccounted for.

This letter is to advise you the study is underway and that considerable progress has been made, but it is unlikely the report will be finalized by the time requested. It is anticipated that the report will be finalized within 135 days, at which time it will be forwarded to your committee for review.

This was addressed to Senator NUNN.

The comprehensive review must be carefully constructed to reinforce current and near-term negotiations. Specifically, there is great potential to any new list to cause confusion for the governments of Vietnam and Laos, and this concern resulted in an interagency agreement that would not produce any new lists.

Gobbledygook.

Mr. President, the law does not give the administration the luxury to decide whether or not a new list would be produced. It said produce a list.

I reminded the administration of that fact last November. I am, frankly, not interested in some bureaucrat's view about causing confusion for the Vietnamese. The Congress, the American people, and the families are the ones who have been confused by Government distortions on this issue since the end of the war. That is another reason we want a straightforward list in the first place.

Notwithstanding that, I try to be reasonable, and in spite of all the hardships these families try to be reasonable. A 3-month extension seemed OK to me, and the Armed Services Committee agreed with it.

I met with the Deputy Assistant Secretary in December of last year in my office and told him I had no objection. Even though I did, I said I had no objection to extending the deadline to February 17, 1995. I expressed my amazement that such a list did not already exist. In fact, I still do not know how the President can look at normalizing relations with Communist Vietnam without having the list of the American POW cases that Vietnam might be holding back on. He is not concerned about it. I just am absolutely aghast to think that that does not bother him, because apparently it does not or he would provide the list.

When the new extended deadline began to approach after the Christmas holidays last year, rumors started to surface that we still would not get the list by the new February deadline. Those rumors turned out to be true.

On January 24, 1995, after more rumors surfaced that the President might upgrade relations with Vietnam, several of my colleagues joined me in sending a letter to the President reminding him of his obligation to provide the required list. In fact, we asked him to give us the list before any decision was made to upgrade relations.

That sent the red flag up, so now we had to speed up the process. Let me just say I sent the letter. But let me tell you who else signed it. It was signed by the chairman of the Foreign Affairs Committee, Senator HELMS; it was signed by the chairman of the Armed Services Committee, Senator THURMOND; it was signed by the chairman of the Intelligence Committee, Senator SPECTER; signed by the chairman of the Asian Pacific Subcommittee, Senator THOMAS; the chairwoman of the International Operations Subcommittee, Senator SNOWE; the House chairman of the International Relations Committee, Congressman GILMAN; the House chairman of the Asian Pacific Subcommittee BEREUTER; and the House chairman of the National Committee on Military Personal, Congressman DORNAN.

The President ignored the request. He said, you will get the list soon, period. This was in January 1995. January 28, he announced the formation of liaison offices between Vietnam and the United States in both Hanoi and here in Washington. Fast track, we call it.

For the first time now we are allowing the Communist Vietnamese government to establish an office here in Washington, even though Congress still had not provided the American people with a list, the White House had not provided Congress with a list of POW/MIA that Vietnam might be holding back on. No list.

I think the administration realized their decision to upgrade relations would not be viewed in a positive light if the list was released just last February. You can be the judge on that.

I next raised the issue with Secretary of Defense Bill Perry at a hearing of the Senate Armed Services Committee on February 9, 1995. I told Dr. Perry's staff beforehand that I would raise the question so there would be no surprises. I do not play the game that way. I wanted him to have a response ready so I did not catch him by surprise.

When I asked him at the hearing if he was going to meet the new deadline by February 17, he said, ''Yes, yes.'' I immediately followed up that day with a letter to the Assistant Secretary of Defense.

The following day I received a response which stated, ''The Department will respond to the legislation by February 17, 1995. Let me assure you our response to this Congressional requirement will be provided in compliance with the law.''

On February 17, 1995, we received a letter from the Secretary of Defense which did not comply with the law. I repeat, did not comply with the law. It did not provide the updated listing of cases of missing Americans that Vietnam and Laos officials might have more information on.

I want to read an excerpt from that letter that we received from the Secretary of Defense which I have blown up here on a chart. This is the letter to Senator THURMOND, the chairman of the Armed Services Committee.

In response to this legislation, the Department of Defense has initiated a comprehensive review of each case involving an American who never returned from Southeast Asia.

That sounds good.

As of February 12, 1995, nearly 50 percent of all cases have been reviewed as part of this process.

Completion of this painstaking case-by-case review will take at least several additional months, at which time these findings will be reported to Congress.

Well, here we go again. We do not have a list. Several additional months—no list.

Is it not a little audacious for the Pentagon to talk about a request if a straightforward analysis—let me quote this language which really jumps off the page, Mr. President. ''Completion of this painstaking case-by-case review will take at least several additional months.''

Painstaking. How about the pain and the uncertainty that the families have had to endure with their missing loved ones? Believe me, the Pentagon's pain on this issue is nothing compared to the pain of the families. I think the word is an insult. I take offense with the use of that word to imply there is some analyst over in the Pentagon who is going through this whole painstaking process of putting a list together—a simple list of information they already have. I am not asking them to extract this from the Vietnamese and Laos but from our own intelligence files that we believe the Vietnamese have or the Laos on our missing men.

How would you compare their pain? That must be awfully painful for them, is it not, these bureaucrats going through this painstaking process?

What have they been doing for the last 25 years? What have they been doing for the last 25 years if they do not have the information on these people that are missing? My God, what are they telling the families? How can anybody have any sympathy for anybody in this administration or any other administration with that kind of analysis on this issue?

Consider the roller coaster ride that the families have been on year after year, decade after decade, waiting for answers. Hopes up, dashed. Hopes up, dashed. They are the ones that have gone through the pain, Mr. President, not these bureaucrats.

I am not saying that the people in there are not loyal Americans trying to do a job, but we should get the job done.

How much more time do you need? It was clear by this past February that the administration had violated the law. That is the exact phrase—violated the law. I sent a long letter, again, to the Secretary of Defense on March 7, 1995, and I expressed my disappointment that you violated the law. Everybody else has to comply with the law but apparently the President does not.

A month later on April 7, I received another written response from the Under Secretary of Defense, Walter Slocombe, allegedly on behalf of Dr. Perry. Let me just read an excerpt from that letter:

Section 1034's impact has been to refocus the analyst' work to conduct this comprehensive review earlier than anticipated. Currently, DOD has committed 22 of the 33 analysts (67 percent) within DPMO and an additional 12 analysts from Joint Task Force Full Accounting to working full-time on the comprehensive review. To ensure the type of comprehensive review of all 2,211 cases that both Congress and the families demand and have a right to expect, it is essential that the analysts expend the time and scrutiny required to evaluate every individual's case in the light of all available evidence.

While there will be no arbitrary deadline, I assure you that DOD will continue to give this effort the utmost attention. I am confident the review will be completed during the summer. The department will report the results of DPMO's review to Congress on its completion.

That was in April. Imagine that. The law imposes a deadline. That is what I thought, that you had to comply with the law. I am sure the Senator in the chair, the Senator from Missouri, when the EPA tells one of the communities in your State they have to comply with the Safe Drinking Water Act or Clean Air Act, they nail you with a fine and threaten your community.

This law imposed a deadline, and not an unreasonable one. Yet the Under Secretary of Defense says to Congress, ''There will be no arbitrary deadline.'' In other words, ''To heck with you, Congress. Do not tell me when we have to do this. We will get it when we are ready. That is an arbitrary deadline.''

Who is he, Mr. President? Who elected him? Is he under the law? I guess not. The Department of Defense must be above the law. And the Clinton administration, I guess the President himself, he must feel the same way—above the law.

You wonder why people are cynical about politics and politicians? It is an affront. It is an affront to Congress. I am taking the floor tonight, and taking the time to work my way through this because I want my colleagues to know that we have laws on the books that are being ignored, and blatantly ignored. We are not even allowed to review our own Government's assessment to judge for ourselves whether Vietnam is fully cooperating. I am not asking for my own assessment. I am asking for our Government's assessment. That is all I am asking for.

And then, without getting that information, my colleagues and I are asked to rubberstamp the President's discussion on diplomatic relations. That is what we did.

I do not think it is going to be that easy. I urge my colleagues to consider these matters the next time they are asked to vote on this issue. I certainly commend Senator CRAIG THOMAS for his support in his committee. I hope it will be a long time coming before you get an ambassador approved out of the Senate.

There used to be an expression as you go along through a speech ''stay tuned, it gets worse.'' The next chart is a statement from June 28, 1995, before Congress. This is a full 3 months after the last letter from Under Secretary Slocombe wherein he assured us that all his analysts were working full time on these cases.

Three months later, in June, we still did not have the list. So, this is sworn testimony by Jim Wold, the Deputy Assistant Secretary of Defense for POW/MIA affairs. Here is what he said.

We must never forget, however, that the goal of achieving the fullest possible accounting can only be achieved with diligence and hard work. With that in mind, I launched the ongoing DOD comprehensive review of all Southeast Asia cases, which I hope will be completed in mid-July. This all-encompassing look at every individual case will provide a solid analytic assessment of the appropriate ''next steps'' for achieving the fullest possible accounting. Our unaccounted Americans deserve no less. I will work to ensure that we keep our promise to them. Thank you.

Jim Wold is not entirely accurate or he would have said the goal will only be achieved when Vietnam decides to fully open its archives and its prisons. Then we can say we are diligent hard workers.

We can ''say'' that. That is not going to resolve this matter if the Vietnamese are deliberately withholding information, and I am going to discuss some of the information that is being withheld. There is a lot of heartwarming rhetoric at the end of this statement, ''Our unaccounted Americans deserve no less. I will work to ensure that we keep our promise to them.'' That is what he said. That is real nice. But the fact is the administration was supposed to work to get the job done and report it to Congress under the reasonable deadline imposed by Congress: 45 days, not 245 days later which was mid-July or 330 days, as it now stands, nearly a year since the deadline. No list.

This information should already have been compiled and available for policy makers, the Congress and the families. It has been held—it has been withheld from the American people. They have it. They can put it together. It may not be in a sheet form that you can just

say ''Here,'' listed with the information. They can put it together and they can put it together quickly. They have it. Of course they have it. Could they produce it? Yes. Why do they not? Because it is going to show in black and white the degree to which Vietnam is sitting, as we speak, on information concerning the fate of several hundred American servicemen. Not a few dozen like the administration likes to claim—no, no, no. This is an outrage. It is going to show that they have information on several hundred Americans.

The next chart is a copy of a letter that I sent, again to the Under Secretary of Defense, Mr. Slocombe, continuing to try here. This was dated August 18, 1995, after the President announced, in July, his intention to establish diplomatic relations with Communist Vietnam. You remember that debate. I again tried by sending another letter. My letter followed a similar letter from Senator Thomas in mid-July on this subject, in which he has made clear his intent to withhold in his subcommittee any funding for Vietnam or any ambassadorial nominee to Hanoi until this is reviewed by Congress.

I commend him for having the courage to do that. He has taken considerable heat for it. I cannot possibly say how much I appreciate his support. He has been steadfast on this issue as the chairman of the Senate Foreign Relations Subcommittee on East Asian and Pacific affairs.

But in my August letter, without reading it all, I basically said: Mr. Secretary, where is the list? Where is the list? Where is the list?

No response. No response from the August 18 letter. Not even an acknowledgment, despite numerous followup phone calls after this. Senator THOMAS—no response.

I am told from other sources that these cases finally moved up the policy ladder in the administration, but only after the President made his decision to normalize, which was my point all along. Once we get passed that bogey, then we are home free. They did not want to get it in the way as the President made his decision. Apparently, staffers at the National Security Council are now ''very concerned'' about releasing this information because of what it shows and the way things are worded in the study. The word is that this assessment or study, which is now being withheld from Congress—and it is being withheld deliberately —shows that Vietnam is likely withholding information on hundreds of POW/MIA cases.

I want to underscore why I am concerned about this. The fact that we still have in my judgment a discrepancy of several hundred cases with no answers from Vietnam or Laos. To do this, I want to refer to the charts, information about POW's from Vietnam that has surfaced in the last 12 years from the Communist Party and intelligence archives of the former Soviet Union. The Russians, to their credit—the Russians to their credit—have been very, very helpful. I am a member of the U.S.-Russian Commission. I met with the Russians on numerous occasions on this subject.

For those who are not familiar with the reports about these documents, let me explain. In 1993, only a few months after President Clinton was sworn in, the administration received from the Russian archives two reports that the Soviet Union, the old Soviet Union, had covertly obtained from the North Vietnamese during the Vietnam war—covertly obtained; a very touchy subject. These were copies of speeches given by two Vietnamese military officials to the North Vietnamese Politburo in 1971 and 1972.

Sections of both of these speeches concern American POW's being held by North Vietnam, and they stated flatly that more American POW's were being held than those the Vietnamese had acknowledged. This is not our intelligence. This is the Soviets.

I might add that the numbers were larger than those that we had assumed.

Sections of both of these speeches were looked at. I might add, as I said, that these numbers were much larger than what we found in the Paris Peace Accords in 1973.

That is the essence of these secret speeches before the North Vietnamese Politburo. They had told the world that they held *X* number of POW's, but in reality they held *X*-plus, and they were not going to release them until we withdrew from Vietnam and paid war reparations, which we never did.

These are not my words. This is the document. As our select committee showed in 1992, yes, we withdrew our military forces in 1975 after Congress had cut off the purse strings, but we did not pay the reparations that President Nixon had promised the Vietnamese in secret communications in February of 1973.

So the first Politburo report turned over was a translation of a wartime secret speech by North Vietnamese Gen. Tran Von Quang, who was a former Deputy Chief of Staff of the North Vietnamese Army. In their report, he stated that 1,205 Americans were being held. As I previously pointed out, only 591 came home. So there is an obvious discrepancy. General Quang says in the document we have 1,205; 591 came home.

The secret Politburo report turned over was a translation of another speech given earlier in the war by the Vietnamese former Vice Minister for National Defense Hoang Anh. Like General Quang, he stated that he had only released a list of 368 names of Americans but that they were in fact holding 735. As I previously stated, that figure had gone up to 1,205 a couple of years later when General Quang addressed the Politburo.

These numbers are all confusing, but this is what the report says. This is not a debate about what Bob SMITH believes. It is not a debate about that report itself. It is a debate about what this report says. It says it. It is a document taken from the archives of the Soviet Union. I do not know whether these numbers are accurate. I do not know. But I know that General Quang said they were accurate. It was not a propaganda document. It was said before the Vietnamese Politburo.

Do you not think that President Clinton would be naive if he believed the Vietnamese did not hold back the total number of Americans they had captured during the war for whatever strategic purposes they deemed appropriate at the time? Even former Secretary of Defense Mel Laird, to his credit, had held a press conference in 1970 to say that the list the Vietnamese published at the time was not complete.

For the record, I want to say that these two Russian documents surfaced on President Clinton's watch—not on President Nixon's or Dr. Kissinger's watch in 1973. They did not know about these documents.

There can be no doubt that President Clinton has to be the one to bear the responsibility with regard to holding the Vietnamese accountable in terms of explaining these Politburo reports, these documents. We cannot go back and say, ''Dr. Kissinger should have done something on these specific reports,'' because they did not know about this. It is my judgment that the administration has tried to brush these documents aside.

There will be plenty of people out there who will say, ''Oh, my, here is SMITH again.'' This is a disservice to the Congress, and to the members of the Armed Services Committee, and to the members of our armed services. Instead of keeping faith with the American fighting men by pursuing information like this until we are certain we are doing everything we can to account for the missing Americans, the President has broken faith.

What about the investigative activity of these reports? Did we look into them sufficiently? In short, no. The administration has not even asked to meet with Hoang Anh, the author of one of these reports, even though he is living in retirement in Vietnam. We are going over there to establish diplomatic relations, going to drill for a little oil, set up some airline offices, but we cannot meet with Mr. Anh. We cannot meet with him, and have not met with him. There has been no credible type of detailed information from the Vietnamese Government on either of these reports, just deny them and that they were accurate.

Let me concentrate on that report by Quang which went into a lot of detail about the number of Americans being held. When that document publicly surfaced from the Soviet archives in April of 1993, the Vietnamese put a full court press on it, believe me, to label the document a ''fabrication.'' They knew

the President was close to lifting the trade embargo. In fact, some said it was created to squash the trade embargo. I do not know who could create it. It came out of the Soviet archives. It was an authentic document. It was said they were caught between a hot rock and a hard place.

What do they do? They lie. They said the report was cooked up and fabricated by a Harvard researcher. That is where it got very interesting. This was not a POW/MIA activist. This was not a nut. This was a Harvard researcher who had nothing to do with MIA's. He was over there doing another project. He found it. He said, ''Whoops. Holy mackerel. Here, this is something important.'' He tucked it away. His name was Stephen Morris.

When the Russians officially turned that document over, the Russians were able to convince every reasonable scholar and analyst that this was an authentic intelligence document from the GRU, the equivalent to our Defense Intelligence Agency. Simply put, the Russians confirmed when they turned the document over that the Vietnamese had apparently lied to the United States for 20 years.

Was there an uproar by the administration, Mr. President? No. In fact, the first thing they did was to classify the document secret, and withhold it from the American people. ''Oh, we do not want to mess up the embargo. We cannot let that out.'' But Dr. Morris released it to the New York Times. Now we have a problem. So then the administration had to respond.

I have a chart here that is a synopsis of the official comments by the Government of the Socialist Republic of Vietnam.

Let me just quickly go through this. You have to remember that this is an independent researcher, Dr. Morris, who finds the document in the Soviet archives. The Soviets say it is true, it is an accurate document in the sense that it is authentic. You cannot vouch for the exact language in it. But these remarks were made by General Quang, it is an authentic document out of the Soviet archives, out of the GRU intelligence community. So now we have a problem. This is two Communist nations during the war who were friends. This is an embarrassment. And the Communist Vietnamese were livid because it embarrassed them. But they were caught with their proverbial pants down. They had to say something. Here is what they said.

''Vietnam totally denies that ill-intentioned fabrication * * *. Realities prove that the report * * * is completely groundless.''

That was in the Foreign Ministry.

''General Tran Van Quang had nothing to do with the General Staff of the Vietnamese People's Army,'' said the Foreign Minister.

''This is a pure fabrication, and we completely reject it,'' said the Deputy Director of Vietnam's Office for Seeking Missing Persons.

''* * * it is a forgery document. It's totally false.''

This is Le Van Bang, former U.N. Ambassador from Vietnam, the charge d'affaires in Washington, DC. He is here now.

''[General Quang] was in no position to make such a report.''

''It's a sheer fabrication. It's non-existent.''

''The intelligence service that manufactured this report was a very bad intelligence service. It was absolutely wrong. Never in my life did I make such a report because it was not my area of responsibility * * *. I had nothing to do with American prisoners,'' said General Quang in April 1993.

Did anybody from the U.S. Government, anybody from the Clinton administration, meet with General Quang? You guessed it. No.

But I did. I did. I went over and spent a half-hour with him. He lied throughout the entire discussion. The reason I know he lied is because I asked him questions that I knew the answer to. He gave me the wrong answers to about just the basic information, about the war years, about information he had that I knew was accurate. He lied. He lied about this.

This is when the Vietnamese really got hot.

''The Russians can possibly open up their documents for you, but as long as the United States side is treating the Vietnamese as 'Trading with the Enemy,' we cannot open our documents for this reason.''

That is what the Vietnamese said. He said that to me, particularly the Vietnamese official in Hanoi. It is pretty revealing—that last quote, Mr. President, because the Vietnamese told me personally—that the Russians can open their documents, but we are not going to as long as there is a trade embargo.

That is exactly what they said to me. The Russians can open them up, but we are not opening them up until you get rid of the trade embargo; that is, Trading With the Enemy Act.

Well, the President lifted the embargo 2 years ago. After he lifted the embargo, we were going to have this whole raft of information which was going to come sweeping out of Vietnam.

We were going to be just besieged with it.

Well, we still do not have access to their Communist Party records on POW's. We had to get it through the Russians. So much for superb, splendid, outstanding cooperation, Mr. President.

Let us look at the second chart. Let us see what the Russians had to say about this document. I hope everyone is following this because we just saw what the Vietnamese had to say. These are the Russians. They do not have any reason to be lying to us about this. This is embarrassing to them if anything else. It would be the equivalent of England and the United States with some agreement during the war years that would embarrass one of us against the other. But here we have Dr. Rudol'f Germanovich Pikhoya, the Chief State Archivist of the Russian Federation in August of this year. Here is what he said:

I am absolutely certain that the numbers—

That is the numbers of POW's.

cited by General Quang are true. I believe that the data still exists in Vietnam which deals specifically with U.S. POW's . . . I am absolutely positive that the 1205 figure is absolutely true and correct as far as intelligence data is concerned. As an archivist and someone who has analyzed a great many documents, military and otherwise, I can tell you that this is an absolute truth:

He has used the word ''absolute'' two or three times:

This number was announced by Quang at a closed Politburo meeting.

How do Russians get information out of a closed Politburo meeting? We do not need to get into that, but we all know how to get it.

Colonel General Ladygin, Chief, Main Intelligence Directorate of the General Staff Ministries of Defense. That is the GRU, the intelligence arm:

General Tran Van Quang, according to the position he held in the Vietnamese military political leadership in 1972, would have been fully competent in the matters stated in the report and qualified to speak about them at Politburo sessions of the Vietnamese Communist Party Central Committee.

Fully competent in the matter stated. They knew who he was. They were allies. They knew who Quang was. Of course, they knew who he was. That is why they were spying on him, to put it nicely.

Captain 1st Rank Alexander Sivets, Main Intelligence Directorate of the General Staff, GRU. Listen:

I will reaffirm that the 1205 document could not have been used for propaganda purposes. It was a top secret document not intended for anyone outside the chambers of the Vietnamese Communist Party to see . . . the document that was sent to the (Soviet) Central Party Committee is, in fact, an original document and not a fake. We consider that the Vietnamese leaders, in their desire to exploit the POW problem for their own interests, would officially cite a lower figure than the real one. This is something that we do not doubt . . . we believe that there were more (American POWs) than Vietnam was officially admitting to.

Gen. Dmitri Volkogonov, a real hero in my mind, who has worked hard on this issue on the side of Russia to help us resolve this issue even though he is very sick:

Upon the request of Senator Smith to President Yeltsin —

That was a hand-delivered letter that my wife delivered to Boris Yeltsin, put it in his hand when he visited in America so there were no bureaucrats in between:

Upon the request of Senator Smith to President Yeltsin, President Yeltsin ordered me to conduct additional research—

I mean we would not want anybody in the administration to give Yeltsin anything on this so I did:

to include in the files of the Main Intelligence Directorate of the Ministry of Defense. . . I have studied exhaustively the mechanism used to gather this document—

Listen carefully:

I have studied exhaustively the mechanism used to gather this document, and I can state that I do not know of any case where such information would have been fabricated. . . (General Ladygin) has stated that General Quang was fully competent to give his report.

That is a nice way of saying we collected intelligence in there. We are not going to tell you how we did it, but we did it.

Maj. Gen. Anitoliy Volkov:

The Vietnamese denied this document and said it was put forth to throw cold water on U.S. relations. However, I would say in response that there is an old Russian proverb—you cannot change the words of a song.

Once it is a song, it is a song. When you change the words, it is a different song, is it not, Mr. President?

I want to reiterate Mr. President, the Russians have told me right to my face, in my office and in Moscow, that the method by which these reports, the Quang documents, were collected were reliable by the GRU, the intelligence gathering agency. And it was a method through which they acquired other significant reports during the war. In fact, they acquired another report by General Quang to the North Vietnamese Politburo in June 1972, which has nothing to do with POW's and MIA's. In that report, he talks about North Vietnam losses during the Easter offensive in the spring of 1992, and guess what. That information, too, was all accurate. So if he was in a position to know this stuff, how could it not all be accurate? No one in the administration has even asked him about it.

Let us look at what two former National Security Advisers to the President had to say about the Vietnamese Politburo report.

Now, this is very interesting—very interesting. This was on MacNeil/Lehrer—Dr. Brzezinski, who was National Security Council adviser to President Carter, and Dr. Kissinger, who was the Secretary of State and the National Security Adviser to President Nixon.

Again, following up on the same two reports:

Dr. Brzezinski, you've stated publicly, and you're quoted in the New York Times as believing the document—

The 1205 document.

is genuine. What convinces you? Dr. Brzezinski, National Security Adviser to President Carter, right after the war. What convinces you?

Its style, its content, the cover note to the Soviet Politburo. One would have to assume a really very complex Byzantine conspiracy to reach the conclusion that this is not an authentic Soviet document based on a Vietnamese document.

Then MacNeil says:

Dr. Kissinger, what do you think on the question of authenticity, first of all, of the document?

Dr. Kissinger: I agree with Brzezinski that those parts that I know something about have an authentic ring.

Remember, this document deals not just with MIA's. It dealt with a whole raft of things. They have an authentic ring:

For example, when they (General Quang) described what their negotiating tactics were, those were the tactics they were using in negotiating with us.

Kissinger was the guy who negotiated the Paris Peace Agreement:

They say in this document that their proposals were first a cease fire and overthrow of President Thieu, after which they would use the prisoners to negotiate whatever other concerns they had. Now, as of the date of that document, those were their proposals. A month later they changed it, but I could see if you make a report to the Politburo in the middle of September and you want to summarize what the negotiating position is. . . .

He goes on to say:

If that document is authentic, and it is hard to imagine who would have forged it, for what purpose, then I think an enormous crime has been committed, and then we should—I do not see how we can proceed in normalizing relations until it is fully cleared up.

Dr. Kissinger himself: ''I do not see how we can proceed with normalizing relations until it is cleared up.''

Not only has it not been cleared up; we have not even talked to anybody about it.

Dr. Brzezinski:

As far as Vietnam is concerned, I think that if this document is sustained, and it looks unfortunately to be sustainable, we have the right to ask the present Vietnamese government to place those responsible in war crimes trials . . .

Dr. Brzezinski, President Carter's national security adviser.

Let me repeat this:

As far as Vietnam is concerned, I think that if this document is sustained, and unfortunately it looks to be sustainable, we have the right to ask the present Vietnamese government to place those responsible in war crimes trials . . .

We did not do that, did we? We just gave them diplomatic relations. We are going to give them money, trade, airplane routes.

Dr. Kissinger:

I don't think that we can normalize relations or ease conditions in international agencies until we have cleared up this issue . . . I don't see how we can proceed with North Vietnamese or with Vietnamese normalization until this question is cleared up . . .

Well, we did. So much for the impact of two National Security Council advisers, very respected, very knowledgeable, certainly more knowledgeable than anyone I know on this issue.

Let us look at what the President says, the Clinton administration denials concerning the 1972 Politburo report on American POW's. This is amazing. You heard Brzezinski, you heard Kissinger, you heard the Russians, the Russian intelligence. Now let us hear what our Government says.

What General Quang told us is not inconsistent with what we knew about him, and I have no reason to disbelieve General Quang.

That is General Vessey.

I have no reason to disbelieve [him].

The number of U.S. POWs mentioned in the document could not be correct . . .

Now, we are going to get to the CIA. Now we have to trash this thing, blow it up and make sure we could not possibly have any credibility left because we have to normalize. We cannot let this document get in the way.

So the CIA says:

The number of U.S. POWs mentioned in the document could not be correct, they contradict what the U.S. Government knows from years of research and the analysis of thousands of other intelligence documents.

So, the U.S. Government, the CIA, sitting here in Washington, DC, knows more than the Russian intelligence, who were on the ground, allies, knows more than anybody else:

All previously known information and conventional analytical thinking based on this information tend to refute the Russian document . . . Based on historical information we have amassed . . .

They do not say where they amassed it. They just amassed it. No proof.

We can assume that there is little evidence to support the claims made in the Russian document.

If I wanted to use profanity on the floor of the Senate—and I will not—there is a word for that, Mr. President. It comes from livestock of the male variety:

While portions of the document are plausible and some portions are accurate and true, evidence in support of its accuracy concerning the POWs is far outweighed by errors, omissions, and propaganda which detracts from its credibility.

Deputy Assistant Secretary of Defense for POW/MIA Affairs.

Let us drop down to Malcolm Toon, the U.S. Chairman, Joint Commission on POW/MIA's:

I am now prepared to accept as the best available answer to this annoying problem.

It is now an annoying problem. That is a very interesting choice of words, an annoying problem. Here is a guy out of the Communist archives of the Soviet Union, a general who was in a position to know almost everything about POW/MIA's, saying that they had more POW's and MIA's in the turnback, and now it is an annoying problem.

You bet your boots it is an annoying problem. If you want to normalize relations with a government that held them, it sure as heck is an annoying problem. That is what it says, an annoying problem.

But this is the one here. This is Robert Destatte, Vietnam analyst, Defense POW/MIA Office, statement to the Russian Government in August 1995. This is bizarre. Destatte is over there. And here is what he says. He is now going to argue with the Russian intelligence. He knows more about it than they do:

We have accurate knowledge of the movement of prisoners through the Vietnamese prison system. We have accurate knowledge of the numbers and locations of each of the detention camps in North Vietnam, [not only North Vietnam] South Vietnam, Laos, and Cambodia. Regarding the number of 1205,

taking into consideration the Americans who are unaccounted for, it's impossible to come up with the figure 1205 . . . We cannot accept that figure . . . If we look at the document, we know where Tran Van Quang was at the time. We also know what his position was. It's highly unlikely that Tran Van Quang would have presented a report on these issues to the Politburo.

Listen to that. It is highly unlikely. A very clear, precise word. ''Highly unlikely that * * * Quang would have presented a report on these issues to the Politburo.'' That he would have is highly unlikely. ''We cannot accept that figure. . .'' Baloney. They do not know what they are talking about.

We are told that there is no way that the numbers add up; General Quang did not, could not, have given the report. In fact, we are told there is no reason to disbelieve Quang. I think the fact that he is a North Vietnamese Communist general that waged war on American soldiers for an entire decade, a Vietnamese general who waged war on American soldiers for a decade, is that not enough reason not to brush this report aside? Do you not think he knew what he was talking about? It was not a propaganda piece. It was a document allegedly of an actual transcription of what he said. He is talking to the Politburo in Vietnam. He is not talking to the world out there trying to convince them of something.

It is amazing that the Clinton administration is so confident on this point. The Russians say it is accurate, that Quang did, in fact, give this report. And the Clinton administration says there is no reason to believe Quang. It is an annoying problem.

I cannot imagine—I am not an attorney, but in a court of law, if you were trying this case, I cannot imagine not getting a conviction that this document was real. If the administration wants to talk about whether the numbers make sense, let us look at the breakdown. The numbers certainly are not impossible. The word was that there could not possibly be that many POW's.

Well, here they are. There are the 2,170 lost in North Vietnam, South Vietnam, Laos, Cambodia, China. Total: 1,101. Those are missing.

Here are the ones KIA/BNR, another 1,000. We do not know for sure that every one of them is KIA/BNR, body not recovered. So there is certainly enough in the numbers. Baloney.

If the numbers do add up, why should the administration let Vietnam off the hook on these Russian documents? Why do we not at least investigate?

Let us take Laos as an example. We have 293 personnel missing from Laos; another 178 that we believe died during the war. So 293, 178, equals 471 in Laos.

In the Politburo report General Quang states:

From other categories of American servicemen in Indochina, we have captured 391 people, including . . . 43 in Laos.

Well, you are talking about 471. It would seem to me that if you add 391 and 43, you are somewhere in the vicinity of 430. And if 471 are missing from Laos, you do not have to be a rocket scientist to figure out there could be 430 people that we do not have accounted for.

Now, let me read from the excerpts from declassified minutes of a White House situation briefing in January 1973, 4 months after Quang's secret report.

During that White House meeting, Admiral Daniel Murphy of the Department of Defense stated:

We don't know what we will get from Laos.

We are back in 1973 now:

We don't know what we will get from Laos. We have only six known prisoners in Laos, although we hope there may be 40 or 41.

Mr. President, that is almost the exact number referenced by General Quang.

We never got any POW's back from Laos. Not one. Not one. Nine were sent back by the North Vietnamese into Vietnamese prisons. Not one, including David Hrdlicka, even though he was filmed and those films were sent all over the Communist world. Never got one back. Not one. And they were captured and they were held.

I was in Laos, flew in by helicopter, went up into the remote areas of the caves where Hrdlicka was held. We talked to the villagers who held him. We know he was held there. He was alive. They know what happened to him, too. I am not saying he is alive. I do not know that. My point is they know what happened to him, and there were others captured along the Ho Chi Minh Trail and Laos by Vietnamese units and taken into Vietnam. As I say, nine of them were Americans. Only nine of them ever came home.

In our committee hearings in 1992, Larry Eagleburger had sent a memo to Dr. Kissinger. He was a DOD official at the time. He sent a memo to Dr. Kissinger recommending military action to get back American POW's believed to be captured in Laos. This was at the time peace accords were being negotiated.

President Nixon said, ''It's inconceivable that there were not more names on the POW list from Laos.'' And this number, this 471, tracks with what General Quang said, Mr. President. He was there. Yet, in spite of all this, in spite of all these comments, in spite of all this information, the President of the United States, William Jefferson Clinton, said ''We're getting superb cooperation'' from the Vietnamese.

The Vietnamese have turned over one document concerning shootdowns of Americans in Laos. One. One document, and that is it, even though our intelligence agencies believe that the Vietnamese have many more records on who they captured in Laos. We know they do. And you know what, if we get that list, we will find out that they do.

The Pentagon refers to that one document that we have as the ''Group 559'' document, since the information was apparently compiled from the records of the North Vietnamese unit in Laos during the war, which was called group 559. I might say that document was provided in September 1993, 20 years later, 2 months after my last visit to Vietnam.

It was during that visit I sat with the Vietnamese and went through declassified documents from our own intelligence agencies page by page and conclusively proved that North Vietnamese units were, in fact, in Laos during the war shooting down and capturing American pilots. I actually read it to them, the Vietnamese. They never heard these before. It was declassified, so it was perfectly appropriate to do it. I actually read them the radio intercepts that we had on these guys being captured. They were shocked. It was the first time anybody of the United States ever sat down with the Vietnamese and gave them graphic evidence and said, ''Hey, guys, I'm sorry, don't give me the line anymore because we have the intercepts, we know you captured these guys. We don't know what you did with them 20 years later, but we know you captured them. So why don't you tell us? Stop the game.''

Not one shred of information on any of those guys. Not to me that year I was there, not to anybody else after that, but it is splendid cooperation, Mr. President.

So the Vietnamese put together this summary of shootdowns in Laos. They called it the group 559. They turned it over 2 months later, and our analysts at the Pentagon went through that summary and concluded:

The analysis of this document makes it clear that the Vietnamese have additional group 559 records that may contain information useful to POW resolution. This document makes explicit reference to wartime documents from which information was obtained.

Do we have these documents? Do we have these documents? No. But we are getting splendid cooperation. We are getting the oil money pumping over there, opening up the airline routes, get the businesses going because we are having splendid cooperation.

Ask the families, Mr. President, whether they think the cooperation has been splendid. Ask the families if they support normalization with Vietnam.

Since that summary document on Laos losses was turned over in 1993, practically nothing—nothing, for the most part—nothing has been turned over by Vietnam concerning cases of Americans lost in Laos.

All of these people who have come down here and railed against me on this issue over the years, railed against all the things I have said, ask them to come down here and rail about Laos. See what they know about Laos. Ask them to come down on the floor of the Senate and say, ''Yes, the Lao and Vietnamese in Laos have given us all the information on the Lao shootdowns.'' Ask them to do that. See if anybody has the nerve to come down and say that.

President Clinton has admitted as much in the 6-month overdue report which he provided to Congress on October 5, 1994. In that report, the President stated:

The Vietnamese have not turned over any major documents since September 1993.

It is another year later, and they still have not done it, but we are moving down the old fast track. Vietnam has done nothing credible in terms of releasing these records on American losses in Laos in addition to their high level reports on the politburo on the Russians which I spoke about earlier. The Russian intelligence data that we stumbled on by the action of a researcher named Steven Morris caught them in the act, and yet we have to debunk it. We have to say it is not true because if we say it is true or even indicate it might be true, we cannot normalize.

What I have tried to do is, as I have gone through this—and I must admit I am getting tired, Mr. President, but I cannot be as tired as some of the families are who have waited, so I am going to get through this. Bear with me just a little while longer.

Congressman JAMES TALENT, in a hearing chaired by ROBERT DORNAN June 28, 1995, this is now to Gary Sydow, senior analyst, Defense, POW/MIA Office, Department of Defense.

Question: Has the United States been granted access to Vietnam's wartime central committee level or politburo records pertaining to the subject of American POW's captured during the war in Vietnam, Laos, or Cambodia? Have they given us access to those central committee level or politburo records? Because I understand that is where these matters were discussed. Does anybody know?

In other words, have they given us access to the politburo records General Quang referred to.

Gary Sydow, senior analyst: ''The answer to that is no.''

That is the end of the statement. I have known Gary Sydow since I have been in the Congress. He is a very respected analyst. He has no agenda. He is a good man. He is telling the truth. He told the truth before Congress. The answer to that is no. But that did not stop normalization. That did not stop normalization, no. We have another agenda.

Even the administration representatives who traveled to Vietnam and those who are now stationed there have done little, in my opinion, to press the Vietnamese for the Quang document.

I have to believe in most cases they are honorable men and women, but why do they not ask for the document, why do they not press for the information? That is not asking too much.

Last Thursday, our new Chargé d'Affaires in Hanoi, Mr. Anderson, met with General Quang. Again, I got excited. He is going to meet somebody other than me. He is actually going to talk to General Quang. He is still alive. He still has this information in his head. So he is going to meet with him, this Mr. Anderson. So I got excited.

According to the press reports, the subject of the meeting was to thank each other for work on veterans issues, including the missing in action from both sides. That is what the meeting was about.

General Quang—they could not ask him for a more credible response on his document. The issue was not even raised, as far as I know. This is very disturbing in view of the fact that our new Chargé d'Affaires, Mr. Anderson, was the State Department's representative on POW/MIA issues during the interagency meetings at the end of the Carter administration in 1980. He served with Brzezinski. You would think he would be interested in pursuing these matters now that he is at Hanoi. My office called the State Department to find out what was actually said during that meeting. If the subject of the Guam report was not discussed at this meeting last Thursday, I would question what the point is of having diplomatic relations with Hanoi.

If we are going to have diplomatic relations with Hanoi to get the answers, why do we not ask for the answers? President Clinton said it was the best way to get answers on POW/MIA's. If we are not even going to raise the subject—it is obvious that all we are hearing is rhetoric from the administration, and there is no real commitment to serious follow-up on the issue.

Do you know what the sad thing is, Mr. President. I have been on the floor now—I do not even know—a long time. You just wonder how many people really care, other than the families and some who stay focused on this issue. It is so sad. Earlier in my remarks, I quoted assistant Secretary of State Winston Lord when he stated this past may, ''We have no reason to believe that the Vietnamese are not making a good-faith effort.'' Did he talk to Mr. Sydow? If you are listening, Mr. Lord, talk to Mr. Sydow. He has been around a long time. He knows a lot more about the issue than you do. Read the testimony of the committee, Mr. Lord.

I think it is clear, from everything I have gone through today, that the American people are being misled in terms of cooperation, because they are not cooperating. Are they cooperating at all? Yes. If you want to get into semantics, yes, sure. If we pay them several million dollars, we can dig around out in the crash sites, find a few teeth, a few bone parts, airplane parts. Sure. That is reasonable. That is progress. I am not opposed to that.

But that is not enough. I want the records. I want the Politburo access. I hate to say this, but this administration does not want the American people to find out what we already know about our missing POW's, because it is not a pretty picture, Mr. President. If it got out—and it will, but it will be after the fact—it would stop normalization because the American people would go crazy; they would yell and scream and write letters to their Congressmen and Senators, and they would be outraged. That is why we are not going to see this stuff until it is all done.

That is a sad thing for me to have to stand on the floor of the Senate and say. It is especially true when you look at this next chart of quotes from President Clinton himself and Vice President GORE. I do not know what more you can do other than to judge people by their words.

President Clinton, before he was sworn in as President, stated this because there was a lot of controversy about his lack of service in the war, and so Vietnam was an issue in the campaign. He said:

I have sent a clear message that there will be no normalization of relations with any country that is at all suspected of withholding information on missing Americans.''

That was Bill Clinton prior to his assuming office as President.

During the campaign, he said:

I think that the Vietnamese would be making a mistake if they think they could get, somehow, a better deal from me. I made real commitments to the American people and to the families and friends and the POWs and the MIAs that, you know, we've got to have a full, complete, good accounting before we normalize relations.

I am sorry to have to give you the bad news, Mr. President, but we do not have a full accounting.

AL GORE, the Vice President, who served in Vietnam, was even stronger. He said, in 1993, after he took office:

I'll tell you this. The great push towards normalization of relations is very strong, and a lot of other countries are moving there, but it's not going to go forward until we're satisfied that the Vietnamese government has been totally forthcoming and fully cooperative in giving every last shred of evidence that they have on this issue. We're very concerned about it.

Every last shred of evidence? Oh, my. Last month, the President said that normalizing relations with Vietnam is the best way to ensure further progress. Now it is ''further progress.'' You go from, ''we have to get all the answers to normalize'' to ''if we normalize, we will get more answers.'' It is a complete reversal, Mr. President, a flip-flop on a campaign promise. The American people need to understand that, and so do the families have to understand that.

The last chart, Mr. President—and this is the last chart and the end of my remarks for tonight—brings it home directly. This basically is a breakdown, by State, of all the missing. As far as I know, every State in the Union has American soldiers missing from the Vietnam war, including nine from my State of New Hampshire. I want my colleagues to understand something. These are not just statistics. Behind every one of those numbers—behind the nine in New Hampshire, behind the 210 in California, behind the 28 in Louisiana, or the 20 in Montana—is a family, a brother, sister, father, mother, wife, husband. They all wait. They all wait. They all wait. All these years, they wait.

You know, in war, you lose people. People die. People get killed, lost. People are not found. We understand that, and so do the men and women who serve understand that, and so do their families understand it. But that is not what we are talking about here. We are talking about sharing information that this Government has with the American people, so they can make an intelligent decision, through their representatives, about whether or not we should normalize with a country that did this to us. They have withheld this from us all these years, but we have basically done that—normalized with them.

I could go on and on. There is a case involving an aircraft shot down by north Vietnamese forces in Laos 1 week after the Paris peace accord—just a week after the Paris peace accord, Mr. President, when they all were supposedly accounted for. One week after, it was shot down. At the time, there were national security agency radio intercepts, and based on these intercepts, the probable capture and movement along the Ho Chi Minh trail of Americans by the North Vietnamese in this incident. To show you the agony the families have to go through—and I do not want to get into whether it is right or wrong— now the Pentagon wants to bury the entire crew at Arlington because they found half of a tooth at the crash site in 1993.

Now, how do you explain to a family why half a tooth found at a crash site could conclusively tell a family that is their loved one when we had radio intercepts that these guys were taken away from the crash site? How do you do that?

I am told this is only forensic evidence that was recovered and now they want to bury the whole crew. Their names have been taken off the list. That is what it is—get that list down. Even though the Vietnamese may not have provided one shred of documentary evidence as to what happened to these men. They know what happened to these guys. They could tell us. If they died, they know. If they were led off and executed, they know. If they died in captivity, they know.

What do they do? They say, go ahead, take your shovels. We will sell the shovels to you, sell you the bulldozers, or lease you the bulldozers, give you some men at ridiculously high prices for labor, and we will let you go out there and dig around at the crash site when, in fact, we have all the information in the archives. We know what has happened. That is progress. That is the cooperation we are getting.

It is hard for a family to have to deal with that. Imagine yourself, a father or mother, a spouse, to have to look at that report, then be asked to accept a tooth at that crash site when, in fact, you have radio intercepts, intelligence reports that said these men were captured.

I do not know what is right. I do not know if the radio intercepts were right or wrong but the Vietnamese know. They can tell us. They can tell these families so we do not have to go through this pain anymore.

I have a long list of other cases, and I am not going to go through them. There has been no cooperation of the many requests from Congress for basic information on MIA's.

I hope my reason for taking the time of the Senate tonight, I hope that this issue might somehow, some way, hit home for each of my colleagues. When you look up there in your State and you see that number, think about it. There is a family behind every single number—children, grown now, some of them, children of their own, down at the wall.

I have looked at this issue for 11 years, and I know what I am talking about. I know what I am talking about. Communist Vietnam, Communist Laos, Communist North Vietnam and Communist China, as God is my witness, holds information on American service personnel today as I speak. They hold it and they can account for them.

We do nothing about it except normalize and go on with business as usual as if everything is all right, everything is more important, and then on top of that, we hide it from the Congress in violation of the law to be sure that we get it doing.

If we do not pursue the documents, or call into serious question the President's ill-advised decision to normalize, I am offended as a veteran, as a father with two sons and a daughter, any of whom could be sent off to Bosnia.

Mr. President, this is a tough issue. There is no question about it. It is a tough issue. The people say to me, ''Senator, why don't you put the war behind you? Why don't you end this?'' Because you have to get the truth. That is all we want, is the truth.

We do not want something that you cannot deliver on. If the Vietnamese cannot provide answers, then tell us why they cannot, but provide us unilaterally with everything that you can. And for God's sake, the United States Government, in a timely fashion, please provide any information that you have so that the families can finally get the peace that they deserve after so many years.

EXHIBIT 1

THE SECRETARY OF DEFENSE,
Washington, DC, February 14, 1977.

Memorandum for the President.

I understand that at your meeting on February 11 with leaders of the National League of Families, you indicated that the moratorium on unsolicited status changes for MIAs would continue. From our conversation before that meeting, my understanding is that the Department of Defense should go through all the files, getting ready to move on a program of unsolicited status changes later this year depending upon the outcome of negotiations with the Vietnamese.

Do I correctly understand your wishes?

HAROLD BROWN.

NATIONAL SECURITY COUNCIL,
March 2, 1977.

Memorandum for Zbigniew Brzezinski.
From: Michel Oksenberg.
Subject: Letter to Carol Bates of National League of Families.

Attached at Tab A is a reply for your signature to a letter from Carol Bates (Tab B).

I chose a reflective reply, since we wish to sustain Ms. Bates' confidence in us. We still have to cross the difficult bridge with these people.

Recommendation: That you sign the letter at Tab A.

NATIONAL SECURITY COUNCIL,
March 15, 1977.

Memorandum for Zbigniew Brzezinski.
From: Michel Oksenberg, MD.
Subject: League of Families' Reaction to Presidential Commission to Hanoi.

Signs are beginning to accumulate that many members of the League of Families are distressed by the purpose of the Woodcock Commission. They believe it is simply a ritualistic effort to obtain an accounting, with the President already having decided that he will accept whatever the Vietnamese give as sufficient to justify movement toward normalization.

I think it important to keep the League on board for as long as possible.

I have just talked to Carol Bates, Administrative Assistant of the League. I think that she is basically a reasonable person, and she indicated to me that a letter from you might enable her to prevent the convening of a meeting and/or press conference that would blast this effort before the Commission returns home with its report.

Recommendation: That you sign the letter to Carol Bates at Tab A.

NATIONAL SECURITY COUNCIL,
March 25, 1977.

Memorandum for Zbigniew Brzezinski.
From: Michel Oksenberg, MD.
Subject: Forthcoming Paris Negotiations with the Vietnamese.

You might wish to underscore to the President the desirability of toning down expectations, should a question arise at the press conference about the Paris negotiations.

The Vietnamese media have been vitriolic in their attacks on the U.S. They have explicitly linked aid to recognition. They have begun to release additional communications which passed between the Nixon Administration and the DRV.

Among other considerations, the hardened mood makes it unlikely that we will be obtaining more information on MIAs. At the same time, in response to the President's request, the Pentagon is forwarding recommendations on status reviews of the MIAs. The Pentagon will recommend that case reviews go forward, i.e., that MIAs be declared KLAs. This will place the President in a difficult political position, should he decide to accept the Pentagon's recommendation. He had earlier pledged not to allow case reviews until adequate accounting had been obtained. And he had raised public expectations that the Vietnamese were going to be more forthcoming on MIA information. Now it looks as if we may be in a deep freeze for at least many months.

Placed in the broadest context, when one considers the Vietnamese statements as well as Congressional votes against aid to Vietnam, we see the inability of two bitter enemies swiftly to place the past behind them, as the President had hoped. I have drafted a Q&A for the President in this realm which I think is appropriate for the occasion and in keeping with his style. You might draw it to his attention (Tab A).

Recommendation: That you mention this to the President before the press conference.

THE SECRETARY OF DEFENSE,
Washington, DC, May 26, 1995.

Memorandum for the President.

Subject: Status Reviews for Servicemen Missing in Southeast Asia.

You have asked for my recommendations concerning status reviews for MIAs.

As you know, since mid-1973 DoD has conducted status reviews only upon the written request of a missing serviceman's primary next of kin or upon receipt of conclusive evidence of death, such as the return of his remains. The Woodcock Commission concluded (as had the House Select Committee on Missing Persons in Southeast Asia, and the Department of Defense) that there is no evidence that any American servicemen are alive and being held against their will in Southeast Asia.

It is true that the Southeast Asian governments probably have significantly more information about our missing men than they have given to us. There is no reason to believe, however, that continuing to carry servicemen as missing in action puts pressure on Hanoi to provide information on our missing men. In fact, the opposite probably is true; it puts pressure on us to make concessions to Hanoi.

Status reviews, and obtaining of a complete accounting, are two distinct issues. An accounting that confirms death by direct evidence validates a declaration or presumption of death for a missing serviceman, but it is not a legal prerequisite to a status change.

Given the overwhelming probability that none of the MIAs ever will be found alive, I believe the time has come to allow the Secretaries of the Army, Navy and Air Force to exercise their responsibilities for status reviews as mandated by law even though we have not received a full accounting.

Reinstatement of reviews will of course be controversial. Certain members of the Congress, some families of the missing men, and others will charge that it is an abandonment of one MIA.

* * * * *

The resumption of reviews will be preceded by (1) an expression of our strong commitment to obtaining further information about the missing men and (2) careful preparation of concerned groups for the change of policy.

The decision will be discussed forthrightly with the National League of Families.

Appropriate Senate and House leaders and key members will be given advance notice.

The procedures for status reviews will be uniform among the Military Departments, in accordance with legal requirements, and announced through simultaneous letters from the Service Secretaries to the PW/MIA families.

The public will be informed of the reasons for reinstituting status reviews and assured that this does not detract from our determination to obtain an accounting. (I suggest that the public announcement would be most effective coming from you, but I am prepared to make it instead.)

Your decision:

1. Reinstate status reviews in accordance with the foregoing: Approve ☐. Disapprove ☐. Other ☐.

2. Presidential statement to apprise public: Approve ☐. Disapprove ☐. Other ☐.

3. Prepare for your approval a detailed plan of procedure: Approve ☐. Disapprove ☐. Other ☐.

HAROLD BROWN.

Mr. THOMAS. Mr. President, I rise today as the chairman of the Subcommittee on East Asian and Pacific Affairs to join with the Senator from New Hampshire in expressing my profound disappointment with the way the Clinton administration is managing—or more correctly, mismanaging—our bilateral relationship with the Socialist Republic of Vietnam.

My colleagues know that I was not supportive of the President's decision to normalize relations with Hanoi. This opposition was not based on my dislike of that country's Communist dictatorship, or even its brutal repression of its own people—although in this administration's view these two bases seem sufficient to continue to deny recognition to Cuba and North Korea. Rather, I did not believe that we should reward Vietnam with the normalization of relations when, in my opinion and the opinion of many of the Members of this body, Hanoi has not been sufficiently forthcoming with information about our country's missing and dead servicemen in Vietnam and Laos.

I will not rehash the normalization issue; the President made that decision and it serves little purpose to argue about a fait accompli. However, one of the issues that brings Senator SMITH and I to the floor today are the increasing signs that this administration's has decided to explore expanding our bilateral relationship to the economic benefit of the Vietnamese Government while completely disregarding the lack of Vietnamese progress on both the POW/MIA and human rights fronts. Representatives from the State Department and the Office of the U.S. Trade Representative were scheduled to come to the Hill this week to brief our staffs on the administration's decision to move toward expanding economic relations with Vietnam. Apparently, interagency discussions have been ongoing to the topic of extending loans and assistance to the Vietnamese through the Import-Export Bank, the Trade Development Agency, and the Overseas Private Investment Corporation. This at a time when POW/MIA issues remain unresolved, the Clinton administration is in flagrant violation of a law requiring the submission to the Congress of a report about the POW/MIA issue, and two American citizens remain jailed in Vietnamese prisons for advocating democracy in that country. The Senator from New Hampshire has already spoken forcefully to the POW/MIA issue, so I will limit my remarks to the second and third topics.

Mr. President, the Clinton Administration continues to fail to live up to its legal obligations with respect to the POW/MIA issue. For example, section 1034 of the act of October 5, 1994, Public Law No. 103–337, 108 Stat. 2840, requires the Secretary of Defense to provide the Congress with a complete list of missing or unaccounted for United States military personnel about whom it is possible that Vietnamese and Laotian officials could produce information or remains. The statute mandated that the report be submitted to us by November 17, 1994. When the DOD requested an extension of the deadline to February 17, 1995, we did not object. We did not object when the DOD supplied us with a sadly incomplete interim report. But Mr. President, almost 9 months after that date—and almost a year after it was due to be submitted—we have still not received that complete report required by the statute.

While I acknowledge that the President has wide latitude in the conduct of foreign policy, that latitude does not extend whether his administration abides by the legal requirements of Federal statutes. I and several other Senators wrote the President this summer requesting that the Defense Department comply with the law; we are still awaiting a response. Congress requested the list in order to determine for ourselves whether Vietnam was providing the United States with the fullest possible accounting of our POW/MIA's. Each day that passes without it, I believe, sends us the signal that the administration is indifferent to both our concerns and our role. As the chairman of the Foreign Relations Subcommittee with jurisdiction over Vietnam, I can assure the President that as each day passes without our receipt of the report, the likelihood that any ambassadorial nominee or funding request for that country will be indefinately held in my subcommittee increases commensurately.

Second, I am very concerned with the seeming disparity with which the Clinton administration has chosen to treat Vietnam's jailing of two American citizens—Tran Quang Liem and Nguyen Tan Tri—versus its reaction to China's arrest of Harry Wu. I spoke at length on the floor on September 5 about Vietnam's atrocious human rights record in general, and the case of these two Americans in particular. In August, a Vietnamese court sentenced Tran and Nguyen who were accused of being counter-revolutionaries and acting to overthrow the people's administration. The two were part of a group trying to organize a 1 day conference in Ho Chi Minh City to discuss human rights and democracy in Vietnam. Radio Hanoi Voice of Vietnam, in somewhat characteristic Communist rhetoric, described their ''crimes'' as follows:

> Taking advantage of our party's renovation policy, they used the pretext of democracy and human rights to distort the truth of history, smear the Vietnamese communist party and state, instigate bad elements at home, and contact hostile forces abroad feverishly oppose our state in an attempt to set up a people-betraying and nation-harming regime. . . . Their activities posed a particular danger to society and was detrimental to national security.

They were sentenced to terms of 4 and 7 years respectively.

When human rights activist and American citizen Harry Wu was arrested in the People's Republic of China this summer, the Clinton administration appropriately raised a huge diplomatic outcy. When Wu was jailed, public calls for his immediate release came from the highest levels of the administration. It was made clear that Mrs. Clinton would not attend the U.N. Women's Conference in Beijing if he

was still being held, and that other high-level contacts would be disrupted. In essence, the signal went out that business as usual would be suspended until his release.

Well Mr. President, where is a similar outcry about the fate of these two Vietnamese-Americans? The only statement I have seen from the State Department so far was one announcing that they had raised this case with the Vietnamese a number of times, here and in Hanoi. The information available to me and other Members of the Senate, however, indicated that the issue was only being raised at the consular level. It was for that reason that Senator GRAMS introduced, and I cosponsored, Senate Resolution 174 calling on the Secretary of State to pursue their release as a matter of the highest priority and requesting that he keep the Foreign Relations Committee informed regarding their status. Senate Resolution 174 passed unanimously on September 19, yet since that time the administration gives the appearance of moving ahead with business as usual. I have seen no public statements by the Secretary regarding the case, and as the chairman of the subcommittee of jurisdiction I have not seen any reports on its status. While I have become aware that there have been some behind-the-scenes moves to secure their release, it is no thanks to the State Department that that information came to my attention.

During his campaign for President, then-candidate Clinton lambasted President Bush's relations with China—not dissimilar, I must note, from those Clinton himself has since adopted—and accused him of coddling dictators. Well, Mr. President, with movement toward increased economic aid in spite of the treatment of our citizens, in spite of Vietnam's horrendous human rights record, one might be tempted to ask who's doing the coddling now?

I have no strong objection to the eventual institution of full diplomatic and economic relations with the people of Vietnam. But to move toward that goal while we have these important issues outstanding is, I believe, an affront to the memories of our missing and killed American servicemen, their families, and the families of the two jailed Americans.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

REPORT OF THE NOTICE OF THE CONTINUATION OF THE IRAN EMERGENCY—MESSAGE FROM THE PRESIDENT—PM 90

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency is to continue in effect beyond November 14, 1995, to the *Federal Register* for publication. Similar notices have been sent annually to the Congress and the *Federal Register* since November 12, 1980. The most recent notice appeared in the *Federal Register* on November 1, 1994.

The crisis between the United States and Iran that began in 1979 has not been fully resolved. The international tribunal established to adjudicate claims of the United States and U.S. nationals against Iran and of the Iranian government and Iranian nationals against the United States continues to function, and normalization of commercial and diplomatic relations between the United States and Iran has not been achieved. Indeed, on March 15 of this year, I declared a separate national emergency with respect to Iran pursuant to the International Emergency Economic Powers Act and imposed separate sanctions. By Executive Order 12959, these sanctions were significantly augmented. In these circumstances, I have determined that it is necessary to maintain in force the broad authorities that are in place by virtue of the November 14, 1979, declaration of emergency, including the authority to block certain property of the Government of Iran, and which are needed in the process of implementing the January 1981 agreements with Iran.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 31, 1995.*

MESSAGES FROM THE HOUSE

At 9:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the following bill, without amendment:

S. 457. An act to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1358. An act to require the Secretary of Commerce to convey the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts.

H.R. 1508. An act to require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park.

H.R. 1691. An act to provide for innovative approaches for homeownership opportunity and provide for the temporary extension of the rural rental housing program, and for other purposes.

H.R. 2005. An act to direct the Secretary of the Interior to make technical corrections in maps relating to the Coastal Barrier Resources System.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 249) to provide for reconciliation pursuant to section 105 of the concurrent resolution on the budget for fiscal year 1996, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. KASICH, Mr. WALKER, Mr. ARMEY, Mr. DELAY, Mr. BOEHNER, Mr. SABO, Mr. BONIOR, and Mr. STENHOLM.

As additional conferees from the Committee on the Budget, for consideration of title XX of the House bill, and modifications committed to conference: Mr. KOLBE, Mr. SHAYS, Mr. HOBSON, Ms. SLAUGHTER, and Mr. COYNE.

As additional conferees from the Committee on Agriculture, for consideration of title I of the House bill, and subtitles A–C of title I of the Senate amendment, and modifications committed to conference: Mr. ROBERTS, Mr. EMERSON, Mr. GUNDERSON, Mr. DE LA GARZA, and [vacancy].

As additional conferees from the Committee on Banking and Financial Services, for consideration of title II of the House bill, and title III of the Senate amendment, and modifications committed to conference: Mr. LEACH, Mr. MCCOLLUM, Mrs. ROUKEMA, Mr. GONZALEZ, and Mr. LAFALCE.

As additional conferees from the Committee on Commerce, for consideration of title III of the House bill, and subtitle A of title IV, subtitles A and G of title V, and section 6004 of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. SCHAEFER, and Mr. DINGELL.

As additional conferees from the Committee on Commerce, for consideration of title XV of the House bill, and subtitle A of title VII of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. BILIRAKIS, Mr. HASTERT, Mr. GREENWOOD, Mr. DINGELL, Mr. WAXMAN, and Mr. PALLONE.

As additional conferees from the Committee on Commerce, for consideration of title XVI of the House bill, and subtitle B of title VII of the Senate amendment, and modifications committed to conference: Mr. BLILEY, Mr. BILIRAKIS, Mr. TAUZIN, Mr. BARTON of Texas, Mr. PAXON, Mr. HALL of Texas, Mr. DINGELL, Mr. WAXMAN, Mr. WYDEN, and Mr. PALLONE.

As additional conferees from the Committee on Economic and Educational Opportunities, for consideration of title IV of the House bill, and title X of the Senate amendment, and modifications committed to conference: Mr. GOODLING, Mr. MCKEON, and Mr. CLAY.

As additional conferees from the Committee on Government Reform and Oversight, for consideration of title V of the House bill, and title VIII and sections 13001 and 13003 of the Senate amendment, and modifications committed to conference: Mr. CLINGER, Mr. SCHIFF, and Mrs. COLLINS of Illinois.

As additional conferees from the Committee on International Relations, for consideration of title VI of the House bill, and section 13002 of the Senate amendment, and modifications committed to conference: Mr. GILMAN, Mr. BURTON of Indiana, and Mr. HAMILTON.

As additional conferees from the Committee on the Judiciary, for consideration of title VII of the House bill, and title IX and section 12944 of the Senate amendment, and modifications committed to conference: Mr. HYDE, Mr. MOORHEAD, and Mr. CONYERS.

As additional conferees from the Committee on National Security, for consideration of title VIII of the House bill, and title II of the Senate amendment, and modifications committed to conference: Mr. SPENCE, Mr. HUNTER, and Mr. DELLUMS.

As additional conferees from the Committee on Resources, for consideration of title IX of the House bill, and title V (except subtitles A and G) of the Senate amendment, and modifications committed to conference: Mr. YOUNG of Alaska, Mr. TAUZIN, and Mr. MILLER of California.

As additional conferees from the Committee on Transportation and Infrastructure, for consideration of title X of the House bill, and subtitles B and C of title IV and title VI (except section 6004) of the Senate amendment, and modifications committed to conference: Mr. SHUSTER, Mr. CLINGER, and Mr. OBERSTAR.

As additional conferees from the Committee on Veterans' Affairs, for consideration of title XI of the House bill, and title XI of the Senate amendment, and modifications committed to conference: Mr. STUMP, Mr. HUTCHINSON, and Mr. MONTGOMERY.

As additional conferees from the Committee on Ways and Means, for consideration of titles XII, XIII, XIV, and XIX of the House bill, and subtitles H and I of title VII and title XII (except section 12944) of the Senate amendment, and modifications committed to conference: Mr. ARCHER, Mr. CRANE, Mr. THOMAS, Mr. SHAW, Mr. BUNNING of Kentucky, Mr. GIBBONS, Mr. RANGEL, and Mr. STARK: *Provided,* That Mr. MATSUI is appointed in lieu of Mr. Stark for consideration of title XII of the House bill.

As additional conferees from the Committee on Ways and Means, for consideration of title XV of the House bill, and subtitle A of title VII of the Senate amendment, and modifications committed to conference: Mr. ARCHER, Mr. THOMAS, Mrs. JOHNSON of Connecticut, Mr. MCCRERY, Mr. GIBBONS, Mr. STARK, and Mr. CARDIN.

MEASURES REFERRED

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

H.R. 1358. An act to require the Secretary of Commerce to convey the Commonwealth of Massachusetts the National Marine Fisheries Service laboratory located on Emerson Avenue in Gloucester, Massachusetts; to the Committee on Commerce, Science, and Transportation.

H.R. 1508. An act to require the transfer of title to the District of Columbia of certain real property in Anacostia Park to facilitate the construction of National Children's Island, a cultural, educational, and family-oriented park; to the Committee on Governmental Affairs.

H.R. 1691. An act to provide for innovative approaches for homeownership opportunity and provide for the temporary extension of the rural rental housing program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 2005. An act to direct the Secretary of the Interior to make technical corrections in maps relating to the Coastal Barrier Resources System; to the Committee on the Environment and Public Works.

The following resolution, previously received from the House for the concurrence of the Senate, was read and referred as indicated:

H. Con. Res. 109. A concurrent resolution expressing the sense of the Congress regarding the need for raising the social security earnings limit.

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–1563. A communication from the Comptroller of the Under Secretary of Defense, transmitting, pursuant to law, notice of fund transfers; to the Committee on Appropriations.

EC–1564. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report on compliance with the national flood insurance program; to the Committee on Banking, Housing, and Urban Affairs.

EC–1565. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, a report on trade during the period April 1 to June 30, 1995; to the Committee on Finance.

EC–1566. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled ''The Review of the Public Service Commission Agency Fund for Fiscal Year 1994''; to the Committee on Governmental Affairs.

EC–1567. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report on the Employee Assistance Program for fiscal year 1994; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following named Captains in the line of the United States Navy for promotion to the permanent grade of Rear Admiral (lower half), pursuant to Title 10, United States Code, section 624, subject to qualifications therefore as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. Stephen Hall Baker, 000–00–0000, United States Navy.
Capt. John Joseph Bepko III, 000–00–0000, United States Navy.
Capt. Jay Alan Campbell, 000–00–0000, United States Navy.
Capt. Robert Charles Chaplin, 000–00–0000, United States Navy.
Capt. James Cutler Dawson, Jr., 000–00–0000, United States Navy.
Capt. Malcolm Irving Fages, 000–00–0000, United States Navy.
Capt. Veronica Zasadni Froman, 000–00–0000, United States Navy.
Capt. Scott Allen Fry, 000–00–0000, United States Navy.
Capt. Gregory Gordon Johnson, 000–00–0000, United States Navy.
Capt. Stephen Irvin Johnson, 000–00–0000, United States Navy.
Capt. Joseph John Krol, Jr., 000–00–0000, United States Navy.
Capt. Stephen Robert Loeffler, 000–00–0000, United States Navy.
Capt. John Thomas Lyons III, 000–00–0000, United States Navy.
Capt. James Irwin Maslowski, 000–00–0000, United States Navy.
Capt. Richard Walter Mayo, 000–00–0000, United States Navy.
Capt. Michael Glenn Mullen, 000–00–0000, United States Navy.
Capt. Larry Don Newsome, 000–00–0000, United States Navy.
Capt. Richard Jerome Nibe, 000–00–0000, United States Navy.
Capt. Paul Scott Semko, 000–00–0000, United States Navy.
Capt. Robert Gary Sprigg, 000–00–0000, United States Navy.
Capt. Robert Timothy Ziemer, 000–00–0000, United States Navy.

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Capt. Osie V. Combs, Jr., 000–00–0000, United States Navy.

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Capt. Jeffrey Alan Cook, 000–00–0000, United States Navy.

The following named officer for appointment to the grade of vice admiral in the United States Navy while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be vice admiral

Rear Adm. Dennis C. Blair, 000–00–0000.

The following named captain in the line of the United States Navy for promotion to the permanent grade of rear admiral (lower half), pursuant to Title 10, United States Code, Section 624, subject to qualifications, therefore, as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. John B. Padgett III, 000–00–0000, United States Navy.

The following named officer for appointment in the United States Air Force to the grade of major general under the provisions of title 10, United States Code, section 624:

To be major general

Brig. Gen. John B. Hall, Jr., 000–00–0000, Regular Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Brett M. Dula, 000–00–0000, United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Nicholas B. Kehoe, III, 000–00–0000, United States Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Thad A. Wolfe, 000–00–0000, United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. James F. Record, 000–00–0000, United States Air Force.

The following named Medical Corps Competitive Category officers for appointment in the Regular Army of the United States to the grade of brigadier general under the provisions of title 10, U.S.C., sections 611(a) and 624(c):

To be brigadier general

Col. George J. Brown, 000–00–0000, United States Army.

Col. Robert F. Griffin, 000–00–0000, United States Army.

The following named officer for promotion in the Regular Army of the United States to the grade indicated under title 10, U.S.C., sections 611(a) and 624(c):

To be brigadier general

Col. Bettye H. Simmons, 000–00–0000, United States Army.

The following named officers for promotion in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, Sections 611(a) and 624:

To be permanent major general

Brig. Gen. Robert W. Roper, Jr., 000–00–0000.
Brig. Gen. Edward L. Andrews, 000–00–0000.
Brig. Gen. David K. Heebner, 000–00–0000.
Brig. Gen. Morris J. Boyd, 000–00–0000.
Brig. Gen. Robert R. Hicks, Jr., 000–00–0000.
Brig. Gen. Stewart W. Wallace, 000–00–0000.
Brig. Gen. James M. Wright, 000–00–0000.
Brig. Gen. Charles W. Thomas, 000–00–0000.
Brig. Gen. George H. Harmeyer, 000–00–0000.
Brig. Gen. John F. Michitsch, 000–00–0000.
Brig. Gen. Lon E. Maggart, 000–00–0000.
Brig. Gen. Henry T. Glisson, 000–00–0000.
Brig. Gen. Thomas N. Burnette, Jr., 000–00–0000.
Brig. Gen. David H. Ohle, 000–00–0000.
Brig. Gen. Milton Hunter, 000–00–0000.
Brig. Gen. James T. Hill, 000–00–0000.
Brig. Gen. Greg L. Gile, 000–00–0000.
Brig. Gen. James C. Riley, 000–00–0000.
Brig. Gen. Randall L. Rigby, 000–00–0000.
Brig. Gen. Daniel J. Petrosky, 000–00–0000.
Brig. Gen. Michael B. Sherfield, 000–00–0000.
Brig. Gen. James C. King, 000–00–0000.
Brig. Gen. Joseph G. Garrett, III, 000–00–0000.
Brig. Gen. Leroy R. Goff, III, 000–00–0000.
Brig. Gen. Daniel G. Brown, 000–00–0000.
Brig. Gen. William P. Tangney, 000–00–0000.
Brig. Gen. Charles S. Mahan, Jr., 000–00–0000.
Brig. Gen. John J. Maher, III, 000–00–0000.
Brig. Gen. Leon J. LaPorte, 000–00–0000.
Brig. Gen. Claudia J. Kennedy, 000–00–0000.

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the RECORDS of March 8, April 24, September 5, 8, 19, October 10, 11, and 19, 1995, and to save the expense of printing again.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of March 8, April 24, September 5, 8, 19, October 10, 11, and 19, 1995 at the end of the Senate proceedings.)

*In the Navy there are 23 promotions to the grade of rear admiral (lower half) (list begins with Stephen Hall Baker) (Reference No. 234–1)

**In the Naval Reserve there are 332 promotions to the grade of captain (list begins with John M. Abernathy III) (Reference No. 257–1)

*Captain John B. Padgett, III, USN to be rear admiral (lower half) (Reference No. 275)

**In the Navy there is 1 promotion to the grade of lieutenant commander (Robert W. Ernst) (Reference No. 343–1)

*Brigadier General John B. Hall, Jr., USAF to be major general (Reference No. 426)

*In the Army there are 30 promotions to the grade of major general (list begins with Robert W. Roper, Jr.) (Reference No. 533)

**In the Navy there are 1,240 promotions to the grade of lieutenant commander (list begins with Timothy A. Adams) (Reference No. 623–1)

**In the Navy there are 741 appointments to the grade of commander and below (list begins with Albert M. Carden) (Reference No. 628–1)

Total: 2,369.

* Rear Admiral Dennis C. Blair, USN to be vice admiral (Reference No. 472)

** In the Air Force there are 2,360 promotions to the grade of major (list begins with Tarek C. Abboushi) (Reference No. 611)

* Major General Brett M. Dula, USAF to be lieutenant general (Reference No. 639)

* Major General James F. Record, USAF to be lieutenant general (Reference No. 640)

* Lieutenant General Thad A. Wolfe, USAF to be placed on the retired list in the grade of lieutenant general (Reference No. 641)

* Colonel Bettye H. Simmons, USA to be brigadier general (Reference No. 643)

* In the Army there are 2 appointments to the grade of brigadier general (list begins with George J. Brown) (Reference No. 644)

** In the Army there are 71 promotions to the grade of colonel (list begins with Anthony C. Aiken) (Reference No. 645)

** In the Navy there are 844 promotions to the grade of lieutenant commander (list begins with William D. Agerton) (Reference No. 647)

* Major General Nicholas B. Kehoe, III, USAF to be lieutenant general (Reference No. 668)

** In the Air Force Reserve there are 20 promotions to the grade of lieutenant colonel (list begins with Julian Andrews) (Reference No. 669)

** In the Army there is 1 promotion to the grade of major (Amy M. Autry) (Reference No. 670)

** In the Army there are 2 promotions to the grade of colonel and below (list begins with Michael B. Neveu) (Reference No. 671)

** In the Army there is 1 promotion to the grade of major (Duane A. Belote) (Reference No. 672)

** In the Marine Corps there are 66 appointments to the grade of captain (list begins with Thurmond Bell) (Reference No. 673)

** In the Air Force Reserve there are 714 promotions to the grade of lieutenant colonel (list begins with Laraine L. Acosta) (Reference No. 674)

** In the Air Force there are 28 promotions to the grade of colonel and below (list begins with Larry E. Freeman) (Reference No. 683)

** In the Army there is 1 promotion to the grade of lieutenant colonel (Derek J. Harvey) (Reference No. 684)

** In the Army Reserve there are 16 promotions to the grade of colonel (list begins with Barbara Hasbargen) (Reference No. 685)

** In the Army Reserve there are 567 promotions to the grade of lieutenant colonel (list begins with Mary B. Alexander) (Reference No. 686)

Total: 4,699.

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. LIEBERMAN:

S. 1368. A bill to provide for State regulation of prices charged for services provided by, and routes of service of, motor vehicles that provide tow or wrecker services, and for other purposes; to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation.

By Mr. WELLSTONE:

S. 1369. A bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development, approval, and use of medical devices to maintain and improve the public health and quality of life of individuals, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CRAIG (for himself, Mr. DOLE, Mr. LOTT, Mr. BROWN, Mr. BURNS, Mr. CAMPBELL, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HELMS, Mr. INHOFE, Mr. KEMPTHORNE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Mr. STEVENS, and Mr. THOMAS):

S. 1370. A bill to amend title 10, United States Code, to prohibit the imposition of

any requirement for a member of the Armed Forces of the United States to wear indicia or insignia of the United Nations as part of the military uniform of the member; to the Committee on Armed Services.

By Mr. HATCH (for himself, Mr. CRAIG, Mr. BENNETT, and Mr. BURNS):

S. 1371. A bill entitled the ''Snowbasin Land Exchange Act of 1995''; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. DOLE):

S. 1372. A bill to amend the Social Security Act to increase the earnings limit, and for other purposes; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself, Mr. BIDEN, Mr. DOLE, Mr. D'AMATO, Mr. MURKOWSKI, Mr. HATCH, Mr. ABRAHAM, Mr. HELMS, Mr. PRESSLER, Mr. BRYAN, Mr. THURMOND, Mrs. FEINSTEIN, Mr. NICKLES, Mr. COVERDELL, and Mr. STEVENS):

S. Res. 189. A resolution to designate Wednesday, November 1, 1995, as ''National Drug Awareness Day''; considered and agreed to.

By Mr. WARNER (for himself and Mr. FORD):

S. Res. 190. A resolution to authorize the printing of a revised edition of the Senate Election Law Guidebook; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 1369. A bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development, approval, and use of medical devices to maintain and improve the public health and quality of life of individuals, and for other purposes; to the Committee on Labor and Human Resource.

THE MEDICAL TECHNOLOGY, PUBLIC HEALTH, AND INNOVATION ACT OF 1995

Mr. WELLSTONE. Mr. President, the legislation I am introducing today would take a significant and responsible step toward improving the effectiveness, timeliness, and predictability of the FDA review process for medical devices.

Over the past 9 months, I have met with numerous representatives of Minnesota's medical device industry, patient advocacy groups, clinicians, and officials at the FDA and have concluded that there are indeed steps that Congress should take to make the regulatory process for medical devices more efficient. Minnesotans want the FDA not only to protect public health, but also to promote public health. They want to know not only that new technologies will be safe, but that they will be available to them in a timely manner. Many of Minnesota's medical device manufacturers, researchers, clinicians, and patients in need of new and improved health care technology have become increasingly concerned about the regulatory environment at the FDA.

Two weeks ago I visited SpineTech, which is a perfect example of Minnesota's burgeoning, world-famous medical device industry. It was formed in 1991 with 4 people, funded by venture capital, and it now employs more than 40 people. It manufacturers a breakthrough disc replacement technology which has been studied in clinical trials for 3 years. The technology, used for individuals with chronic low-back pain, has been shown to result in shorter hospital stays, less invasive surgery and lower medical costs than the alternative therapy.

SpineTech filed its premarket approval application in January of this year. The application has not yet been accepted by the FDA and thus the premarket approval process has not yet even officially begun. The average total elapsed time for FDA review of PMA applications is now about 823 days. The technology has been available in every other advanced industrialized country for the past 2 years.

The technologies that the FDA regulates are changing rapidly. We cannot afford a regulatory system ill-equipped to speed these advances. As a result, both Congress and the administration are reexamining the paradigms that have governed the FDA. Our challenge will be to define FDA's mission and scope of responsibility, as well as to give guidance on an appropriate balance between the risk and rewards of streamlining all aspects of how FDA does its job—including the approval process for breakthrough products.

The legislation that I will be introducing would begin to address these objectives in three important ways.

First, it would enable the FDA to adopt nationally and internationally recognized performance standards to improve the transparency and effectiveness of the device review process and promote global harmonization and interantional trade. Resource constraints and the time-consuming rulemaking process have precluded FDA promulgation of performance standards in the past. This legislation would allow the FDA, when appropriate, to simply adopt consensus standards that are already being used by most of the world and use those standards to assist in determining the safety and effectiveness of class III medical devices. The FDA could require additional data from a manufacturer relevant to an aspect of a device covered by an adopted performance standard if necessary to protect patient safety. Currently, the lack of clear performance standards for class III medical devices is a barrier to the improvement of the quality and timeliness of the premarket approval process.

Second, it would improve communication between the industry and the FDA and the predictability of the review process. I believe that these two factors are so important that I have even included what would usually be management decisions in the legislation. This bill includes provisions for periodic meetings betwen the applicant and the FDA to ensure that applicants are promptly informed of any deficiencies in their application, that questions that can be answered easily would be addressed right away, and that applicants would be well-informed about the status of their application. I believe that improving communication between the FDA and industry would result in greater compliance with regulations and that this will ultimately benefit consumers and patients.

Third, the legislation would help the FDA focus its resources more appropriately. PMA supplements or 510(k)s that relate only to changes that can be shown to not adversely affect the safety or effectiveness of the device would not require premarket approval or notification. Manufacturers would instead make information and data supporting the change part of the device master record at the FDA. In addition, the FDA would be able to exempt from premarket notification requirements those class II devices for which such requirements are unnecessary to ensure the public health without first having to go through the time consuming and bureaucratic process of reclassifying them to class I. Enabling the FDA to focus its attention where the real risks are will not only streamline the approval process but also benefit consumers and patients.

Finally, I want to be clear that this legislation is a work in progress. I look forward to working with Senator KASSEBAUM, the chairman of the Labor and Human Resources Committee, and my colleagues on the committee on the concepts included in my proposal. I will work vigorously to ensure they are included in any comprehensive FDA legislation considered by the Senate both this year and in the future. I look forward to continuing to work on these issues with Minnesotans and to pressing ahead next year on whatever we cannot accomplish this year. Clearly there are actions Congress can take to improve the FDA without scarificing the assurances of safety that all Americans depend on.

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. 1369

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

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the ''Medical Technology, Public Health, and Innovation Act of 1995''.

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.).

SEC. 2. FINDINGS; MISSIONS STATEMENT.

(a) FINDINGS.—The Congress finds the following:

(1) While the United States appropriately puts a top priority on ensuring the safety and efficacy of medical technologies that are introduced into the marketplace the administration of such regulatory effort is causing the United States to lose its leadership role in producing innovative, top-quality medical devices.

(2) One of the key components of the medical device regulatory process that contributes to the United States losing its leadership role in medical device development is the inordinate amount of time it takes for medical technologies to be reviewed by the United States Food and Drug Administration.

(3) The most important result of the United States losing its leadership role is that patients in the United States do not have access to new medical technology in a timely manner.

(4) Delayed patient access to new technology results in lost opportunities to save lives, to reduce hospitalization and recovery time, and to improve the quality of life of patients.

(5) The economic benefits that the United States medical device industry, which is composed principally of smaller companies, has provided through growth in jobs and global trade are threatened by the slow and unpredictable regulatory process at the Food and Drug Administration.

(6) The pace and predictability of the medical device regulatory process, together with a perceived adversarial relationship with the Food and Drug Administration, are in part responsible for the increasing tendency of United States medical device companies to shift research, product development, and manufacturing offshore, at the expense of American jobs, patients, and leading edge clinical research.

(b) MISSION STATEMENT.—This legislation seeks to improve the timeliness, effectiveness, and predictability of the medical device approval process for the benefit of United States patients and the United States economy by—

(1) providing for the use of nationally and internationally recognized performance standards to assist the Food and Drug Administration in determining the safety and effectiveness of medical devices;

(2) facilitating communication between medical device companies and the Food and Drug Administration;

(3) redefining clinical testing requirements to reflect the nature of device evolution; and

(4) targeting the use of Food and Drug Administration resources on those devices that are likely to have serious adverse health consequences.

SEC. 3. PERFORMANCE STANDARDS.

Section 514 (21 U.S.C. 360d) is amended by adding at the end thereof the following new subsection:

''ESTABLISHMENT AND ADOPTION OF OTHER STANDARDS

''(c)(1) The Secretary—

''(A) may establish pursuant to subsection (b) performance standards to assist in determining the safety or effectiveness of class III devices under section 515; and

''(B) may amend or revoke the performance standards established under subparagraph (A).

''(2) The Secretary shall, within 365 days of the date of enactment of this subsection, adopt performance standards established by nationally and internationally recognized standard-setting entities and use the standards when applicable to assist in determining the safety and effectiveness of class III devices under section 515.

''(3) The Secretary may not require, as the condition for approving a premarket approval application under section 515, the conformity of a class III device with a performance standard established or adopted pursuant to paragraph (1) or (2), respectively, if the applicant submits data other than that required by the performance standard to demonstrate a reasonable assurance of the safety and effectiveness of the device.

''(4) The Secretary, in lieu of requiring data demonstrating the conformity of a class III device with a standard described in paragraph (1) and (2), shall accept certification by the applicant that the device conforms with each standard identified in the application.

''(5) The Secretary may revoke the performance standards adopted under paragraph (2).

''(6) A performance standard established under this subsection for a device—

''(A) shall include provisions to provide reasonable assurance of the safe and effective performance of the device;

''(B) shall, where necessary to provide reasonable assurance of the safe and effective performance of the device, include—

''(i) provisions with respect to the construction, components, ingredients, and properties of the device and the compatibility of the device with power systems and connections to the systems;

''(ii) provisions for the testing (on a sample basis or, if necessary, on an individual basis) of the device or, if it is determined that no other more practicable means are available to the Secretary to assure the conformity of the device to the standard, provisions for the testing (on sample basis or, if necessary, on an individual basis) of the device by the Secretary or by another person at the direction of the Secretary;

''(iii) provisions for the measurement of the performance characteristics of the device;

''(iv) provisions requiring that the results of each or certain of the tests of the device required to be made under clause (ii) demonstrate that the device is in conformity with those portions of the standard for which the test or tests were required; and

''(v) a provision requiring that the sale and distribution of the device be restricted to the extent that the sale and distribution of the device is restricted under a regulation under section 520(e); and

''(C) shall, where appropriate, require the use and prescribe the form and content of labeling for the proper installation, maintenance, operation, and use of the device.''.

SEC. 4. PREMARKET APPROVAL.

(a) APPLICATION.—Section 515(c) (21 U.S.C. 360e(c)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (D); and

(B) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), respectively; and

(2) by adding at the end thereof the following new paragraphs:

''(3)(A) An applicant—

''(i) shall include in an application described in paragraph (1) an identifying reference to any applicable performance standard established or adopted under paragraph (1) or (2) of section 514(c), respectively; and

''(ii) shall include in the application—

''(I) a certification by the applicant as described in section 514(c)(4), that the device complies with the applicable performance standard; or

''(II) data to support the safety or effectiveness of the device.

''(B)(i) Except as provided in clause (ii), the Secretary may not require an applicant who submits an application for premarket approval for a class III device under paragraph (1) to submit preclinical data and information regarding the device relevant to a performance standard established or adopted under paragraph (1) or (2) of section 514(c), respectively, if such standard defines performance or other specifications for the device, and the applicant certifies that the device conforms to the standard.

''(ii) The Secretary may require an applicant described in clause (i) to submit preclinical data and information regarding a class III device if additional information or data are necessary to protect patient safety.

''(C) The Secretary shall require an applicant who certifies that a device conforms to an applicable performance standard established or adopted under paragraph (1) or (2) of section 514(c), respectively to maintain data demonstrating such conformance for a period of time that is equal to the period of time for the design and expected life of the device and to make the data available to the Secretary upon request.

''(D) The Secretary may deny, withdraw, or temporarily suspend approval of a premarket approval application for a class III device if—

''(i) the Secretary determines that the device does not conform to an applicable performance standard (on which the applicant relied) established or adopted under paragraph (1) or (2) of section 514(c), respectively; and

''(ii) such conformance is considered by the Secretary to be material in approving the device.

''(4) The Secretary shall accept retrospective or historical clinical data as a control or for use in determining whether there is a reasonable assurance of device safety and effectiveness if the data are available and the effects of the device on disease progression are clearly defined and well understood.

''(5) The Secretary may not require the sponsor of an application to conduct clinical trials for a device using randomized controls unless—

''(A)(i) such controls are scientifically and ethically feasible;

''(ii) the effects of the device on disease progression are not clearly defined and well understood as determined by the Secretary; and

''(iii) retrospective or historical data are not available that meet the standards of the Secretary for quality and completeness; or

''(B) such controls are necessary to support specific marketing claims.

''(6) The Secretary may not require in a supplement to a premarket approval application data from randomized clinical trials for a modification to a device if—

''(A) the modification does not substantially and adversely affect safety or effectiveness; and

''(B) the modified device has the same intended use and is intended for similar patient populations as the approved device.''.

(b) ACTION ON APPLICATION.—Section 515(d) (21 U.S.C. 360e(d)) is amended—

(1) in paragraph (1)(A), by striking ''paragraph (2) of this subsection'' each place it appears and inserting ''paragraph (6)'';

(2) by redesignating paragraphs (2) and (3) as paragraphs (6) and (7), respectively; and

(3) by inserting after paragraph (1) the following new paragraphs:

''(2) Each premarket approval application and supplement received by the Secretary under subsection (c) shall be reviewed in the following manner to achieve final action on the application within 180 days of the receipt of the application:

''(A) The Secretary shall make a determination within 30 days of the receipt of an application filed under subsection (c) of whether the application satisfies the content requirements of paragraphs (1) and (3) of subsection (c) and applicable regulations, and

the Secretary shall notify the applicant of the determination and whether the application has been accepted or has not been accepted for review for premarket approval. If the Secretary fails to notify the applicant within the 30-day period that the application is not sufficiently complete to permit a substantive review, the application shall be considered as filed by the Secretary.

''(B) The Secretary shall, within 45 days after the date of the acceptance of an application for review under subparagraph (A)—

''(i) provide the applicant the opportunity for a meeting (or teleconference) with the Secretary to—

''(I) inform the applicant of the general progress and status of the application;

''(II) advise the applicant of deficiencies in the application that have not been communicated to the applicant.

The applicant shall have the right to be informed in writing with respect to the information communicated to the applicant during the meeting or teleconference under subclauses (I) and (II).

''(ii) determine whether an advisory panel should be convened by the Secretary to review the application or to consider an issue related to the application.

''(C) The Secretary shall, within 90 days after the date of the acceptance of an application for review under subparagraph (A) provide an applicant the opportunity for a meeting (or teleconference) with the Secretary to—

''(i) inform the applicant of the general progress and status of the application;

''(ii) review actions taken by the applicant to correct deficiencies identified at the 45-day meeting described in subparagraph (B);

''(iii) advise the applicant of the deficiencies in the application that have not been communicated to the applicant; and

''(iv) review the proposed labeling for the device.

The applicant shall have the right to be informed in writing with respect to the information communicated to the applicant during the meeting or teleconference under clauses (i) through (iv).

''(D)(i) When an advisory panel is convened under subparagraph (B)(ii) to review an application or to consider an issue related to the application, the Secretary shall within 15 days after the close of the advisory panel meeting provide the applicant the opportunity for a meeting (or teleconference) with the Secretary to identify any remaining issues with respect to the approval of the application.

''(ii) If an advisory panel is not convened under subparagraph (B)(ii), the Secretary shall, within 120 days after the date of the acceptance of an application for review under subparagraph (A), provide the applicant the opportunity for a meeting (or teleconference) with the Secretary to—

''(I) inform the applicant of the general progress and status of the application;

''(II) review the actions taken to correct deficiencies identified in the application at the 90-day meeting described in subparagraph (C); and

''(III) advise the applicant of the deficiencies in the application that have not been communicated to the applicant.

''(iii) The applicant shall have the right to be informed in writing with respect to the information communicated to the applicant during the meeting or teleconference under clauses (i) and (ii).

''(E) The Secretary shall, within 150 days after the date of the acceptance of an application for review under subparagraph (A), notify the applicant of the decision of the Secretary to approve or disapprove the application.

''(F) The Secretary shall exclude the time that an applicant takes to respond to the Secretary's requests for additional data or information in determining when the 45-day, 90-day, 120-day and 150-day periods described in subparagraphs (B), (C), (D), and (E) expire.

''(3) To permit better treatment or better diagnoses of life-threatening or irreversibly debilitating diseases or conditions, the Secretary shall expedite the review for devices—

''(A) representing breakthrough technologies;

''(B) offering significant advantages over existing approved alternatives; or

''(C) for which accelerated availability is in the best interest of the public health.

''(4)(A) The Secretary shall annually publish a status report on the premarket clearance or approval of applications and other device submissions.

''(B) The report described in subparagraph (A) shall include—

''(i) a specific statement from the Secretary concerning the performance of the Food and Drug Administration in reducing the backlog in the reviewing of applications for premarket clearance or approval for a device and meeting statutory time limitations applicable to the review of the applications;

''(ii) with respect to devices, data (which shall be provided by the Center for Devices and Radiological Health and each division of the Office of Device Evaluation of the Center for Devices and Radiological Health) on—

''(I) the number of premarket approval applications, supplements, premarket notifications, and applications for investigational device exemptions, not accepted for filing by the Secretary;

''(II) the total time (beginning on the date of the filing of an application and ending on the date of the clearance or approval of the application) required to review the premarket approval applications, supplements, premarket notifications, and applications for investigational device exemptions;

''(III) the total time (excluding the time periods permitted for an applicant to prepare and submit to the Secretary responses or additional information or data requested by the Secretary) as calculated by the Food and Drug Administration to complete the review of each premarket approval application, supplement, premarket notification, and application for investigational device exemption;

''(IV) the number of adverse decisions made with respect to the applications and supplements described in subclause (II);

''(V) the number of nonapprovable letters for device submissions;

''(VI) the number of deficiency letters for device submissions;

''(VII) the number of times applicants are required to supply information during the review of an application or supplement described in subclause (II); and

''(VIII) the performance of the actions described in paragraph (2), including performance information with respect to the number of premarket approval applications that were or were not reviewed within the time limitations described in such paragraph and the time necessary to carry out each of the actions; and

''(iii) baseline data for the data described in subclauses (I) through (VII) of clause (ii) for the preceding year.

''(5) The Secretary shall complete the review of all premarket approval supplements that do not contain clinical data within 90 days of the receipt of a supplement that has been accepted for filing.''.

(c) ELIMINATION OF PREMARKET APPROVAL OF SUPPLEMENTS.—The Secretary of Health and Human Services shall eliminate premarket approval of supplements that relate to manufacturing and product changes of a device that can be demonstrated through appropriate protocols or other methods to not affect adversely the safety or effectiveness of a device. The Secretary of Health and Human Services shall require the manufacturer of a device to submit to the Secretary of Health and Human Services any information relied upon to support a device-related change that is not subject to premarket approval of a supplement to an application approved under section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e). The information shall be made a part of the device master record. The information shall be maintained for a period of time equal to the period of time for the design and expected life of the device, but not less than 2 years after the date of release of the device for commercial distribution by the manufacturer.

SEC. 5. PREMARKET NOTIFICATION REQUIREMENTS.

(a) EXEMPTION FOR CLASS I AND II DEVICES.—Section 510 (21 U.S.C. 360) is amended by adding at the end thereof the following new subsection:

''(l) Within 365 days of the date of enactment of this section, the Secretary shall exempt from the notification requirement under subsection (k) class I and II devices that should not be subject to the notification requirement because such notification is not necessary to provide a reasonable assurance of the safety and effectiveness of the devices. Prior to making such determination, the Secretary shall provide an opportunity for notice and comment with respect to the appropriateness of the exemption for the class I and II devices.''.

(b) LIMITATION ON NOTIFICATION.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall not enforce the requirement for additional notifications under section 510(k) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(k)) for a change or modification to a device initially classified under section 513(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c(f)) that—

(A) is other than a major change or a major modification in the intended use;

(B) is supported by nonclinical data or information, when appropriate; and

(C) can be shown to not adversely affect the safety and effectiveness of the device.

(2) MAINTENANCE OF NOTIFICATION DATA.—The Secretary of Health and Human Services shall require the manufacturer of a device to submit to the Secretary of Health and Human Services all data and information relied upon to document that a change or modification of a device described in paragraph (1) does not require an additional notification under section 510(k). The data and information shall be made a part of the device master record. The data and information shall be maintained for a period of time equal to the period of time for the design and expected life of the device, but not less than 2 years after the date of release of the device for commercial distribution by the manufacturer.

SEC. 6. INVESTIGATIONAL DEVICE EXEMPTION.

(a) REGULATIONS.—Section 520(g) (21 U.S.C. 360j(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 new paragraph:

''(4) The Secretary shall, within 120 days of the date of enactment of this paragraph, by regulation amending the content of part 812 of title 21 of the Code of Federal Regulations, amend the procedures with respect to the approval of studies under this subsection as follows:

''(A) The regulation shall include provisions that require the Secretary to permit

the sponsor to meet with the Secretary prior to the submission of an application to develop a protocol for a study subject to the regulation, that require that the protocol shall be agreed upon in writing by the sponsor and the Secretary, and that set forth a time limitation for the sponsor to conduct a followup of a study.

''(B) The regulation shall require the Secretary to permit developmental changes in devices subject to the regulation in response to information gathered during the course of an investigation without requiring an additional approval of an application for an investigational device exemption, or the approval of a supplement to the application, if the changes meet the following requirements:

''(i) The changes do not constitute a significant change in the design of the product or a significant change in basic principles of operation.

''(ii) The changes do not adversely affect patient safety.

The regulation shall require that such a change be documented in records the applicant is required to maintain with respect to the investigational device exemption.

''(C) The regulation shall provide for the use of an investigational device for diagnosis or treatment use under a protocol or investigational device exemption if the following requirements are met:

''(i) The device is intended to treat or diagnose a serious or immediately life-threatening disease.

''(ii) There is no comparable or satisfactory device or other therapy available to treat or diagnose that disease in the intended patient population.

''(iii) The device is under investigation in a controlled clinical trial under an investigational device exemption in effect for the trial or all clinical trials for the device have been completed.

''(iv) The sponsor of the controlled clinical trial is actively pursuing marketing approval of the investigational device with due diligence.

''(D) The regulation shall require the Secretary to consult with advisory panels, which have the appropriate expertise, with respect to the establishment of an appropriate time limitation for the conduct of a followup study by the sponsor of the study.

(b) CONFORMING AMENDMENTS.—Section 517(a)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360g(a)(7)) is amended—

(1) by striking ''section 520(g)(4)'' and inserting ''section 520(g)(5)''; and

(2) by striking ''section 520(g)(5)'' and inserting ''section 520(g)(6)''.

SEC. 7. ESTABLISHMENT OF A POLICY AND PERFORMANCE REVIEW PANEL.

Chapter IX of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 901 et seq.) is amended by adding at the end thereof the following new section:

''SEC. 906. POLICY AND PERFORMANCE REVIEW PANEL.

''(a) ESTABLISHMENT.—There is established a panel to be known as the Food and Drug Policy and Performance Review Panel (hereafter referred to in this section as the 'Panel').

''(b) MEMBERSHIP.—The members of the Panel shall be appointed by the Secretary in accordance with subsection (d)(1) and shall include—

''(1) individuals with expertise in medical, scientific, and health policy and regulatory issues;

''(2) representatives of industry, voluntary health associations, and patient advocacy groups; and

''(3) representatives of the Food and Drug Administration.

''(c) TERMS.—

''(1) IN GENERAL.—Each member of the Panel shall serve for a term of not more than 3 years and the terms of office of such members shall be staggered.

''(2) REAPPOINTMENT.—Each member of the Panel may be reappointed, but may not serve more than 3 consecutive terms.

''(3) VACANCIES.—Any vacancy in the Panel shall not affect the powers of the Panel and shall be filled in the same manner as the original appointment.

''(d) ORGANIZATIONAL STRUCTURE.—

''(1) IN GENERAL.—The Chairperson of the Panel shall organize the Panel in a manner that will ensure that there is a portion of the membership of the Panel monitoring the activities of each Center within the Food and Drug Administration. The membership of the Panel shall be composed of individuals with expertise necessary to ensure appropriate review of the performance of each Center.

''(2) DEFINITION.—For the purposes of this section, the term 'Center' means the Center for Devices and Radiological Health, Center for Drug Evaluation and Research, Center for Biologics Evaluation and Research, Center for Food Safety and Applied Nutrition, Center for Veterinary Medicine, and Center for Toxicological Research.

''(e) CHAIRPERSON AND VICE CHAIRPERSON.—The Secretary shall select a Chairperson and Vice Chairperson from among the members of the Panel.

''(f) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Panel have been appointed, the Panel shall hold its first meeting.

''(g) MEETINGS.—The Panel shall meet at the call of the Chairperson.

''(h) QUORUM.—A majority of the members of the Panel shall constitute a quorum, but a lesser number of members may hold hearings.

''(i) DUTIES.—The Panel shall—

''(1) monitor the activities carried out by the Secretary through the Commissioner of Food and Drugs;

''(2) review the performance of the Food and Drug Administration to determine if the Food and Drug Administration is carrying out its mission to protect and promote the public health and is developing appropriate policy and effective regulations to carry out its mission;

''(3) review the performance of each Center in accordance with subsection (d)(1);

''(4) meet at least twice annually with appropriate management officials of the Food and Drug Administration and representatives of each Center;

''(5) participate in the development of agency guidelines; and

''(6) seek to facilitate the international harmonization of regulatory requirements, while ensuring that a product that is subject to the provisions of this Act, and that is marketed in the United States, is safe and effective.

''(j) REPORT.—The Panel shall annually prepare and submit to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate a report that evaluates the performance of the Food and Drug Administration (including a description of the activities that the Food and Drug Administration has successfully or unsuccessfully carried out) and includes a recommendation on the administrative modifications needed to improve such performance.

''(k) HEARINGS.—The Panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Panel considers advisable to carry out the purposes of this Act.

''(l) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from any Federal department or agency such information as the Panel considers necessary to carry out the provisions of this Act. Upon request of the Chairperson of the Panel, the head of such department or agency shall furnish such information to the Panel.

''(m) POSTAL SERVICES.—The Panel may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

''(n) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

''(o) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Panel may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

''(p) TERMINATION OF THE PANEL.—The termination provisions of section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel.''.

By Mr. CRAIG (for himself, Mr. DOLE, Mr. LOTT, Mr. BROWN, Mr. BURNS, Mr. CAMPBELL, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HELMS, Mr. INHOFE, Mr. KEMPTHORNE, Mr. MURKOWSKI, Mr. PRESSLER, Mr. SANTORUM, Mr. SHELBY, Mr. SIMPSON, Mr. SMITH, Mr. STEVENS, and Mr. THOMAS):

S. 1370. A bill to amend title 10, United States Code, to prohibit the imposition of any requirement for a member of the Armed Forces of the United States to wear indicia or insignia of the United Nations as part of the military uniform of the member; to the Committee on Armed Services.

MILITARY UNIFORM LEGISLATION

Mr. CRAIG. Mr. President, I am pleased to be joining my colleague from the House of Representatives, Majority Whip TOM DELAY, in introducing legislation that will prohibit the requirement that members of the United States Armed Forces wear United Nations uniform items.

Mr. President, we have all been watching the reports as U.S. Army Specialist Michael New has become a casualty of the debate over American troops participating in U.N. operations.

In violating a lawful order issued through the U.S. Chain of Command, he will be held accountable under the standards set by the U.S. Code of Military Justice for refusing to wear a United Nations cap and shoulder patch.

Specialist New was to have been deployed to participate in operation Able Sentry in Macedonia, the stated purpose of which is to observe the border and discourage, by its presence, the spread of hostilities into Macedonia.

The operations in Macedonia in which the American forces are participating are conducted under the auspices of the United Nations. A

Norwegian general officer currently exercises operations control over the American task force Able Sentry.

While a U.N. commander has operational control, it is my understanding that the command of the U.S. task force remains under the U.S. chain of command.

Mr. President, on October 10, Army Specialist Michael New reported for duty without wearing the United Nations shoulder patch and beret he and his unit were issued to wear as part of their uniform while deployed in Macedonia. On October 17, Specialist New was charged for failure to obey a lawful order in violation of article 92, Uniform Code of Military Justice.

Mr. President, I would also note that Michael New will have legal representation and receive due process under these standards, as is extended to any military member who stands accused of violating military rules. The Army has indicated to me that care will be taken to ensure military standards of justice and fairness prevail.

The situation that has resulted from Specialist New's actions has caused me great concern. As one who feels very strongly about this Nation's sovereignty and responsibilities placed on our Armed Forces to protect and defend this Nation, I find myself very frustrated with what has happened.

Mr. President, my sympathy with his decision to refuse to wear the U.N. patch and hat does not change the fact that we must abide by the standards set by the Military Code of Conduct if we are to assure order and fairness in the military. Our military must rely on strict chain of command and order. That is without a doubt.

However, the men and women who have chosen to serve this Nation and the American people should not be put in a position which forces them to bear allegiance to any nation or organization other than the United States of America. Michael New made the decision to serve in the Armed Forces in order to defend the United States, not the United Nations. Therefore, in order to resolve this situation. I am introducing legislation that prevents any member of the U.S. Armed Forces from being required to wear, as part of their military uniform, any insignia of the United Nations.

Mr. President, there is still another, broader issue that must be addressed, and that is the use of U.S. forces under U.N. command.

It is my understanding that except for some expertise that was provided by a limited number of American advisors, until the past 2 or 3 years, no American troops had served in U.N. peacekeeping forces. In my view, the United States should not assume responsibility for resolving every conflict that develops around the world.

American combat troops are not, and should not be used as ''world policemen.''

Mr. President, I supported Senator NICKLES' amendment to the fiscal year 1994 defense appropriations legislation which would have required congressional approval before American troops could serve under foreign command, except when the President certifies it is an emergency or that our national security is at risk.

Unfortunately, the amendment was defeated on a 33 to 65 vote.

This issue remains unresolved. Therefore I also support hearings in the Senate Armed Services Committee aimed at reviewing Specialist New's case and the proper role U.S. troops should play in international military operations.

Mr. President, I would just urge my colleagues to review the bill that I am introducing today in the greater context of this situation. We must not lose sight of the fact that the men and women who volunteered to serve in our Armed Forces, volunteered to defend the United States of America, not the United Nations.

Mr. President, I ask unanimous consent that the 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. 1370

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

SECTION 1. PROHIBITION ON REQUIREMENT FOR MEMBERS OF THE ARMED FORCES TO WEAR UNIFORM ITEMS OF THE UNITED NATIONS.

(a) IN GENERAL.—Chapter 45 of title 10, United States Code, is amended by adding at the end the following:

(a) IN GENERAL.—Chapter 45 of title 10. United States Code, is amended by adding at the end the following:

''§ 777. Insignia of United Nations: prohibition on requirement for wearing

''No member of the armed forces may be required to wear as part of the uniform any badge, symbol, helmet, headgear, or other visible indicia or insignia which indicates (or tends to indicate) an allegiance or affiliation to or with the United Nations.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

''777. Insignia of United Nations: prohibition on requirement for wearing.''.

By Mr. HATCH (for himself, Mr. CRAIG, Mr. BENNETT, and Mr. BURNS):

S. 1371. A bill entitled the ''Snowbasin Land Exchange Act of 1995''; to the Committee on Energy and Natural Resources.

THE SNOWBASIN LAND EXCHANGE ACT OF 1995

Mr. HATCH. Mr. President, I rise today to introduce legislation to effectuate a land exchange at the Snowbasin Ski Resort located east of Ogden, Utah. Senators CRAIG, BENNETT, and BURNS are cosponsoring this legislation.

Basically, the intent of this legislation is simple. It directs the Secretary of Agriculture to exchange 1,320 acres of federally owned land within Utah's Cache National Forest for lands of approximately equal value owned by the Sun Valley Company, which owns the Snowbasin Ski Resort. Snowbasin is located 30 miles north of Salt Lake City and has been open for skiing since the early 1940s. It is one of the world's greatest areas for snow and winter sports as evidenced by the recent decision by the International Olympic Committee (IOC) to have Salt Lake City host the 2002 Winter Olympic Games. It is precisely because of the IOC's decision that this legislation is necessary.

In 1985, a year after it purchased financially plagued Snowbasin, the Sun Valley Company, recognized as an enviromentally sensitive manager of its recreational lands, asked the Forest Service to exchange 2,500 areas of land to improve the resort's base facilities and infrastructure. This request was initially reduced to 1,320. Five years later, after conducting an environmental impact statement and extensive studies and public reviews, the Forest Service decided to exchange approximately 700 acres. At the same time, the Forest Service reached the conclusions that the future success of Snowbasin requires private ownership of lands at the base of the ski area and that a land exchange was consistent with the priorities established in the 1985 Wasatch-Cache Land and Reserve Management Plan.

Unfortunately, since 1990 and despite the diligent efforts of both the Forest Service and the Sun Valley Company, little progress has occurred toward the exchange. I will not take the time to detail these difficulties. However, my colleagues should know that the land exchange process has been long, tedious, and very costly to all parties, particularly to Snowbasin.

Last June, Salt Lake City was selected as the site for the 2002 Winter Olympic Games. Due to its rugged mountain terrain, gradient and technical difficulty, Snowbasin has been identified as the venue for all Downhill, Combined Downhill, and Super G events for men and women. These highly popular races traditionally attract some of the largest Olympic audiences. The snail's pace with which the exchange process has been moving has many people associated with Snowbasin and the Salt Lake City Olympic Organizing Committee, including myself, worried that Snowbasin will not be sufficiently prepared to handle the Olympic skiing events and their accompanying crowds.

I am sure my colleagues can appreciate what it requires for a community to prepare a venue to host any Olympic event. In the case of Snowbasin, these pre-2002 activities include the installation of chairlifts, construction of a connector road, fencing and safety netting, additional ski runs, maintenance buildings, new spectator and service areas, parking lot expansion, restrooms and other items identified in Phase 1 of the Sun Valley Company's Master Plan for Snowbasin. These activities must be done in the near future and can be

more effectively and environmentally accomplished if done on private property.

In exchange for the forested acreage, the Sun Valley Company will convey four major parcels to the Forest Service that have been previously identified by the Forest Service as desirable for acquisition. These parcels are specifically listed in our legislation, and their combined acreage exceeds 4,000 acres. Obviously, this land possesses outstanding recreational, wildlife, mountain, and access values for public use and enjoyment. The values of the Federal and non-federal lands involved in this exchange will be determined by utilizing nationally recognized appraisal standards.

Mr. President, we in Utah are overjoyed that the eyes of the world will be upon us, upon our mountains, and upon the ''Greatest Snow on Earth.'' At the same time, there is serious concern whether the facilities to support the Olympics can be constructed, tested for safety, and become fully operational by 2002, especially when considering it will take three summer seasons to complete the development of Phase 1 of the Snowbasin Master Plan. Pursuit of a land exchange at Snowbasin through the administrative process, and possibly the courts, does not alleviate this concern and only exacerbates the problems of timing and uncertainty. Legislative action on Snowbasin places control of this matter with the Congress, rather than the courts, and will ensure that all aspects of the 2002 Winter Olympic Games are in their proper place once the world focuses on Salt Lake City.

I urge my colleagues to carefully review this legislation and the reasons why it is crucial that this proposal be adopted during the 104th Congress. I look forward to working with them to achieve this goal.

Mr. BENNETT. Mr. President, as Utah prepares to host the 2002 Winter Olympics, I am pleased today to join my colleague Senator HATCH in introducing the Snowbasin Land Exchange Act of 1995. Snowbasin Ski Resort, which is owned by Sun Valley Company, will host both the men's and women's downhill ski events. This land exchange will direct the Secretary to exchange 1,320 acres of Forest Service Lands within the Cache National Forest for lands of approximate and equal value owned by Sun Valley Co. This legislation is fundamental to the success of the 2002 Winter Olympics. It is a win-win situation for all parties involved and I encourage my colleagues to support this bill.

By Mr. LIEBERMAN:

S. 1373. A bill to provide for state regulation of prices charged for services provided by, and routes of service of, motor vehicles that provide tow or wrecker services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE TOWING TECHNICAL CORRECTION ACT

• Mr. LIEBERMAN. Mr. President, I introduce an Intrastate Towing Technical Corrections Act. This legislation will clarify that it is not Congress' intent to preempt state or local regulations dealing with the operation of tow trucks. I would like to recognize the junior Senator from Washington who introduced similar legislation in the 103d Congress, which, unfortunately, was not acted upon prior to adjournment.

Last year Congress passed the Federal Aviation Administration Authorization Act of 1994. The act included a provision in section 601 which effectively preempts state and local intrastate trucking regulations pertaining to prices, routes, and service. However, it was not Congress' intention to legislate on towing issues; and it has opened up myriad problems for the consumer, leading to higher towing rates.

In Connecticut, towing rates have been deregulated; and tow operators are free to charge as much as they want. Now, some may say that the market should determine prices—and I agree—but in the towing market the consumer has no other recourse, more times than not, than to pay the tow truck operator after the vehicle has been towed. Safety concerns abound also. Especially when considering large tractor trailers that break down on interstate highways.

I have heard from many constituents that deregulation is causing exorbitant price increases in their towing rates. Again, this was not our intention when we passed the Federal Aviation Administration Authorization Act of 1994. This bill will keep towing charges in line with market prices.

Plain and simple, Mr. President, deregulation is leading to overcharging. My bill would let the States set towing rates. It would be beneficial for the consumer and beneficial for States.

I ask unanimous consent to place in the RECORD excerpts from an article in the Hartford Courant by Tom Condon, which addresses this problem.

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

[From the Hartford Courant, Aug. 22, 1995]

DEREGULATING TOWING HAS LEFT PUBLIC ON HOOK

(By Tom Condon)

On Aug. 8, a tractor-trailer driver for Dick Harris Trucking Co. of Lynchburg, Va., pulled his rig off I–95 at Exit 34 in Milford. He didn't hit the narrow exit ramp just right, and the tractor and box gently rolled over.

Police called Robert's Service Center of Milford to clear the ramp. The trailer was full of pallets of rolled steel. Robert's crew winched the cargo out of the truck, righted it, then towed everything away.

What the owners of the truck aren't happy with is the towing bill, which is for $10,400.

''It's excessive, that's the problem I have with it,'' said Bud Holt, vice president of the trucking company. Holt, who said he is a former state trooper and insurance claims adjuster, said Robert's billed some of the workers at $60 an hour, which ''is too much.''

It doesn't matter, Holt. Welcome to Connecticut, where towing rates have been deregulated, and tow operators can charge as much as they want.

There is another side to the Milford case. Robert Bruno, owner of the service center, says this was a very complicated operation for which he had to rent expensive equipment. He said he had to winch the heavy pallets out of the truck with a rented low motor, then load them on rented flatbeds. Then he righted the tractor and trailer without damaging them.

Bruno said he brought the cargo back to his yard and unloaded it. Then, at the direction of the trucking company, he reloaded it on the flatbeds and took it to a freight yard with a loading dock, so it could be loaded back on the trailer.

He said he got the call at 11:30 a.m., and the last of his crew didn't finish until midnight. He said his real cost was almost $14,000, but he decided to give the trucking company a break, hoping for future business. Holt said he understood the job took 10 hours, and said he thought $1,000 an hour excessive.

Not so, said Bruno. He said some operators would have gouged the trucking company and charged $20,000 for the job, but said he didn't. Bruno has released the trailer, but is still holding the tractor, until the dispute is resolved. Both sides have lawyers.

If this doesn't make the case that deregulation is leading to overcharging, let's go back to old reliable, a guy we can always count on to hose the public, Bob Spillane of Walnut Street Service Inc. of Hartford.

On May 10, an ironworker named Pete Toner of Langdon, N.H., parked his Bronco in a private parking lot—never do that—at the corner of Ashley and Garden streets and visited the Ashley Cafe. When he came out, the car was gone. He then walked to the police lockup at Morgan Street, finally learned the car had been towed, called Spillane and got no answer.

When he got the Bronco the next day, the bill was $139. He said Spillane didn't answer his phone, then charged him for storage. The tow from the bar to Spillane's garage is one block. This is an outrage, but at the moment motor vehicles officials say there's nothing they can do about it (not that they ever did much about it in the past).

On Jan. 1, a federal law went into effect that prevents states or cities from regulating ''price, route or service of any motor carrier . . . or any motor carrier with respect to the transportation of property.'' State officials have interpreted this to mean they can't regulate towing rates.

If a convervative is a liberal who's been mugged, an opponent of deregulation is someone who's had to pay $139 after his car was towed one block. If this idiotic law isn't changed, government is going to have to get back into the towing business to keep the public from getting fleeced. We don't want that.•

ADDITIONAL COSPONSORS

S. 324

At the request of Mr. WARNER, the name of the Senator from Tennessee [Mr. THOMPSON] was added as a cosponsor of S. 324, a bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services,

and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes.

S. 581

At the request of Mr. FAIRCLOTH, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 581, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal those provisions of Federal law that require employees to pay union dues or fees as a condition of employment, and for other purposes.

S. 837

At the request of Mr. WARNER, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Nebraska [Mr. KERREY], and the Senator from Montana [Mr. BAUCUS] were added as cosponsors of S. 837, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

S. 881

At the request of Mr. PRYOR, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to clarify provisions relating to church pension benefit plans, to modify certain provisions relating to participants in such plans, to reduce the complexity of and to bring workable consistency to the applicable rules, to promote retirement savings and benefits, and for other purposes.

S. 939

At the request of Mr. SMITH, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 939, a bill to amend title 18, United States Code, to ban partial-birth abortions.

S. 1043

At the request of Mr. STEVENS, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 1043, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

S. 1253

At the request of Mr. ABRAHAM, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1253, a bill to amend the Controlled Substances Act with respect to penalties for crimes involving cocaine, and for other purposes.

S. 1260

At the request of Mr. MACK, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 1260, a bill to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities, and for other purposes.

S. 1271

At the request of Mr. CRAIG, the names of the Senator from Kansas [Mrs. KASSEBAUM] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1274

At the request of Mr. LOTT, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1274, a bill to amend the Solid Waste Disposal Act to improve management of remediation waste, and for other purposes.

S. 1344

At the request of Mr. HEFLIN, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1344, a bill to repeal the requirement relating to specific statutory authorization for increases in judicial salaries, to provide for automatic annual increases for judicial salaries, and for other purposes.

SENATE RESOLUTION 189—NATIONAL DRUG AWARENESS DAY

Mr. GRASSLEY (for himself, Mr. BIDEN, Mr. DOLE, Mr. D'AMATO, Mr. MURKOWSKI, Mr. HATCH, Mr. ABRAHAM, Mr. HELMS, Mr. PRESSLER, Mr. BRYAN, Mr. THURMOND, Mrs. FEINSTEIN, Mr. NICKLES, Mr. COVERDELL, and Mr. STEVENS) submitted the following resolution; which was considered and agreed to:

S. RES. 189

Whereas illegal drug use among the youth of America is on the increase;

Whereas illegal drug use is a major health problem, ruining thousands of lives and costing billions of dollars;

Whereas illegal drug use contributes to crime on the streets and in the homes of this nation;

Whereas national attention has turned from illegal drug use to other issues, and support for sustained programs has decreased;

Whereas public awareness and sustained programs are essential to combat an ongoing social problem;

Whereas the answer to the illegal drug problem lies in America's communities, with local people involved in grass roots activities to keep their communities safe and drug free, and in encouraging personal responsibility;

Whereas the annual Red Ribbon Celebration, coordinated by the National Family Partnership and involving over 80,000,000 Americans in prevention activities each year, commemorates the sacrifices of people on the front lines in the war against illegal drug use;

Whereas substance abuse prevention, law enforcement, international narcotics control, and community awareness efforts contribute to preventing young people from starting illegal drug use; and

Whereas the American people have a continuing responsibility to combat illegal drug use: Now, therefore, be it

Resolved, That the Senate designate Wed., Nov. 1, 1995, as ''National Drug Awareness Day''.

Mr. GRASSLEY. Mr. President, in recent weeks we have seen mounting evidence that teenage drug use in this country is on the increase after more than a decade of decline. One of the principal reasons for this change is that we have lost the public message that drug use is wrong. As a result, a new generation of America's young people are growing up without a clear message about the dangers of drug use. This is not a situation that we can afford to let continue. The last time this happened, in the 1960's and 1970's, we saw an epidemic of use that cost us tens of thousands of lives. Now we see teenage drug use on the rise again. Recent surveys confirm this disturbing trend and indications are that data to be released in the next few days will only confirm the worst fears. It is for this reason that Senator DOLE and I held a press conference yesterday with major family groups, including the National Family Partnership, National Families in Action, CADCA, and PRIDE, to draw attention to the problems of returning teen drug use and the dangerous normalization of this use you can now see and hear on TV, in the movies, and in rock music. For this reason I am submitting a Senate resolution, cosponsored by over a dozen members, to declare November 1, 1995, National Drug Awareness Day. It is important that we all recognize the importance of the issue. We need to renew our commitment to fighting drug use, to prevent a new generation from becoming victims of those who would mislead them into believing that drug use is just an alternative lifestyle with no adverse consequences. Drugs kill, they maim, they ruin lives, they cripple potential. We saw what happened when we ignored the problem once. We cannot let this happen again.

SENATE RESOLUTION 190—TO AUTHORIZE THE PRINTING OF A REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

Mr. WAGNER (for himself and Mr. FORD) submitted the following resolution; which was considered and agreed to:

S. RES. 190

Resolved, That the Committee on Rules and Administration is directed to prepare a revised edition of the Senate Election Law Guidebook, Senate Document 103–13, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed 600 additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

AMENDMENTS SUBMITTED

THE PROFESSIONAL BOXING SAFETY ACT

MCCAIN (AND OTHERS) AMENDMENT NO. 3039

Mr. SMITH (for Mr. MCCAIN, for himself, Mr. BRYAN, and Mr. ROTH) proposed an amendment to the bill (S. 187) to provide for the safety of journeymen boxers, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Professional Boxing Safety Act of 1995''.

SEC. 2. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) BOXER.—The term ''boxer'' means a person who participates in a professional boxing match.

(2) LICENSEE.—The term ''licensee'' means an individual who serves as a trainer, second, or cut man for a professional boxer.

(3) MANAGER.—The term ''manager'' means a person or business that helps arrange professional boxing matches for a boxer, and that serves as an advisor or representative of a boxer in a professional capacity.

(4) MATCHMAKER.—The term ''matchmaker'' means a person or business that proposes, selects, and arranges the boxers to participate in a professional boxing match.

(5) PROFESSIONAL BOXING MATCH.—The term ''professional boxing match''—

(A) means a boxing contest held in the United States between individuals for compensation or a prize; and

(B) does not include any amateur boxing match.

(6) PROMOTER.—The term ''promoter'' means a person or business that organizes, holds, advertises, or otherwise conducts a professional boxing match.

(7) STATE BOXING COMMISSION.—The term ''State boxing commission'' means a State agency with authority to regulate professional boxing.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to improve and expand the system of safety precautions that protects the welfare of professional boxers; and

(2) to assist State boxing commissions to provide proper oversight for the professional boxing industry in the United States.

SEC. 4. PROFESSIONAL BOXING MATCHES.

(a) IN GENERAL.—

(1) REQUIREMENTS.—Subject to subsection (b), a professional boxing match may be held in the United States only if—

(A)(i) the State in which the professional boxing match is to be held has a State boxing commission;

(ii) the State has entered into a contract with a private organization to carry out the duties of a State boxing commission in accordance with the applicable requirements of this Act; or

(iii) the promoter who seeks to put on a professional boxing match in a State that does not have a boxing commission has entered into an agreement with the chief administrative officer of a State that has a boxing commission to oversee the boxing match;

(B) a licensed practicing physician, whose services are paid by the promoter, is continuously present at the ringside of the professional boxing match;

(C) the promoter has, in accordance with this subsection, provided—

(i) for a physical examination of each boxer who participates in the professional boxing match by a licensed practicing physician, to ensure that each such boxer is physically fit to compete in the boxing match; and

(ii)(I) for an ambulance to be continuously present at the site of the boxing match; or

(II) if applicable, notice in accordance with paragraph (2); and

(D) the State boxing commission has established procedures to carry out sections 5 through 8.

(2) AMBULANCE SERVICE.—

(A) IN GENERAL.—In any case in which an applicable State law does not require that an ambulance be continuously present in the immediate vicinity of a professional boxing match, if the promoter for that boxing match does not choose to provide for such an ambulance, the promoter shall, not later than 24 hours before that boxing match, notify the nearest available ambulance service (including any appropriate emergency medical service) of that boxing match.

(B) COSTS.—The promoter for a professional boxing match shall pay the cost of any ambulance service provided in conjunction with the conduct of that boxing match.

(b) REQUIREMENTS FOR PRIVATIZATION.—

(1) MONITORING AND EVALUATION.—If a State enters into a contract with a private organization to carry out the duties of a State boxing commission specified in this Act, the State shall provide for—

(A) continual monitoring of the activities of the private organization that are the subject of the contract; and

(B) regular evaluations by the State of the activities referred to in subparagraph (A).

(2) CANCELLATION OF PROFESSIONAL BOXING MATCHES.—If a State enters into a contract with a private organization under paragraph (1), notwithstanding that contract, the chief administrative officer of that State may cancel a professional boxing match without consulting the private organization if that chief administrative officer determines that—

(A) the private organization is not performing the obligations of that organization that are specified in the contract in a manner that is satisfactory to the chief administrative officer; or

(B) the cancellation of the professional boxing match is necessary to protect public health, safety, or welfare.

SEC. 5. REGISTRATION.

(a) REQUIREMENTS.—Each professional boxer shall register with—

(1) the State boxing commission of the State in which such boxer resides (or if the State has in effect a contract with a private organization described in section 4(b), that private organization); or

(2) in the case of a boxer who is a resident of a foreign country, or a State in which there is no State boxing commission and in which no private organization is carrying out the duties of a State boxing commission pursuant to a contract described in section 4(b), the State boxing commission of any State that has such a commission or a private organization that carries out a contract described in section 4(b).

(b) IDENTIFICATION CARD.—

(1) ISSUANCE.—A State boxing commission or a private organization that carries out a contract described in section 4(b) shall issue to each professional boxer who registers in accordance with subsection (a), an identification card that contains—

(A) a recent photograph of the boxer;

(B) the social security number of the boxer (or, in the case of a foreign boxer, any similar citizen identification number or professional boxer number from the country of residence of the boxer); and

(C) each personal identification number assigned to the boxer by a boxing registry certified by the Association of Boxing Commissioners.

(2) RENEWAL.—Each professional boxer shall renew his or her identification card at least once every 3 years.

(3) PRESENTATION.—Each professional boxer shall present his or her identification card to the appropriate State boxing commission or private organization that carries out a contract described in section 4(b) not later than the time of the weigh-in for a professional boxing match.

(c) RELATION TO STATE LAW.—Nothing in this section shall be construed as preventing a State from applying additional registration requirements.

SEC. 6. REVIEW.

Each State boxing commission and each private organization that carries out a contract described in section 4(b) shall establish procedures—

(1) to evaluate the professional records of each boxer participating in a boxing match in the State;

(2) to ensure that no boxer is permitted to box while under suspension from any State boxing commission due to injury or other medical-related reason, including—

(A) a recent knockout, injury, or requirement for a medical procedure;

(B) failure of a drug test;

(C) poor boxing skills, or the inability to safely compete; or

(D) the use of false aliases, or falsifying, or attempting to falsify, official identification cards or documents; and

(3) to ensure that if such commission (or private organization) is considering permitting a boxer, promoter, manager, or other licensee to participate in a professional boxing match while the individual is under suspension from any State for any reason other than a reason listed in paragraph (2), such commission (or private organization) shall notify and consult with the chief administrative officer of the State that ordered the suspension prior to the grant of approval for such individual to participate in that professional boxing match.

SEC. 7. INSURANCE.

Each State, acting through the State boxing commission of the State or private organization that carries out the regulation of professional boxing matches for that State (if the State has in effect a contract described in section 4(b) with that private organization), shall require that a promoter provide insurance coverage, in an amount determined by the appropriate State official or entity, for each boxer who participates in a professional boxing match that the promoter is involved in conducting to cover an injury sustained while engaged in that match.

SEC. 8. REPORTING.

(a) BOXING MATCH RESULTS.—Not later than 48 business hours (excluding Saturdays and Sundays) after the conclusion of a professional boxing match, the results of such boxing match shall be reported—

(1) to each professional boxing registry certified by the Association of Boxing Commissions; and

(2) to the Florida State Athletic Commission.

(b) SUSPENSIONS.—Not later than 48 business hours (excluding Saturdays and Sundays) after a State boxing commission orders the suspension of a boxer, promoter, or manager, such suspension shall be reported—

(1) to each professional boxing registry certified by the Association of Boxing Commissions; and

(2) to the Florida State Athletic Commission.

(c) ALTERNATE REPORTING ENTITY.—If the State of Florida ceases, for any reason, to publish and circulate a national suspension list at no cost to other States on a frequent basis, the Association of Boxing Commissions shall select a different public or private entity to voluntarily undertake to compile and circulate a suspension list to all State boxing commissions at no cost to the States.

SEC. 9. ENFORCEMENT.

(a) INJUNCTIONS.—Whenever a United States Attorney in a State has reasonable cause to believe that a person or entity is engaged in a violation of this Act in such State, the United States Attorney may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order, against the person or entity, as the United States Attorney determines to be necessary to restrain the person or entity from continuing to engage in, or to sanction, a professional boxing match in violation of this Act.

(b) CRIMINAL PENALTIES.—

(1) MANAGERS, PROMOTERS, MATCHMAKERS, AND LICENSEES.—Each manager, promoter, matchmaker, and licensee who knowingly and willfully violates any provision of this Act shall, upon conviction, be imprisoned for not more than 1 year or fined not more than $20,000, or both.

(2) BOXERS.—Any professional boxer who knowingly and willfully violates any provision of this Act shall, upon conviction, be fined not more than $1,000.

(c) DESIGNATED UNITED STATES ATTORNEY.—The Attorney General of the United States shall, for each State, designate a United States Attorney that has an office in that State, to serve, in consultation with the State boxing commission of that State (or, in the absence of a State boxing commission, the appropriate official of the Association of Boxing Commissions)—

(1) as a liaison to respond to allegations concerning violations of this Act; and

(2) as a coordinator for any enforcement activity conducted pursuant to this Act that is carried out by any United States Attorney in that State.

SEC. 10. NOTIFICATION OF DESIGNATED UNITED STATES ATTORNEY.

Each promoter that intends to hold a professional boxing match in a State that does not have a State boxing commission shall, not later than 14 days before the intended date of that event, provide written notification to the United States Attorney designated under section 9(c) for that State. That notification shall contain—

(1) assurances that, with respect to that boxing match, all applicable requirements of this Act will be met;

(2) the name, State of residence, and telephone number of the official of a State boxing commission of another State who will oversee the match pursuant to an agreement described in section 4(a)(1)(A)(iii);

(3) the name of any individual who, at the time of the submission of the notification—

(A) is under suspension from a State boxing commission; and

(B) will be involved in organizing or participating in the event; and

(4) with respect to any individual listed under paragraph (3), the State boxing commission to which a suspension described in paragraph (3)(A) is in effect.

SEC. 11. CONSULTATION WITH STATE BOXING OFFICIALS BY THE ATTORNEY GENERAL.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, to exchange information concerning the implementation and enforcement of this Act and to improve the safety and integrity of professional boxing as a sport, the Attorney General of the United States shall consult with—

(1) the appropriate official of the Association of Boxing Commissions;

(2) tribal organizations (as that term is defined in section 4(*l*) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(*l*)) that regulate professional boxing matches; and

(3) private organizations that assist in the regulation of professional boxing matches.

SEC. 12. PENSION STUDY.

(a) IN GENERAL.—The Secretary of Labor shall conduct a study on the feasibility and cost of a national pension system for professional boxers, including potential funding sources.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Labor shall submit a report to the Congress on the findings of the study conducted pursuant to subsection (a).

SEC. 13. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN RESERVATIONS.

(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) INDIAN TRIBE.—The term ''Indian tribe'' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) RESERVATION.—The term ''reservation'' means the geographically defined area over which a tribal organization exercises governmental jurisdiction.

(3) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the same meaning as in section 4(*l*) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(*l*)).

(b) REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a tribal organization of an Indian tribe may, upon the initiative of the tribal organization—

(A) regulate professional boxing matches held within the reservation under the jurisdiction of that tribal organization; and

(B) carry out that regulation or enter into a contract with a private organization to carry out that regulation.

(2) STANDARDS AND LICENSING.—If a tribal organization regulates boxing matches pursuant to paragraph (1), the tribal organization shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least equivalent to—

(A) the otherwise applicable standards and requirements of each State in which the reservation is located; or

(B) if no State in which the reservation is located has established any such standard or requirement—

(i) the standards and requirements of any other State that has established a State boxing commission that carries out the requirements of this Act; or

(ii) the most recently published version of the recommended regulatory guidelines issued by the Association of Boxing Commissions.

THE TECHNICAL CORRECTIONS ACT OF 1995

McCAIN AMENDMENT NO. 3040

Mr. SMITH (for Mr. MCCAIN) proposed an amendment to the bill (S. 325) to make certain technical corrections in laws relating to native Americans, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. CORRECTION TO POKAGON RESTORATION ACT.

Section 9 of the Act entitled ''An Act to restore Federal services to the Pokagon Band of Potawatomi Indians'' (25 U.S.C. 1300j–7a) is amended—

(1) by striking ''Bands'' each place it appears and inserting ''Band'';

(2) in subsection (a), by striking ''respective''; and

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking ''membership rolls that contain'' and inserting ''a membership roll that contains''; and

(II) by striking ''in such'' and inserting ''in the''; and

(ii) in the second sentence, by striking ''Each such'' and inserting ''The'';

(B) in paragraph (2)—

(i) by striking ''rolls have'' and inserting ''roll has''; and

(ii) by striking ''such rolls'' and inserting ''such roll'';

(C) in the heading for paragraph (3), by striking ''ROLLS'' and inserting ''ROLL''; and

(D) in paragraph (3), by striking ''rolls are maintained'' and inserting ''roll is maintained''.

SEC. 2. CORRECTION TO ODAWA AND OTTAWA RESTORATION ACT.

(a) REAFFIRMATION OF RIGHTS.—The heading of section 5(b) of the Little Traverse Bay Bands of Odawa and the Little River Band of Ottawa Indians Act (25 U.S.C. 1300k–3) is amended by striking ''TRIBE'' and inserting ''BANDS''.

(b) MEMBERSHIP LIST.—Section 9 of the Little Traverse Bay Bands of Odawa and the Little River Band of Ottawa Indians Act (25 U.S.C. 1300k–7) is amended—

(1) in subsection (a)—

(A) by striking ''Band'' the first place it appears and inserting ''Bands''; and

(B) by striking ''the Band.'' and inserting ''the respective Bands.''; and

(2) in subsection (b)(1)—

(A) in the first sentence, by striking ''the Band shall submit to the Secretary membership rolls that contain the names of all individuals eligible for membership in such Band'' and inserting ''each of the Bands shall submit to the Secretary a membership roll that contains the names of all individuals that are eligible for membership in such Band''; and

(B) in the second sentence, by striking ''The Band, in consultation'' and inserting ''Each such Band, in consultation''.

SEC. 3. FEDERAL EMPLOYEES CONTRACTING OR TRADING WITH INDIANS.

(a) REPEAL.—Section 437 of title 18, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 18, United States Code, is amended by striking the item relating to section 437.

(c) EFFECTIVE DATE.—The repeal made by subsection (a) shall—

(1) take effect on the date of enactment of this Act; and

(2) apply with respect to any contract obtained, and any purchase or sale occurring, on or after the date of enactment of this Act.

SEC. 4. INDIAN DAMS SAFETY ACT OF 1994.

Section 4(h) of the Indian Dams Safety Act of 1994 (108 Stat. 1562) is amended by striking ''(under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), as amended,'' and inserting ''under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)''.

SEC. 5. PASCUA YAQUI INDIANS OF ARIZONA.

Section 4(b) of the Act entitled ''An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes'' (25 U.S.C. 1300f–3(b)) is amended by striking ''Pascua Yaqui tribe'' and inserting ''Pascua Yaqui Tribe''.

SEC. 6. INDIAN LANDS OPEN DUMP CLEANUP ACT OF 1994.

Section 3(7) of the Indian Lands Open Dump Cleanup Act of 1994 (108 Stat. 4165) is amended by striking ''under section 6944 of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.)'' and inserting ''under section 4004 of the Solid Waste Disposal Act (42 U.S.C. 6944)''.

SEC. 7. AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994.

(a) MAINTENANCE OF RECORDS.—Section 303(c)(5)(D) of the American Indian Trust Fund Management Reform Act of 1994 (108 Stat. 4247) is amended by striking ''made under paragraph (3)(B)'' and inserting ''made under subparagraph (C)''.

(b) ADVISORY BOARD.—Section 306(d) of the Indian Trust Fund Management Reform Act (25 U.S.C. 4046(d)) is amended by striking ''Advisory Board'' and inserting ''advisory board''.

SEC. 8. INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

(a) DEFINITIONS.—Section 4(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(j)) is amended by striking ''That except as provided the last proviso in section 105(a) of this Act,'' and inserting ''That except as provided in paragraphs (1) and (3) of section 105(a),''.

(b) CARRYOVER FUNDING.—Section 8 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 13a) is amended by striking ''the provisions of section 106(a)(3)'' and inserting ''the provisions of section 106(a)(4)''.

(c) REPAYMENT OF FUNDS.—Section 5(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(d)) is amended by striking ''106(a)(3) of this Act'' and inserting ''106(a)(4)''.

(d) SELF-DETERMINATION CONTRACTS.—The first sentence of the flush material immediately following subparagraph (E) of section 102(a)(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f(a)(2)) is amended by striking ''the second sentence of this subsection'' and inserting ''the second sentence of this paragraph''.

(e) CONTRACT OR GRANT PROVISIONS AND ADMINISTRATION.—Section 105(a)(3)(C)(ii) of the Indian Self-Determination and Education Assistance Act (42 U.S.C. 450j(a)(3)(C)(ii)) is amended—

(1) in subclause (VII), by striking ''chapter 483'' and inserting ''chapter 482''; and

(2) in subclause (IX), by striking ''The Service Control Act of 1965'' and inserting ''The Service Contract Act of 1965''.

(f) APPROVAL OF CONSTRUCTION CONTRACTS.—Section 105(m)(4)(C)(v) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(m)(4)(C)(v)) is amended by striking ''sections 102(a)(2) and 102(b) of section 102'' and inserting ''subsections (a)(2) and (b) of section 102''.

SEC. 9. INDIAN SELF-DETERMINATION CONTRACT REFORM ACT OF 1994.

Section 102(11) of the Indian Self-Determination Contract Reform Act of 1994 (108 Stat. 4254) is amended by striking ''subsection (e)'' and inserting ''subsection (e) of section 105''.

SEC. 10. AUBURN INDIAN RESTORATION.

(a) ECONOMIC DEVELOPMENT.—Section 203 of the Auburn Indian Restoration Act (25 U.S.C. 1300*l*–1) is amended—

(1) in subsection (a)(2), by striking ''as provided in section 107'' and inserting ''as provided in section 207''; and

(2) in subsection (b), by striking ''section 104'' and inserting ''section 204''.

(b) INTERIM GOVERNMENT.—The last sentence of section 206 of the Auburn Indian Restoration Act (25 U.S.C. 1300*l*–4) is amended by striking ''Interim council'' and inserting ''Interim Council''.

SEC. 11. CROW BOUNDARY SETTLEMENT ACT OF 1994.

(a) ENFORCEMENT.—Section 5(b)(3) of the Crow Boundary Settlement Act of 1994 (108 Stat. 4636) is amended by striking ''provisions of subsection (b)'' and inserting ''provisions of this subsection''.

(b) APPLICABILITY.—Section 9 of the Crow Boundary Settlement Act of 1994 (108 Stat. 4640) is amended by striking ''The Act'' and inserting ''This Act''.

(c) ESCROW FUNDS.—Section 10(b) of the Crow Boundary Settlement Act of 1994 (108 Stat. 4641) is amended by striking ''(collectively referred to in this subsection as the 'Suspension Accounts')'' and inserting ''(collectively referred to in this section as the 'Suspension Accounts')''.

SEC. 12. TLINGIT AND HAIDA STATUS CLARIFICATION ACT.

The first sentence of section 205 of the Tlingit and Haida Status Clarification Act (25 U.S.C. 1215) is amended by striking ''Indian tribes'' and inserting ''Indian Tribes''.

SEC. 13. NATIVE AMERICAN LANGUAGES ACT.

Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (2), by striking ''under section 5351(4) of the Indian Education Act of 1988 (25 U.S.C. 2651(4))'' and inserting ''under section 9161(4) of the Improving America's Schools Act of 1994 (20 U.S.C. 7881(4))''; and

(2) in paragraph (3), by striking ''section 4009 of Public Law 100–297 (20 U.S.C. 4909)'' and inserting ''section 9212(1) of the Improving America's Schools Act of 1994 (20 U.S.C. 7912(1))''.

SEC. 14. PONCA RESTORATION ACT.

Section 5 of the Ponca Restoration Act (25 U.S.C. 983c) is amended—

(1) by inserting ''Sarpy, Burt, Platte, Stanton, Holt, Hall, Wayne,'' before ''Knox''; and

(2) by striking ''or Charles Mix County'' and inserting '', Woodbury or Pottawattomie Counties of Iowa, or Charles Mix County''.

SEC. 15. YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994.

Section 112(b) of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 (108 Stat. 4532) is amended by striking ''December 31, 1995'' and inserting ''June 30, 1996''.

SEC. 16. INDIAN HEALTH CARE IMPROVEMENT ACT.

(a) DEFINITION OF HEALTH PROFESSION.—Section 4(n) of the Indian Health Care Improvement Act (25 U.S.C. 1603(n)) is amended—

(1) by inserting ''allopathic medicine,'' before ''family medicine''; and

(2) by striking ''and allied health professions'' and inserting ''an allied health profession, or any other health profession.''.

(b) INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.—Section 104(b) of the Indian Health Care Improvement Act (25 U.S.C. 1613a(b)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking the matter preceding clause (i) and inserting the following:

''(3)(A) The active duty service obligation under a written contract with the Secretary under section 338A of the Public Health Service Act (42 U.S.C. 254l) that an individual has entered into under that section shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice, by service—'';

(ii) by striking ''or'' at the end of clause (iii);

(iii) by striking the period at the end of clause (iv) and inserting ''; or''; and

(iv) by adding at the end the following new clause:

''(v) in an academic setting (including a program that receives funding under section 102, 112, or 114, or any other academic setting that the Secretary, acting through the Service, determines to be appropriate for the purposes of this clause) in which the major duties and responsibilities of the recipient are the recruitment and training of Indian health professionals in the discipline of that recipient in a manner consistent with the purpose of this title, as specified in section 101.'';

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) At the request of any individual who has entered into a contract referred to in subparagraph (A) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

''(i) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service that is required under this section.

''(ii) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

''(iii) The active duty service obligation will be served in the health profession of that individual, in a manner consistent with clauses (i) through (v) of subparagraph (A).'';

(D) in subparagraph (C), as so redesignated, by striking ''prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) by service in a program specified in subparagraph (A)'' and inserting ''described in subparagraph (A) by service in a program specified in that subparagraph''; and

(E) in subparagraph (D), as so redesignated—

(i) by striking ''Subject to subparagraph (B),'' and inserting ''Subject to subparagraph (C),''; and

(ii) by striking ''prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m)'' and inserting ''described in subparagraph (A)'';

(2) in paragraph (4)—

(A) in subparagraph (B), by striking the matter preceding clause (i) and inserting the following:

''(B) the period of obligated service described in paragraph (3)(A) shall be equal to the greater of—''; and

(B) in subparagraph (C), by striking ''(42 U.S.C. 254m(g)(1)(B))'' and inserting ''(42 U.S.C. 254l(g)(1)(B))'';

(3) in paragraph (5), by adding at the end the following new subparagraphs:

''(C) Upon the death of an individual who receives an Indian Health Scholarship, any obligation of that individual for service or payment that relates to that scholarship shall be canceled.

''(D) The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

''(i) it is not possible for the recipient to meet that obligation or make that payment;

''(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

''(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

''(E) Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

''(F) Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.''.

(c) REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.—Section 206 of the Indian Health Care Improvement Act (16 U.S.C. 1621e) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''Except as provided'' and inserting ''(a) RIGHT OF RECOVERY.—Except as provided'';

(ii) by striking ''the reasonable expenses incurred'' and inserting ''the reasonable charges billed'';

(iii) by striking ''in providing'' and inserting ''for providing''; and

(iv) by striking ''for such expenses'' and inserting ''for such charges''; and

(B) in paragraph (2), by striking ''such expenses'' each place it appears and inserting ''such charges'';

(2) in subsection (b), by striking ''(b) Subsection (a)'' and inserting ''(b) RECOVERY AGAINST STATE WITH WORKERS' COMPENSATION LAWS OR NO-FAULT AUTOMOBILE ACCIDENT INSURANCE PROGRAM.—Subsection (a)'';

(3) in subsection (c), by striking ''(c) No law'' and inserting ''(c) PROHIBITION OF STATE LAW OR CONTRACT PROVISION IMPEDIMENT TO RIGHT OF RECOVERY.—No law'';

(4) in subsection (d), by striking ''(d) No action'' and inserting ''(d) RIGHT TO DAMAGES.—No action'';

(5) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking ''(e) The United States'' and inserting ''(e) INTERVENTION OR SEPARATE CIVIL ACTION.—The United States''; and

(B) by striking paragraph (2) and inserting the following new paragraph:

''(2) while making all reasonable efforts to provide notice of the action to the individual to whom health services are provided prior to the filing of the action, instituting a civil action.'';

(6) in subsection (f), by striking ''(f) The United States'' and inserting ''(f) SERVICES COVERED UNDER A SELF-INSURANCE PLAN.—''; and

(7) by adding at the end the following new subsections:

''(g) COSTS OF ACTION.—In any action brought to enforce this section, the court shall award any prevailing plaintiff costs, including attorneys' fees that were reasonably incurred in that action.

''(h) RIGHT OF RECOVERY FOR FAILURE TO PROVIDE REASONABLE ASSURANCES.—The United States, an Indian tribe, or a tribal organization shall have the right to recover damages against any fiduciary of an insurance company or employee benefit plan that is a provider referred to in subsection (a) who—

''(1) fails to provide reasonable assurances that such insurance company or employee benefit plan has funds that are sufficient to pay all benefits owed by that insurance company or employee benefit plan in its capacity as such a provider; or

''(2) otherwise hinders or prevents recovery under subsection (a), including hindering the pursuit of any claim for a remedy that may be asserted by a beneficiary or participant covered under subsection (a) under any other applicable Federal or State law.''.

SEC. 17. REVOCATION OF CHARTER OF INCORPORATION OF THE MINNESOTA CHIPPEWA TRIBE UNDER THE INDIAN REORGANIZATION ACT.

The request of the Minnesota Chippewa Tribe to surrender the charter of incorporation issued to that tribe on September 17, 1937, pursuant to section 17 of the Act* * *.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Forests and Public Lands to consider five miscellaneous land bills. The first is S. 901, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to authorize the Secretary of the Interior to participate in the design, planning, and construction of certain water reclamation and reuse projects and desalination research and development projects. The subcommittee will also consider S. 1169 to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize construction of facilities for the reclamation and reuse of wastewater at McCall, ID, S. 590, a land exchange for the relief of Matt Clawson, and S. 985, to exchange certain lands in Gilpin County, CO. The last bill to be considered is S. 1196, to transfer certain National Forest System lands adjacent to the Townsite of Cuprum, ID.

The hearing will take place Tuesday, November 7, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224–6170.

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, November 16, 1995 at 2 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 873, a bill to establish the South Carolina National Heritage Corridor; S. 944, a bill to provide for the establishment of the Ohio River Corridor Study Commission; S. 945, a bill to amend the Illinois and Michigan Canal Heritage Corridor Act of 1984 to modify the boundaries of the corridor; S. 1020, a bill to establish the Augusta Canal National Heritage Area in the State of Georgia; S. 1110, a bill to establish guidelines for the designation of National Heritage Areas; S. 1127, a bill to establish the Vancouver National Historic Reserve; and S. 1190, a bill to establish the Ohio and Erie Canal National Heritage Corridor in the State of Ohio.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, October 31, 1995, at 3:30 p.m.

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

COMMITTEE ON THE JUDICIARY

Mr. DOLE. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, October 31, 1995, at 10:00 a.m. to hold a hearing on The Aftermath of Waco: Changes in Federal Law Enforcement.

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

COMMITTEE ON SMALL BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate Committee on Small Business be authorized to meet during the session of the Senate for a joint hearing with the House Committee on Small Business on Tuesday, October 31, 1995, at 10:00 a.m., in room G50 of the Dirksen Senate Office Building, to conduct a hearing focusing on The Cost of Federal Regulations on Small Business.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. DOLE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, October 31, 1995 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. DOLE. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, October 31 and Wednesday, November 1, 1995 to hold hearings on Global Proliferation of Weapons of Mass Destruction.

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

ADDITIONAL STATEMENTS

VA, HUD, INDEPENDENT AGENCIES APPROPRIATIONS

● Mr. ABRAHAM. Mr. President, I would like to take this time to explain some of the votes I cast during consideration of the VA, HUD, independent agencies appropriations bill on September 27, 1995.

Senator BUMPERS offered an amendment to reduce the appropriation for implementing the space station program with the intent of terminating the program. The Bumpers amendment raised the question as to what the United States fundamental goals and needs are in exploring space. While it is clear that the space station has spurred technological and scientific development unrelated to space, I am not convinced that these developments justify the enormous taxpayer expense of the space station. Therefore, at this time, I supported Senator BUMPERS' amendment. Since the amendment failed, however, we will most likely continue to fund the space station for fiscal year 1996, and as we spend more on this program we will come closer to a point at which it would no longer be wise to discontinue funding. I believe we are near that point and will review this budget request again next year to determine whether eliminating funding for the space station would benefit taxpayers.

Senator ROCKEFELLER offered two amendments regarding benefits for veterans. One involved compensation for mentally incompetent service-related disabled veterans and the other would have increased funding for the general veterans medical account. My opposition to these amendments was not based on their content, but rather on the fact that the funding mechanism for both of these amendments involved waiving the Budget Act. More than any veteran-specific funding we can provide, balancing the budget will benefit veterans and their children. Any amendment which increases spending and puts our country further from achieving a balanced budget ought to be rejected. And while I do not doubt that Senator ROCKEFELLER's amendments have merit, his inability to find other spending offsets made them impossible for me to support.

Senator LAUTENBERG also proposed to waive provisions of the Budget Act in order to provide more funding for the Superfund Program. While I share Mr. LAUTENBERG's concern for the environment, very few Americans familiar with the Superfund Program would disagree that it is in need of reform. We have spent billions of dollars on the Superfund Program already, and the results have been minimal. Superfund has resulted in more lawsuits, more paperwork, extreme cleanup mandates, and few cleanups. This is a classic attempt to throw good tax dollars after bad. Without meaningful reform of the program, I am not convinced that Superfund dollars are being well-spent, making it impossible for me to support this amendment.

Senator MIKULSKI offered an amendment which would have restored $425 million in funding for the Corporation for National and Community Service. While I applaud her efforts to encourage Americans to provide more service to their communities, this program costs $26,000 per participant per year—a level which cannot be sustained in the current budget environment.

Furthermore, I could not support funding for this program upon learning that $14 million out of last year's AmeriCorps funds were used to fund Federal agencies. While the administration claims it is cutting staff, they are actually playing a shell game with taxpayers' dollars by using AmeriCorps workers in the Federal Government. I am confident that the original supporters of this program did not intend for these volunteers to choose Federal employment as their community service.

Forty percent of the dollars currently spent on AmeriCorps is used for administrative purposes by the Federal Government. These funds would be more efficiently and effectively spent on a local rather than a national level.

Another amendment which touched on an important social issue was the Sarbanes amendment to transfer $360 million from section 8 contract renewals to homeless assistance grants to increase funding for Federal homeless programs. Most Americans share a common concern regarding the plight of the homeless and agree that the Government should play a role in the solution. Nevertheless, I voted against this amendment for two reasons.

First, the underlying bill provides $760 million for homeless grants, with an additional $297 million in homeless grants funding available from the earlier rescission bill, which deferred this funding from fiscal year 1995 to fiscal year 1996. In total, homeless programs will have $1.057 billion to spend in fiscal year 1996. The Sarbanes amendment would not increase this funding by one penny. All the funds he proposes to transfer would not be available until fiscal year 1997. In other words, this amendment would not have helped one homeless person next year.

Second, I was concerned that an unintended consequence of this amendment would be to increase homelessness. The bill provides $4.35 billion in funding for section 8 contract renewal. Section 8 subsidizes the construction and operation of apartment buildings, provided the owner agrees to rent a certain percentage of those apartments to low-income people. Currently, 1.5 million units are subsidized in this fashion, and many of these contracts are due to expire. If they are not renewed, many of the tenants will lose their homes.

In order to pay for the increase in homeless funding, Senator SARBANES would have reduced funding for renewing section 8 contracts. By taking away from this account, this amendment threatens to put people currently housed under the section 8 program on the street. The Federal Government has a role to play in helping the homeless, and in this case the underlying bill fills this role by addressing the needs of people already living on the streets as well as ensuring we don't encourage additional families to join them.

Overall I believe we have produced a solid appropriations bill, one which stays within the budget limitations necessary to balance the budget by the year 2002, delegates much of the funding to States in the form of block grants so that spending is more effective, and revises or eliminates programs that simply have not been working. I was proud to support final passage of this legislation.●

NATIONAL ENDOWMENT FOR DEMOCRACY

● Mr. GRAHAM. Mr. President, on October 20, a letter from four former National Security Advisers was sent to the chairman and ranking member of the Committee on Foreign Relations expressing their support for the work of the National Endowment for Democracy [NED]. According to these four distinguished experts, NED ''has served our national interest well through its timely support of those who advance the cause of democracy.''

As we make the difficult budgetary choices that will help guarantee for us and our children a prosperous future, it is essential that we not discard those programs—particularly those that are cost-effective—which enhance our long-term security. As the following letter from Messrs. Allen, Brzezinski, Carlucci, and Scowcroft points out, the National Endowment for Democracy is such a program.

I ask that the letter be printed in the RECORD. The letter follows:

OCTOBER 20, 1995.

Hon. JESSE HELMS,
Hon. CLAIBORNE PELL,
Senate Foreign Relations Committee Washington, DC.

Hon. BENJAMIN GILMAN,
Hon. LEE HAMILTON,
House International Relations Committee, Washington, DC.

As former National Security Advisers to the President, we are familiar with the work of the National Endowment for Democracy (NED). In our assessment, NED, established under President Reagan as an instrument in

his campaign for democracy, and sustained with the bipartisan support of the leadership of both houses of Congress, has served our national interest well through its timely support of those who advance the cause of democracy.

The Endowment, a small bipartisan institution with its roots in America's private sector, operates in situations where direct government involvement is not appropriate. It is an exceptionally effective instrument in today's climate for reaching dedicated groups seeking to counter extreme nationalist and autocratic forces that are responsible for so much conflict and instability.

Eliminating this program would be particularly unsettling to our friends around the world, and could be interpreted as a sign of America's disengagement from the vital policy of supporting democracy. The Endowment remains a critical and cost-effective investment in a more secure America, and we support its work. We hope that you will join us in that support.

Sincerely,

RICHARD V. ALLEN,
FRANK C. CARLUCCI,
ZBIGNIEW BRZEZINSKI,
BRENT SCOWCROFT.●

(At the request of Mr. DOLE, the following statements were ordered to be printed in the RECORD.)

BALANCED BUDGET RESOLUTION ACT OF 1995

● Mr. DOLE. I seek a clarification from my colleague, the esteemed chairman of the Finance Committee, Mr. ROTH. It is my understanding that, in making these revolutionary and necessary changes to the Medicare program to preserve it for our Nation's seniors, we are concerned about the effects these changes may have on inner-city access to health care services. It is my understanding that it is the Finance Committee's intention to have ProPAC study the effects of these changes on the access and quality of care to the Medicare beneficiaries served by the Nation's urban hospitals who serve large numbers of Medicare patients. I understand from the chairman that whatever changes do occur in the Medicare Program, it is in the best interests of this Nation to ensure the health and financial viability of these inner- city hospitals so as not to undermine the health of the residents in those urban areas.

Mr. ROTH. The gentleman, my good friend from Kansas, is correct. I share his concern for residents of the inner cities across the country. The Finance Committee does indeed intend for ProPAC to study the effects of these changes on inner city hospitals that provide the access to care for those areas.

Mr. DOLE. It is, therefore, my understanding that the chairman of the Finance Committee intends to continue to address these concerns during the House-Senate conferencs by including language which would require ProPAC's annual report to Congress to include recommendations to ensure that beneficiaries served by the Nation's urban hospitals would maintain access and quality of care.

In designing the study we would hope that ProPAC would also include recommendations on those hospitals that serve large populations of both Medicare and Medicaid patients.

Mr. ROTH. The Senator is correct. As part of the Senate Finance Committee's deliberation with the House on the Medicare provisions of the conference, we intend to request, and ultimately, include that requirement in ProPAC's annual report to Congress.

Mr. DOLE. I thank the chairman for his clarification and for sharing my concern about the health and well-being of our inner-city residents and the hospitals that serve their needs.

OREGON HEALTH PLAN

Mr. HATFIELD. Will my colleague from Delaware yield for the purpose of entering into a colloquy?

Mr. ROTH. I would be happy to yield to the Senator from Oregon.

Mr. HATFIELD. It is my understanding that additional funds have been made available and added to the Medicaid Program. As a result, Oregon will receive more funding during the 7 year budget period than originally expected under the Senate formula.

Mr. ROTH. That is correct.

Mr. HATFIELD. As my colleague knows, Oregon is currently in the middle of a 5-year Medicaid demonstration project known as the Oregon Health Plan which began in 1994. This plan has had an enormous effect on improving access to basic health care to low-income Oregonians. As a result of the cuts to Medicaid funding included in the original Finance Committee proposal, Oregon's ability to carry out this innovative plan was threatened. Is it your understanding that under the new Senate Medicaid formula, Oregon will receive more money than the State estimates it will need during the years 1996 through 1999 to operate the Oregon Health Plan under its current Medicaid waiver?

Mr. ROTH. Yes.

Mr. HATFIELD. I want to thank the Senator from Delaware and your staff for your assistance in ensuring that Oregon will be able to continue its innovative experiment. I truly believe other States can learn from Oregon's experience, and you have helped to guarantee that this will happen.●

CONGRATULATING TIMOTHY A. BROWN

● Mr. SARBANES. Mr. President. I rise today to recognize and congratulate Capt. Timothy A. Brown, international president of the International Organization of Masters, Mates & Pilots, ILA, AFL–CIO, on being awarded the Silver Mariner Award and the Outstanding Professional Achievement Award by the U.S. Merchant Marine Academy at Kings Point, NY. Captain Brown was presented with the award on October 12, 1995, at an awards dinner held at the Merchant Marine Academy Officers Club.

The Silver Mariner Award is given every 5 years to individuals who have attained and sailed on their master's license and who have at least 25 years sailing experience. Individuals receiving the Outstanding Professional Achievement Award are selected because of their achievement within the maritime industry. Captain Brown's labor efforts on behalf of the maritime industry as president of the International Organization of Masters, Mates & Pilots led to his nomination and subsequent selection by the review panel.

The International Organization of Masters, Mates & Pilots is the International Marine Division of the International Longshoreman's Association, AFL–CIO. With 6,800 members, it represents licensed deck officers, State pilots, and other marine personnel on U.S.-flag commercial vessels sailing in international trade and the inland waterways of the United States, the Panama Canal, and Caribbean, as well as crews sailing civilian-crewed military vessels of the United States.

Captain Brown richly deserves the great honor which has been accorded him. He has been associated with the maritime industry since graduating from the U.S. Merchant Marine Academy at Kings Points, NY, in 1965. Captain Brown continued to associated himself with the maritime industry; from 1983 to 1991 he sailed as a ship's master with SeaLand Service, Inc. In February 1991, he was elected president of the International Organization of Masters, Mates & Pilots on an interim basis and was subsequently reelected in 1992. During his tenure as president, Captain Brown devoted a great deal of time and energy toward legislative initiatives designed to promote the U.S.-flag merchant marine in a competitive world market. Working at both the grassroots and national levels he took the opportunity to explain the importance of the U.S. merchant marine to the national defense and the economy.

Captain Brown serves as an international vice president of the Masters, Mates & Pilots parent organization, the International Longshoremen's Association. He is also a member of the Council of American Master Mariners and the American Merchant Marine Veterans.

Mr. President, again, I congratulate Captain Brown on his accomplishment and for being held in such a high regard by his colleagues in the maritime industry.●

DAVID HENDEL

● Mr. LIEBERMAN. Mr. President, I rise today to offer these most public words of congratulation to a great Connecticut citizen who is retiring after a long and distinguished career with the Metropolitan Life Insurance Co. For nearly 40 years, David Hendel of West Hartford, CT has been a fixture at MetLife and he will be sorely missed in those hallways.

As a past president of the MetLife Veterans Club of Hartford/Providence,

a member of the president's club for 6 years, and 10 years on the leadership conference, David has redefined loyalty and dedication in the workplace. If ever there was a man who could be counted on to put forth his best effort day in and day out, David Hendel is that man.

David has not merely made his mark at MetLife, he has also worked hard to better his community and this is what makes him such a special individual. A veteran of the U.S. Army, David has devoted his spare time to such organizations as the West Hartford Zoning Board of Appeals, the West Hartford Democratic Town Committee, and Temple Beth El of West Hartford. Truly, David has taught a generation of West Hartford residents the meaning and value of community service.

A true role model, David has shown us all that we must work both as individuals and as parts of a greater community to leave a positive mark on the world around us. As Members of Congress, we are charged with improving and strengthening the fabric of this Nation. I hope this body recognizes that, by following the lead of citizens like David Hendel, we can all advance toward that lofty goal.●

NOMINATION OF JOHN DOUGLASS TO BE ASSISTANT SECRETARY OF THE NAVY

● Mr. LEVIN. Mr. President, I wish to offer a few comments on the nomination of John Wade Douglass to be the Assistant Secretary of the Navy for Research, Development and Acquisition. John has served as a professional staff member of the Senate Armed Services Committee for more than 3 years, and he has served the committee well.

John has been responsible for technology base programs and defense research and development issues, as well as NATO issues, for the committee's Democratic members. He has worked on such difficult tasks as reducing the size of the Defense Department and its budget while keeping a coherent program of research and technology that will help preserve our national security in the decades to come. He has also dealt with the thorny issues of Bosnia and NATO expansion.

In all his work for the committee, John has offered wise and creative approaches to these difficult issues. For example, he has been a tireless champion of cost-sharing in Federal dual-use research funding, which has now become a standard practice for the Pentagon and other government agencies. This new standard will save the taxpayer hundreds of millions of dollars while improving the chances that the joint research bears fruit for both the military and civilian users.

Mr. President, I have enjoyed the opportunity to work with John over the past 3 years. He has worked with me on a number of issues, always with energy, intelligence, and humor. Clearly, the Navy's gain will be the committee's loss. I want to offer my congratulations to John and wish him well in his new position. If he serves the Navy as well as he did the committee, as I am sure he will, the Nation will be well served indeed.●

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

PROFESSIONAL BOXING SAFETY ACT

Mr. SMITH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 209, S. 187, the Professional Boxing Safety Act.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 187) to provide for the safety of journeyman boxers, 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.

AMENDMENT NO. 3039

(Purpose: To provide a substitute)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] for Mr. MCCAIN (for himself, Mr. BRYAN, and Mr. ROTH) proposes an amendment numbered 3039.

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

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

The amendment (No. 3039) was agreed to.

Mr. SMITH. I ask unanimous consent that the bill be deemed read a third time, passed as amended, the motion to reconsider be laid upon the table and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (S. 187), as amended, was passed.

AUTHORIZING THE PRINTING OF REVISED EDITION OF THE SENATE ELECTION LAW GUIDEBOOK

Mr. SMITH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 190, submitted earlier today by Senators WARNER and FORD.

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

The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 190) to authorize the printing of a revised edition of the Senate Election Law Guidebook.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 190) was agreed to, as follows:

S. RES. 190

Resolved, That the Committee on Rules and Administration is directed to prepare a revised edition of the Senate Election Law Guidebook, Senate Document 103–13, and that such document shall be printed as a Senate document.

SEC. 2. There shall be printed 600 additional copies of the document specified in section 1 of this resolution for the use of the Committee on Rules and Administration.

NATIVE AMERICAN TECHNICAL CORRECTIONS ACT

Mr. SMITH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 196, S. 325.

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

The clerk will report.

The legislative clerk read as follows:

A bill (S. 325) to make certain technical corrections in laws relating to native Americans and for other purposes.

The Senate proceeded to consider the bill.

AMENDMENT NO. 3040

(Purpose: To provide a substitute)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], for Mr. MCCAIN, proposes an amendment numbered 3040.

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

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

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

Mr. MCCAIN. Mr. President, I rise today to express my support for S. 325, a bill to make technical amendments to various laws affecting Native Americans and to urge its immediate adoption. This bill includes a number of provisions which address a wide range of Indian issues. I am joined by a number of Senators who have sponsored provisions which have been included in S. 325. I will briefly describe the provisions of S. 325 as amended. Section 1 of the bill makes technical corrections to section 9 of the Pokagon Potawatomi Restoration Act. These corrections would change the references in section 9 from plural to singular. Section 2 of S. 325 makes technical corrections to the Odawa and Ottawa Restoration Act. This section corrects all of the references in section 9 by using the plural.

The third section of S. 325 would address a longstanding problem in Indian policy. I have worked extensively with my good friend and colleague from Arizona, Senator KYL, to repeal the Trading with Indians Act. The Trading with Indians Act was originally enacted in the 1800's to protect Indians from unscrupulous Indian agents and other Federal employees. The prohibitions in the Trading with Indians Act were designed to prevent Federal employees from using their positions of trust to engage in private business deals that exploited Indians. These prohibitions carried criminal penalties including a fine of up to $5,000 and removal from Federal employment. The Trading With Indians Act has had significant adverse impacts on employee retention in the Indian Health Service [IHS] and the Bureau of Indian Affairs [BIA]. The problems stemming from the Trading with Indians Act are well-documented. Because the prohibitions in the Trading with Indians Act apply to the spouses of IHS and BIA employees, the adverse impacts are far-reaching. For example, if a spouse of an IHS employee is engaged in a business that is wholly-unrelated to the BIA or the IHS and does not transact business with the BIA or the IHS, the spouse is still in violation of the Trading with Indians Act. It is clear that although this statute served an admirable purpose in the 1800's, it has become anachronistic and should be repealed. The important policies reflected in the Trading with Indians Act are now covered by the Standards of Ethical Conduct for Employees of the Executive Branch.

In addition, to the original sections of the bill there are a number of additional sections included in S. 325 at the request for a number of Indian tribes. Section 4 of the amendment corrects a citation in section 4 of the Indian Dams Safety Act of 1994. Section 5 of S. 325 amends the Pascua Yaqui Indians Act to capitalize the words ''Pascua Yaqui Tribe.'' Section 6 amends section 3(7) of the Indian Lands Open Dump cleanup Act of 1994 to correct the citation to the Solid Waste Disposal Act. Section 7 of the bill amends the American Indian Trust Fund Management Reform Act of 1994 to correct a reference in section 303(c) of the Act and to correct a typographical error in section 306 of the Act. Section 8 of the bill makes several technical and conforming changes to the Indian Self-Determination and Education Assistance Act. Section 9 of the bill corrects a reference in section 102 of the Indian Self-Determination Contract Reform Act of 1994. Section 10 of the bill corrects certain references in sections 203 and 206 of the Auburn Indian Restoration Act. Section 11 of the bill amends the Crow Boundary Settlement Act of 1994 corrects several references in sections 5, 9, and 10 of the Act. Section 12 of S. 325 corrects a typographical error in section 205 of the Tlingit and Haida Status Clarification Act. Section 13 of the bill amends section 103 of the Native American Languages Act to correct several citations in the section. Section 14 of the bill amends section 5 of the Ponca Restoration Act to modify the service area of the Ponca Indian Tribe to include Indians living in Sarpy, Burt, Platte, Stanton, Hall, Holt, and Wayne counties in Nebraska and Indians living in Woodbury and Pottawattomie counties in Iowa. It has been estimated that there are 110 Ponca tribal members living in these counties who are not currently eligible to receive services from the tribe. This amendment to the Ponca Restoration Act would make these members eligible for tribal services from the Ponca Tribe. I would like to recognize the leadership of the delegation from Nebraska, Senators EXON and KERREY, who brought this provision to my attention and urged its inclusion in S. 325.

Section 15 of S. 325 amends section 112 of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 to extend the time for the completion of the activities to be conducted by the parties to the settlement by six months. Under the original Act, the Secretary is required to publish in the Federal Register by December 31, 1995 a statement of findings that includes a finding that the contracts between the parties for Central Arizona Project water have been executed. Due to several unforeseen developments, the Department of the Interior, the Yavapai-Prescott Tribe, and the City of Prescott have requested an additional 6 months to finalize the agreements and publish the Secretary's findings in the Federal Register.

Section 16 of the bill modifies the definition of the term Indian ''Health Profession'' in the Indian Health Care Improvement Act. This modification will allow the Indian Health Service additional flexibility in awarding scholarships and offering loan repayment to individuals enrolled in degree programs in the health professions. As originally defined, the term health profession unnecessarily restricted the eligibility of individuals for scholarships. Subsection (b) amends section 104 of the Indian Health Care Improvement Act to make clear that an individual serving in an academic setting that is funded under sections 102, 112, or 114 of the Act who is responsible for the recruitment and training of Indian Health Professionals shall be considered to be meeting their service obligations under section 338A of the Public Health Service Act. This provision will allow an individual to meet their service obligation to the IHS by working at a university or other academic setting which is responsible for recruiting and training American Indians in the health professions. The amendment also clarifies that the Secretary may defer an individual's service obligations during the term of an internship, residency or other advanced clinical program. Further, subsection (b) provides that any obligation for service or payment by an individual to the IHS shall expire upon their death. It also authorizes the Secretary to waive or suspend a service or payment obligation upon the Secretary's determination that it would cause extreme hardship or to enforce such a requirement would be unconscionable. Finally, the provision makes clear the terms under which an individual's payment obligation may be discharged in a bankruptcy proceeding. Subsection (c) of this section clarifies certain provisions in section 206 of the Indian Health Care Improvement Act regarding the notice provisions for individuals in collection actions for services provided by IHS or tribal health facilities and recoverable costs in such a collection action and the right of the United States and Indian tribes to recover against an insurance company or employee benefit plan.

Section 17 of the bill provides for the revocation of the charter of incorporation of the Minnesota Chippewa Tribe under the Indian Reorganization Act. The Minnesota Chippewa Tribe has requested the Congress to accept their surrender of the Corporate Charter of the Minnesota Chippewa. By its own terms, this chapter can only be revoked by Act of Congress. This provision would revoke the charter. I would like to express my appreciation to my good friend the Senator from Minnesota, Senator WELLSTONE for his hard work and diligence on behalf of the Minnesota Chippewa Tribe in advancing this amendment. Section 18 of the bill amends section 533(c) of the Equity in Educational Land Grant Status Act of 1994 to clarify how the Indian student count shall be applied to the Tribally Controlled Community Colleges. Section 19 of S. 325 will amend the Advisory Council on California Indian Policy Act of 1992 to extend the term of the Advisory Council on California Indian Policy from 18 months to 36 months in order to allow them to complete their study of issues affecting California Indian tribes. Section 20 of the bill amends the San Carlos Apache Tribe Water Rights Settlement Act of

1992 to extend the deadline for the parties to the settlement complete agreements between the San Carlos Apache Tribe, the Phelps-Dodge Corporation, and the Town of Globe for an additional year. This amendment would extend the deadline from December 31, 1995 to December 31, 1996. The Department of the Interior, the San Carlos Apache Tribe and the other parties to the settlement have expressed their support for this provision.

Section 21 of the bill amends section 401 of the Public Law 100–581, to provide the authority to the Army Corps of Engineers to provide funding for the operation and maintenance of in lieu fishing access sites on the Columbia River. Public Law 100–581 was enacted in 1988 to authorize the U.S. Army Corps of Engineers to develop 32 Indian fishing access sites along the Columbia River for the Warm Springs, Yakima, Umatilla, and Nez Perce tribes. These fishing sites were intended to compensate these Indian tribes for fishing sites which were lost due to the construction of several dams by the Army Corps of Engineers. In a June 25, 1995 Memorandum of Understanding between the Army Corps of Engineers and the Department of the Interior, the Corps agreed to a lump sum payment of funds to provide for the operation and maintenance of such sites. I would like to express my appreciation to the Senator from Oregon, Mr. HATFIELD, for his leadership in advancing this provision. I have worked closely with him in ensuring that this provision is clarified and provides the necessary authority to ensure that these sites are adequately maintained.

Section 22 of the bill provides authority to the Ponca Indian Tribe of Nebraska to utilize funds provided in prior fiscal years to acquire, develop, and maintain a transitional living facility for Indian adolescents. I understand that the Ponca Indian Tribe has worked closely with Senator CONRAD, who has been the principal sponsor of this amendment. I would like to express my appreciation for the work of Senators KYL, THOMAS, KERREY, EXON, CONRAD, HATFIELD, WELLSTONE, and INOUYE in the development of many of these amendments and I urge my colleagues to support passage of S. 325.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3040) was agreed to.

TREATY FISHING SITE AMENDMENT

● Mr. HATFIELD. Mr. President, the relationship of the United States Government with Native American tribes has often been plagued by broken promises and unfinished tasks. Treaties with the four Columbia River fishing tribes, the Warm Springs, Umatillas, Yakima, and the Nez Perce guarantee them the right to fish in the Columbia River. When dams flooded out their fishing sites in the 1930's, the Federal Government agreed to provide 400 acres of new sites ''in lieu of those inundated.''

Throughout the years, we have failed to make good on that commitment. About 40 acres have been provided, and these areas are in poor condition. In 1988, Congress remedied this dilemma by passing the Columbia River Treaty Fishing Access Sites Act. The Act requires the Army Corps of Engineers to rehabilitate the existing sites and develop new sites to the full 400 acres. Once developed the Corps is to transfer the sites to the Bureau of Indian Affairs as trustee for the tribes.

Since fiscal year 1994, $7.8 million has been appropriated to the Corps for this purpose. Expenditure of this money has been stalled due to a disagreement between the Corps and the BIA over which would be responsible for operation and maintenance costs after the transfer. The two agencies have reached an agreement and my amendment will provide clear legislative authority for the Corps to transfer the Operation and Maintenance funds to the Bureau of Indian Affairs.

I am pleased we have reached an agreement that is acceptable to all the parties involved and I am proud that we have fulfilled our commitment to the tribes.●

Mr. KYL. Mr. President, I rise in support of this legislation to make technical corrections in certain laws relating to Native Americans, particularly section 3 of the bill which would repeal the Trading With Indians Act.

Mr. President, the Chairman of the Indian Affairs Committees, Senator MCCAIN, and I began working for the repeal of the Trading With Indians Act during the last Congress. Senator MCCAIN championed the issue in this body. I sponsored the companion bill while I was still serving in the House of Representatives. I want to thank the chairman for his continuing personal involvement, and for acting so promptly on the issue this year.

The Trading With Indians Act was originally enacted in 1834, and it had a legitimate purpose at that time—to protect Native Americans from being unduly influenced by Federal employees.

But, a law that started out with good intentions more than a century ago has become unnecessary and counterproductive today. It establishes a virtually absolute prohibition against commercial trading with Indians by employees of the Indian Health Service and Bureau of Indian Affairs. The prohibition extends to transactions in which a Federal employee has an interest, either in his or her own name, or in the name of another person, including a spouse, where the employee benefits or appears to benefit from such interest.

The penalties for violations can be severe: a fine of not more than $5,000, or imprisonment for not more than 6 months, or both. The Act further provides that any employee who is found to be in violation should be terminated from Federal employment.

This all means that employees could be subject to criminal penalties or fired from their jobs, not for any real or perceived wrongdoing on their part, but merely because they are married to individuals who may do business on an Indian reservation. The nexus of marriage is enough to invoke penalties. It means, for example, that an Indian Health Service employee, whose spouse operates a law firm on the Navajo Nation, could be fined, imprisoned, or fired. It means that a family member can't apply for a small business loan without jeopardizing the employee's job.

Mr. President, in some cases, the Trading With Indians Act even threatens to break up Indian families. I ask unanimous consent that the text of a column, which Jack Anderson and Michael Binstein wrote on the subject in December of 1993, appear in the RECORD at the conclusion of my remarks.

The protection that the Trading With Indians Act provided in 1834 can now be provided under the Standards of Ethical Conduct for Government Employees. The intent here is to provide adequate safeguards against conflicts of interest, while not unreasonably denying individuals and their families the ability to live and work—and create jobs—in their communities.

Both Health and Human Services Secretary Donna Shalala and Interior Department Assistant Secretary Ada Deer have expressed support for the legislation to repeal the 1834 Act. Secretary Shalala, in a letter dated November 17, 1993, noted that repeal ''could improve the ability of IHS to recruit and retain medical professional employees in remote locations. It is more difficult for IHS to recruit and retain medical professionals to work in remote reservation facilities if their spouses are prohibited from engaging in business activities with the local Indian residents, particularly since employment opportunities for spouses are often very limited in these locations.''

Let me cite one very specific case in which the law has come into play. It involved Ms. Karen Arviso, who served as the Navajo area IHS health promotion and disease prevention coordinator. Ms. Arviso was one of those people who played a particularly critical role during the outbreak of the hantavirus in the Navajo area several years ago. She put in long hours traveling to communities across the reservation in an effort to educate people about the mysterious disease.

Instead of thanks for her dedication and hard work, Ms. Arviso received a notice that she was to be fired because her husband applied for a small business loan from the Bureau of Indian Affairs. The Trading With Indians Act would require it. What sense does that make?

Mr. President, repeal of the Trading With Indians Act is long overdue. I hope we will pass this legislation today unanimously, and that the House will act on it promptly.

I ask unanimous consent that the Anderson/Binstein column be printed in the RECORD.

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

[From the Washington Post, Dec. 6, 1993]

AN OBSOLETE LAW ENDANGERS A MARRIAGE

(By Jack Anderson and Michael Binstein)

This fall, Albert Hale nearly decided to make what he regarded as the ultimate sacrifice for his beloved wife of five years: divorce her.

I don't want my wife to go to jail,'' Hale said. ''If I can save her from going to jail by divorcing her then that's a real option.''

The possibility made the Hales heartsick, and left their young daughter—who overheard one of their hushed discussions—distraught. But a 160-year-old federal law offered little latitude. The Trading with Indians Act of 1834 carries a six-month jail sentence and/or up to a $5,000 fine, and the ''case'' against Regina Hale appeared to be open and shut. If there's a lesson, it may be that old and obsolete laws die hard.

The law prohibits all ''commercial'' trading with American Indians by Indian Health Service or Bureau of Indian Affairs employees or ''in the name of a family member or spouse'' of an employee.

An IHS official told us there weren't many violations of the law until the government started hiring greater numbers of Native Americans whose spouses often work on the reservations and own businesses. The two main employers on most reservations are the tribal government and the federal government.

Albert and Regina Hale are American Indians who were born and reared on the Navajo reservation in Window Rock, Ariz. She is now employed as a personnel staffing assistant for the IHS. He has practiced law on the reservation since 1972. They are raising Regina's 9-year-old daughter in their own house on a 1½-acre lot on the reservation, because that's ''where we're from.''

There they lived as a normal happy family, until one morning when Regina opened the mail and discovered that the marriage rendered her in ''violation'' of the Trading with Indians Act and would be ''cause for severe disciplinary action, as well as criminal penalties.''

''We were appalled by the letter . . . but what do you do? How do you as a married couple resolve this? Maybe the best thing to do is get divorced,'' Albert Hale told our associate, Andrew Conte.

When the law was enacted, Congress feared that non-Indian officials of the War Department would set up shops on the reservations to fleece Indians of the funds they received from the government. Nearly 160 years later, this dusty relic is haunting Regina and Albert Hale, as well as other Indian couples who work for the IHS or the BIA and who own businesses on reservations.

In another case, Karen Arviso, who worked last summer in Crownpoint, N.M., as a community outreach worker to help locate the causes of a mysterious fatal virus in the Southwest, almost lost her job because of the law. When her husband applied for a loan at the BIA to open a gas station on the Navajo reservation, IHS informed her that she would have to resign if he started the business.

''This is one of those anachronisms,'' Rep. Jon Kyl (R-Ariz.) told us. ''The law was needed back 150 years ago, but now you don't need it. This is just one of those things we ought to get off the books because unfortunately real people are in violation of real law and we don't intend for that situation to exist.''

Kyl and Sen. John McCain (R-Ariz.) are leading the crusade to repeal the law in Congress.

Though the law has seldom been enforced this century, the few instances in which it has been invoked caused inconvenience rather than imprisonment.

In the early 1980s, an assistant secretary of BIA who wanted to rent his house to an Indian was prevented from doing so. An official at IHS told us other employees of that agency had been prevented from selling Avon products in predominantly Indian neighborhoods.

Health and Human Services Secretary Donna E. Shalala has promised not to fire or prosecute IHS employees because of violations, but word has apparently not reached Arizona. An IHS official there said ''they haven't heard anything'' about not prosecuting the cases and therefore the Hales and the handful of other people affected by the law are ''still under the gun.''

Regina Hale promises to fight.

''My daughter heard us the other night talking about getting a divorce and she . . . started to cry because she didn't understand,'' she said. ''We're going to live through this and we're going to fight.''

Mr. SMITH. I ask unanimous consent the bill be deemed read a third time and passed as amended, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (S. 325) was deemed read the third time and passed, as follows:

S. 325

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

SECTION 1. CORRECTION TO POKAGON RESTORATION ACT.

Section 9 of the Act entitled ''An Act to restore Federal services to the Pokagon Band of Potawatomi Indians'' (25 U.S.C. 1300j–7a) is amended—

(1) by striking ''Bands'' each place it appears and inserting ''Band'';

(2) in subsection (a), by striking ''respective''; and

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in the first sentence—

(I) by striking ''membership rolls that contain'' and inserting ''a membership roll that contains''; and

(II) by striking ''in such'' and inserting ''in the''; and

(ii) in the second sentence, by striking ''Each such'' and inserting ''The'';

(B) in paragraph (2)—

(i) by striking ''rolls have'' and inserting ''roll has''; and

(ii) by striking ''such rolls'' and inserting ''such roll'';

(C) in the heading for paragraph (3), by striking ''ROLLS'' and inserting ''ROLL''; and

(D) in paragraph (3), by striking ''rolls are maintained'' and inserting ''roll is maintained''.

SEC. 2. CORRECTION TO ODAWA AND OTTAWA RESTORATION ACT.

(a) REAFFIRMATION OF RIGHTS.—The heading of section 5(b) of the Little Traverse Bay Bands of Odawa and the Little River Band of Ottawa Indians Act (25 U.S.C. 1300k–3) is amended by striking ''TRIBE'' and inserting ''BANDS''.

(b) MEMBERSHIP LIST.—Section 9 of the Little Traverse Bay Bands of Odawa and the Little River Band of Ottawa Indians Act (25 U.S.C. 1300k–7) is amended—

(1) in subsection (a)—

(A) by striking ''Band'' the first place it appears and inserting ''Bands''; and

(B) by striking ''the Band.'' and inserting ''the respective Bands.''; and

(2) in subsection (b)(1)—

(A) in the first sentence, by striking ''the Band shall submit to the Secretary membership rolls that contain the names of all individuals eligible for membership in such Band'' and inserting ''each of the Bands shall submit to the Secretary a membership roll that contains the names of all individuals that are eligible for membership in such Band''; and

(B) in the second sentence, by striking ''The Band, in consultation'' and inserting ''Each such Band, in consultation''.

SEC. 3. FEDERAL EMPLOYEES CONTRACTING OR TRADING WITH INDIANS.

(a) REPEAL.—Section 437 of title 18, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 23 of title 18, United States Code, is amended by striking the item relating to section 437.

(c) EFFECTIVE DATE.—The repeal made by subsection (a) shall—

(1) take effect on the date of enactment of this Act; and

(2) apply with respect to any contract obtained, and any purchase or sale occurring, on or after the date of enactment of this Act.

SEC. 4. INDIAN DAMS SAFETY ACT OF 1994.

Section 4(h) of the Indian Dams Safety Act of 1994 (108 Stat. 1562) is amended by striking ''(under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), as amended,'' and inserting ''under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)''.

SEC. 5. PASCUA YAQUI INDIANS OF ARIZONA.

Section 4(b) of the Act entitled ''An Act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes'' (25 U.S.C. 1300f–3(b)) is amended by striking ''Pascua Yaqui tribe'' and inserting ''Pascua Yaqui Tribe''.

SEC. 6. INDIAN LANDS OPEN DUMP CLEANUP ACT OF 1994.

Section 3(7) of the Indian Lands Open Dump Cleanup Act of 1994 (108 Stat. 4165) is amended by striking ''under section 6944 of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.)'' and inserting ''under section 4004 of the Solid Waste Disposal Act (42 U.S.C. 6944)''.

SEC. 7. AMERICAN INDIAN TRUST FUND MANAGEMENT REFORM ACT OF 1994.

(a) MAINTENANCE OF RECORDS.—Section 303(c)(5)(D) of the American Indian Trust Fund Management Reform Act of 1994 (108 Stat. 4247) is amended by striking ''made under paragraph (3)(B)'' and inserting ''made under subparagraph (C)''.

(b) ADVISORY BOARD.—Section 306(d) of the Indian Trust Fund Management Reform Act (25 U.S.C. 4046(d)) is amended by striking ''Advisory Board'' and inserting ''advisory board''.

SEC. 8. INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT.

(a) DEFINITIONS.—Section 4(j) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(j)) is amended by striking ''That except as provided the last proviso in section 105(a) of this Act,'' and inserting ''That except as provided in paragraphs (1) and (3) of section 105(a),''.

(b) CARRYOVER FUNDING.—Section 8 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 13a) is amended by striking ''the provisions of section 106(a)(3)'' and inserting ''the provisions of section 106(a)(4)''.

(c) REPAYMENT OF FUNDS.—Section 5(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450c(d)) is amended by striking ''106(a)(3) of this Act'' and inserting ''106(a)(4)''.

(d) SELF-DETERMINATION CONTRACTS.—The first sentence of the flush material immediately following subparagraph (E) of section 102(a)(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f(a)(2)) is amended by striking ''the second sentence of this subsection'' and inserting ''the second sentence of this paragraph''.

(e) CONTRACT OR GRANT PROVISIONS AND ADMINISTRATION.—Section 105(a)(3)(C)(ii) of the Indian Self-Determination and Education Assistance Act (42 U.S.C. 450j(a)(3)(C)(ii)) is amended—

(1) in subclause (VII), by striking ''chapter 483'' and inserting ''chapter 482''; and

(2) in subclause (IX), by striking ''The Service Control Act of 1965'' and inserting ''The Service Contract Act of 1965''.

(f) APPROVAL OF CONSTRUCTION CONTRACTS.—Section 105(m)(4)(C)(v) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450j(m)(4)(C)(v)) is amended by striking ''sections 102(a)(2) and 102(b) of section 102'' and inserting ''subsections (a)(2) and (b) of section 102''.

SEC. 9. INDIAN SELF-DETERMINATION CONTRACT REFORM ACT OF 1994.

Section 102(11) of the Indian Self-Determination Contract Reform Act of 1994 (108 Stat. 4254) is amended by striking ''subsection (e)'' and inserting ''subsection (e) of section 105''.

SEC. 10. AUBURN INDIAN RESTORATION.

(a) ECONOMIC DEVELOPMENT.—Section 203 of the Auburn Indian Restoration Act (25 U.S.C. 1300l–1) is amended—

(1) in subsection (a)(2), by striking ''as provided in section 107'' and inserting ''as provided in section 207''; and

(2) in subsection (b), by striking ''section 104'' and inserting ''section 204''.

(b) INTERIM GOVERNMENT.—The last sentence of section 206 of the Auburn Indian Restoration Act (25 U.S.C. 1300l–4) is amended by striking ''Interim council'' and inserting ''Interim Council''.

SEC. 11. CROW BOUNDARY SETTLEMENT ACT OF 1994.

(a) ENFORCEMENT.—Section 5(b)(3) of the Crow Boundary Settlement Act of 1994 (108 Stat. 4636) is amended by striking ''provisions of subsection (b)'' and inserting ''provisions of this subsection''.

(b) APPLICABILITY.—Section 9 of the Crow Boundary Settlement Act of 1994 (108 Stat. 4640) is amended by striking ''The Act'' and inserting ''This Act''.

(c) ESCROW FUNDS.—Section 10(b) of the Crow Boundary Settlement Act of 1994 (108 Stat. 4641) is amended by striking ''(collectively referred to in this subsection as the 'Suspension Accounts')'' and inserting ''(collectively referred to in this section as the 'Suspension Accounts')''.

SEC. 12. TLINGIT AND HAIDA STATUS CLARIFICATION ACT.

The first sentence of section 205 of the Tlingit and Haida Status Clarification Act (25 U.S.C. 1215) is amended by striking ''Indian tribes'' and inserting ''Indian Tribes''.

SEC. 13. NATIVE AMERICAN LANGUAGES ACT.

Section 103 of the Native American Languages Act (25 U.S.C. 2902) is amended—

(1) in paragraph (2), by striking ''under section 5351(4) of the Indian Education Act of 1988 (25 U.S.C. 2651(4))'' and inserting ''under section 9161(4) of the Improving America's Schools Act of 1994 (20 U.S.C. 7881(4))''; and

(2) in paragraph (3), by striking ''section 4009 of Public Law 100–297 (20 U.S.C. 4909)'' and inserting ''section 9212(1) of the Improving America's Schools Act of 1994 (20 U.S.C. 7912(1))''.

SEC. 14. PONCA RESTORATION ACT.

Section 5 of the Ponca Restoration Act (25 U.S.C. 983c) is amended—

(1) by inserting ''Sarpy, Burt, Platte, Stanton, Holt, Hall, Wayne,'' before ''Knox''; and

(2) by striking ''or Charles Mix County'' and inserting '', Woodbury or Pottawattomie Counties of Iowa, or Charles Mix County''.

SEC. 15. YAVAPAI-PRESCOTT INDIAN TRIBE WATER RIGHTS SETTLEMENT ACT OF 1994.

Section 112(b) of the Yavapai-Prescott Indian Tribe Water Rights Settlement Act of 1994 (108 Stat. 4532) is amended by striking ''December 31, 1995'' and inserting ''June 30, 1996''.

SEC. 16. INDIAN HEALTH CARE IMPROVEMENT ACT.

(a) DEFINITION OF HEALTH PROFESSION.—Section 4(n) of the Indian Health Care Improvement Act (25 U.S.C. 1603(n)) is amended—

(1) by inserting ''allopathic medicine,'' before ''family medicine''; and

(2) by striking ''and allied health professions'' and inserting ''an allied health profession, or any other health profession.''.

(b) INDIAN HEALTH PROFESSIONS SCHOLARSHIPS.—Section 104(b) of the Indian Health Care Improvement Act (25 U.S.C. 1613a(b)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking the matter preceding clause (i) and inserting the following:

''(3)(A) The active duty service obligation under a written contract with the Secretary under section 338A of the Public Health Service Act (42 U.S.C. 254l) that an individual has entered into under that section shall, if that individual is a recipient of an Indian Health Scholarship, be met in full-time practice, by service—'';

(ii) by striking ''or'' at the end of clause (iii);

(iii) by striking the period at the end of clause (iv) and inserting ''; or''; and

(iv) by adding at the end the following new clause:

''(v) in an academic setting (including a program that receives funding under section 102, 112, or 114, or any other academic setting that the Secretary, acting through the Service, determines to be appropriate for the purposes of this clause) in which the major duties and responsibilities of the recipient are the recruitment and training of Indian health professionals in the discipline of that recipient in a manner consistent with the purpose of this title, as specified in section 101.'';

(B) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) At the request of any individual who has entered into a contract referred to in subparagraph (A) and who receives a degree in medicine (including osteopathic or allopathic medicine), dentistry, optometry, podiatry, or pharmacy, the Secretary shall defer the active duty service obligation of that individual under that contract, in order that such individual may complete any internship, residency, or other advanced clinical training that is required for the practice of that health profession, for an appropriate period (in years, as determined by the Secretary), subject to the following conditions:

''(i) No period of internship, residency, or other advanced clinical training shall be counted as satisfying any period of obligated service that is required under this section.

''(ii) The active duty service obligation of that individual shall commence not later than 90 days after the completion of that advanced clinical training (or by a date specified by the Secretary).

''(iii) The active duty service obligation will be served in the health profession of that individual, in a manner consistent with clauses (i) through (v) of subparagraph (A).'';

(D) in subparagraph (C), as so redesignated, by striking ''prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m) by service in a program specified in subparagraph (A)'' and inserting ''described in subparagraph (A) by service in a program specified in that subparagraph''; and

(E) in subparagraph (D), as so redesignated—

(i) by striking ''Subject to subparagraph (B),'' and inserting ''Subject to subparagraph (C),''; and

(ii) by striking ''prescribed under section 338C of the Public Health Service Act (42 U.S.C. 254m)'' and inserting ''described in subparagraph (A)'';

(2) in paragraph (4)—

(A) in subparagraph (B), by striking the matter preceding clause (i) and inserting the following:

''(B) the period of obligated service described in paragraph (3)(A) shall be equal to the greater of—''; and

(B) in subparagraph (C), by striking ''(42 U.S.C. 254m(g)(1)(B))'' and inserting ''(42 U.S.C. 254l(g)(1)(B))'';

(3) in paragraph (5), by adding at the end the following new subparagraphs:

''(C) Upon the death of an individual who receives an Indian Health Scholarship, any obligation of that individual for service or payment that relates to that scholarship shall be canceled.

''(D) The Secretary shall provide for the partial or total waiver or suspension of any obligation of service or payment of a recipient of an Indian Health Scholarship if the Secretary determines that—

''(i) it is not possible for the recipient to meet that obligation or make that payment;

''(ii) requiring that recipient to meet that obligation or make that payment would result in extreme hardship to the recipient; or

''(iii) the enforcement of the requirement to meet the obligation or make the payment would be unconscionable.

''(E) Notwithstanding any other provision of law, in any case of extreme hardship or for other good cause shown, the Secretary may waive, in whole or in part, the right of the United States to recover funds made available under this section.

''(F) Notwithstanding any other provision of law, with respect to a recipient of an Indian Health Scholarship, no obligation for payment may be released by a discharge in bankruptcy under title 11, United States Code, unless that discharge is granted after the expiration of the 5-year period beginning on the initial date on which that payment is due, and only if the bankruptcy court finds that the nondischarge of the obligation would be unconscionable.''.

(c) REIMBURSEMENT FROM CERTAIN THIRD PARTIES OF COSTS OF HEALTH SERVICES.—Section 206 of the Indian Health Care Improvement Act (16 U.S.C. 1621e) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''Except as provided'' and inserting ''(a) RIGHT OF RECOVERY.—Except as provided'';

(ii) by striking ''the reasonable expenses incurred'' and inserting ''the reasonable charges billed'';

(iii) by striking ''in providing'' and inserting ''for providing''; and

(iv) by striking ''for such expenses'' and inserting ''for such charges''; and

(B) in paragraph (2), by striking ''such expenses'' each place it appears and inserting ''such charges'';

(2) in subsection (b), by striking ''(b) Subsection (a)'' and inserting ''(b) RECOVERY AGAINST STATE WITH WORKERS' COMPENSATION LAWS OR NO-FAULT AUTOMOBILE ACCIDENT INSURANCE PROGRAM.—Subsection (a)'';

(3) in subsection (c), by striking ''(c) No law'' and inserting ''(c) PROHIBITION OF STATE LAW OR CONTRACT PROVISION IMPEDIMENT TO RIGHT OF RECOVERY.—No law'';

(4) in subsection (d), by striking ''(d) No action'' and inserting ''(d) RIGHT TO DAMAGES.—No action'';

(5) in subsection (e)—

(A) in the matter preceding paragraph (1), by striking ''(e) The United States'' and inserting ''(e) INTERVENTION OR SEPARATE CIVIL ACTION.—The United States''; and

(B) by striking paragraph (2) and inserting the following new paragraph:

''(2) while making all reasonable efforts to provide notice of the action to the individual to whom health services are provided prior to the filing of the action, instituting a civil action.'';

(6) in subsection (f), by striking ''(f) The United States'' and inserting ''(f) SERVICES COVERED UNDER A SELF-INSURANCE PLAN.—''; and

(7) by adding at the end the following new subsections:

''(g) COSTS OF ACTION.—In any action brought to enforce this section, the court shall award any prevailing plaintiff costs, including attorneys' fees that were reasonably incurred in that action.

''(h) RIGHT OF RECOVERY FOR FAILURE TO PROVIDE REASONABLE ASSURANCES.—The United States, an Indian tribe, or a tribal organization shall have the right to recover damages against any fiduciary of an insurance company or employee benefit plan that is a provider referred to in subsection (a) who—

''(1) fails to provide reasonable assurances that such insurance company or employee benefit plan has funds that are sufficient to pay all benefits owed by that insurance company or employee benefit plan in its capacity as such a provider; or

''(2) otherwise hinders or prevents recovery under subsection (a), including hindering the pursuit of any claim for a remedy that may be asserted by a beneficiary or participant covered under subsection (a) under any other applicable Federal or State law.''.

SEC. 17. REVOCATION OF CHARTER OF INCORPORATION OF THE MINNESOTA CHIPPEWA TRIBE UNDER THE INDIAN REORGANIZATION ACT.

The request of the Minnesota Chippewa Tribe to surrender the charter of incorporation issued to that tribe on September 17, 1937, pursuant to section 17 of the Act of June 18, 1934, commonly known as the ''Indian Reorganization Act'' (48 Stat. 988, chapter 576; 25 U.S.C. 477) is hereby accepted and that charter of incorporation is hereby revoked.

SEC. 18. LAND GRANT STATUS FOR 1994 INSTITUTIONS.

Section 533(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note) is amended—

(1) in paragraph (4)(A), by striking the ''Indian student count (as defined in section 390(3) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2397h(3))'' and inserting ''Indian student count, as determined under paragraph (5)''; and

(2) by adding at the end the following new paragraph:

''(5) INDIAN STUDENT COUNT.—For purposes of paragraph (4), the Indian student count shall be—

''(A) for the 1994 Institutions listed in paragraphs (24), (25), and (27) of section 522, determined for those institutions in the same manner as an Indian student count is determined for tribally controlled community colleges pursuant to the definition of 'Indian student count' under section 2(7) of the Tribally Controlled Community College Assistance Act of 2978 (25 U.S.C. 1801(7)); and

''(B) for all of the remaining 1994 Institutions listed in section 522, determined in accordance with the definition of 'Indian student count' under section 390(3) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2397h(3)).''.

SEC. 19. ADVISORY COUNCIL ON CALIFORNIA INDIAN POLICY ACT OF 1992.

Section 5(6) of the Advisory Council on California Indian Policy Act of 1992 (106 Stat. 2133; 25 U.S.C. 651 note) is amended by striking ''18 months'' and inserting ''36 months''.

SEC. 20. SAN CARLOS APACHE TRIBE WATER RIGHTS SETTLEMENT ACT OF 1992.

Section 3711(b)(1) of the San Carlos Apache Tribe Water Rights Settlement Act of 1992 (title XXXVII of Public Law 102–575) is amended by striking ''December 31, 1995'' and inserting ''December 31, 1996''.

SEC. 21. IN-LIEU FISHING SITE TRANSFER AUTHORITY.

Section 401 of Public Law 100–581 (102 Stat. 2944–2945) is amended by adding at the end the following new subsection:

''(g) The Secretary of the Army is authorized to transfer funds to the Department of the Interior to be used for purposes of the continued operation and maintenance of sites improved or developed under this section.''.

SEC. 22. ADOLESCENT TRANSITIONAL LIVING FACILITY.

Notwithstanding any other provision of law, any funds that were provided to the Ponca Indian Tribe of Nebraska for any of the fiscal years 1992 through 1995, and that were retained by that Indian tribe, pursuant to a self-determination contract with the Secretary of Health and Human Services that the Indian tribe entered into under section 102 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f) to carry out programs and functions of the Indian Health Service may be used by that Indian tribe to acquire, develop, and maintain a transitional living facility for adolescents, including land for that facility.

NATIONAL DRUG AWARENESS DAY

Mr. SMITH. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 189, submitted earlier today by Senator GRASSLEY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 189) to designate Wednesday, November 1, 1995, as National Drug Awareness Day.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SMITH. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 189) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 189

Whereas illegal drug use among the youth of America is on the increase;

Whereas illegal drug use is a major health problem, ruining thousands of lives and costing billions of dollars;

Whereas illegal drug use contributes to crime on the streets and in the homes of this nation;

Whereas national attention has turned from illegal drug use to other issues, and support for sustained programs has decreased;

Whereas public awareness and sustained programs are essential to combat an ongoing social problem;

Whereas the answer to the illegal drug problem lies in America's communities, with local people involved in grass roots activities to keep their communities safe and drug free, and in encouraging personal responsibility;

Whereas the annual Red Ribbon Celebration, coordinated by the National Family Partnership and involving over 80,000,000 Americans in prevention activities each year, commemorates the sacrifices of people on the front lines in the war against illegal drug use;

Whereas substance abuse prevention, law enforcement, international narcotics control, and community awareness efforts contribute to preventing young people from starting illegal drug use; and

Whereas the American people have a continuing responsibility to combat illegal drug use: Now, therefore, be it

Resolved, That the Senate designate Wednesday, November 1, 1995, as ''National Drug Awareness Day''.

WORKERS COMPENSATION BENEFITS

Mr. SMITH. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 215, H.R. 1715.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1715) respecting the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH. Mr. President, I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed at the appropriate place in the RECORD.

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

The bill (H.R. 1715) was deemed read the third time, and passed.

EXECUTIVE SESSION

Mr. SMITH. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the military nominations

reported out of the Armed Services Committee today, with the exception of Capt. John B. Padgett III. I further ask unanimous consent that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade of major general under the provisions of title 10, United States Code, section 624:

To be major general

Brig. Gen. John B. Hall, Jr., 000–00–0000, Regular Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. Brett M. Dula, 000–00–0000, United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under Title 10, United States Code, Section 601:

To be lieutenant general

Maj. Gen. James F. Record, 000–00–0000, United States Air Force.

The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of Title 10, United States Code, Section 1370:

To be lieutenant general

Lt. Gen. Thad A. Wolfe, 000–00–0000, United States Air Force.

The following named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Nicholas B. Kehoe, III, 000–00–0000, United States Air Force.

IN THE ARMY

The following named officers for promotion in the Regular Army of the United States to the grade indicated, under the provisions of Title 10, United States Code, Sections 611(a) and 624:

To be permanent major general

Brig. Gen. Robert W. Roper, Jr., 000–00–0000.
Brig. Gen. Edward L. Andrews, 000–00–0000.
Brig. Gen. David K. Heebner, 000–00–0000.
Brig. Gen. Morris J. Boyd, 000–00–0000.
Brig. Gen. Robert R. Hicks, Jr., 000–00–0000.
Brig. Gen. Stewart W. Wallace, 000–00–0000.
Brig. Gen. James M. Wright, 000–00–0000.
Brig. Gen. Charles W. Thomas, 000–00–0000.
Brig. Gen. George H. Harmeyer, 000–00–0000.
Brig. Gen. John F. Michitsch, 000–00–0000.
Brig. Gen. Lon E. Maggart, 000–00–0000.
Brig. Gen. Henry T. Glisson, 000–00–0000.
Brig. Gen. Thomas N. Burnette, Jr., 000–00–0000.
Brig. Gen. David H. Ohle, 000–00–0000.
Brig. Gen. Milton Hunter, 000–00–0000.
Brig. Gen. James T. Hill, 000–00–0000.
Brig. Gen. Greg L. Gile, 000–00–0000.
Brig. Gen. Jmes C. Riley, 000–00–0000.
Brig. Gen. Randall L. Rigby, 000–00–0000.
Brig. Gen. Daniel J. Petrosky, 000–00–0000.
Brig. Gen. Michael B. Sherfield, 000–00–0000.
Brig. Gen. James C. King, 000–00–0000.
Brig. Gen. Joseph G. Garrett, III, 000–00–0000.
Brig. Gen. Leroy R. Goff, III, 000–00–0000.
Brig. Gen. Daniel G. Brown, 000–00–0000.
Brig. Gen. William P. Tangney, 000–00–0000.
Brig. Gen. Charles S. Mahan, Jr., 000–00–0000.
Brig. Gen. John J. Maher, III, 000–00–0000.
Brig. Gen. Leon J. LaPorte, 000–00–0000
Brig. Gen. Claudia J. Kennedy, 000–00–0000.

The following-named officer for promotion in the Regular Army of the United States to the grade indicated under title 10, U.S.C., sections 611(a) and 624(c):

To be brigadier general

Col. Bettye H. Simmons, 000–00–0000, United States Army.

The following-named Medical Corps Competitive Category officers for appointment in the Regular Army of the United States to the grade of brigadier general under the provisions of title 10, U.S.C., sections 611(a) and 624(c):

To be brigadier general

Col. George J. Brown, 000–00–0000, United States Army.
Col. Robert F. Griffin, 000–00–0000, United States Army.

IN THE NAVY

The following named Captains in the line of the United States Navy for promotion to the permanent grade of Rear Admiral (lower half), pursuant to Title 10, United States Code, section 624, subject to qualifications therefore as provided by law:

UNRESTRICTED LINE OFFICER

To be rear admiral (lower half)

Capt. Stephen Hall Baker, 000–00–0000, United States Navy.
Capt. John Joseph Bepko, III, 000–00–0000, United States Navy.
Capt. Jay Alan Campbell, 000–00–0000, United States Navy.
Capt. Robert Charles Chaplin, 000–00–0000, United States Navy.
Capt. James Cutler Dawson, Jr., 000–00–0000, United States Navy.
Capt. Malcolm Irving Fages, 000–00–0000, United States Navy.
Capt. Veronica Zasadni Froman, 000–00–0000, United States Navy.
Capt. Scott Allen Fry, 000–00–0000, United States Navy.
Capt. Gregory Gordon Johnson, 000–00–0000, United States Navy.
Capt. Stephen Irvin Johnson, 000–00–0000, United States Navy.
Capt. Joseph John Krol, Jr., 000–00–0000, United States Navy.
Capt. Stephen Robert Loeffler, 000–00–0000, United States Navy.
Capt. John Thomas Lyons, III, 000–00–0000, United States Navy.
Capt. James Irwin Maslowski, 000–00–0000, United States Navy.
Capt. Richard Walter Mayo, 000–00–0000, United States Navy.
Capt. Michael Glenn Mullen, 000–00–0000, United States Navy.
Capt. Larry Don Newsome, 000–00–0000, United States Navy.
Capt. Richard Jerome Nibe, 000–00–0000, United States Navy.
Capt. Paul Scott Semko, 000–00–0000, United States Navy.
Capt. Robert Gary Sprigg, 000–00–0000, United States Navy.
Capt. Robert Timothy Ziemer, 000–00–0000, United States Navy.

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Capt. Osie V. Combs, Jr., 000–00–0000, United States Navy.

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

Capt. Jeffrey Alan Cook, 000–00–0000, United States Navy.

The following named officer for appointment to the grade of vice admiral in the United States Navy while assigned to a position of importance and responsibility under title 10 U.S.C., section 601:

To be vice admiral

Rear Adm. Dennis C. Blair, 000–00–0000.

IN THE AIR FORCE

Air Force nominations beginning Tarek C. Abboushi, and ending Michael F. Zupan, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 5, 1995.

Air Force nominations beginning Julian Andrews, and ending Janice L. Anderson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 1995.

Air Force nominations beginning Laraine L. Acosta, and ending Joan C. Winters, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 1995.

Air Force nominations beginning Larry E. Freeman, and ending Timothy L. Cook, which nominations were received by the Senate and appeared in the CONGRESSINAL RECORD On October 11, 1995.

IN THE ARMY

Army nominations beginning Anthony C. Aiken, and ending Karen L. Wilkins, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 19, 1995.

Army nominations of Amy M. Autry, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 1995.

Army nominations beginning Michael B. Neveu, and ending Robert A. Diggs, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 1995.

Army nomination of Duane A. Belote, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 1995.

Army nomination of Derek J. Harvey, which was received by the Senate and appeared in the CONGRESSONAL RECORD on October 11, 1995.

Army nominations beginning Barbara Hasbargen, and ending Gary Vroegindewey, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 11, 1995.

Army nominations beginning Mary B. Alexander, and ending Craig L. Wardrip, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 11, 1995.

IN THE MARINE CORPS

Marine Corps nominations beginning Thurmond Bell, and ending Earnest R. Walls, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on October 10, 1995.

IN THE NAVY

Navy nominations beginning John M. Abernathy III, and ending George R. Shayne, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 8, 1995.

Navy nomination of Robert W. Ernest, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on April 24, 1995.

Navy nominations beginning Timothy A. Adams, and ending Michael J. Zielinski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 5, 1995.

Navy nominations beginning Albert M. Carden, and ending Jenevieve J. Williamson, which nominations were received by the Senate and appeared in CONGRESSIONAL RECORD on September 8, 1995.

Navy nominations beginning William D. Agerton, and ending William M. Turner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 19, 1995.

LEGISLATIVE SESSION

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

BILL READ FOR THE FIRST TIME—S. 1372

Mr. SMITH. Mr. President, I understand that S. 1372, introduced earlier today by Senator MCCAIN, is at the desk.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (S. 1372) to amend the Social Security Act to increase the earnings limit, and for other purposes.

Mr. SMITH. Mr. President, I will now ask for the bill to be read a second time.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH. At this time I object on behalf of the minority leader, Senator DASCHLE.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR WEDNESDAY, NOVEMBER 1, 1995

Mr. SMITH. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m. on Wednesday, November 1, that following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that there then be a period for the transaction of morning business until 12 noon with Senators permitted to speak for up to 10 minutes each; and, further, that the time from 9:30 to 10:30 be under the control of Senator DASCHLE, or his designee, and 10:30 to noon under the control of Senator DOLE, or his designee.

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

PROGRAM

Mr. SMITH. Mr. President, for the information of all Senators, at approximately 12 noon on Wednesday, it will be the intention of the majority leader to turn to the consideration of the House message to accompany the budget reconciliation bill in order to appoint conferees on the part of the Senate. Several rollcall votes may be necessary on motions to instruct. However, there is an overall 10-hour limitation on those motions. Members can, therefore, expect rollcall votes throughout Wednesday's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SMITH. Mr. President, if there be no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:43 p.m., adjourned until Wednesday, November 1, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 31, 1995:

DEPARTMENT OF EDUCATION

PATRICIA WENTWORTH MCNEIL, OF MASSACHUSETTS, TO BE ASSISTANT SECRETARY FOR VOCATIONAL AND ADULT EDUCATION, DEPARTMENT OF EDUCATION, VICE AUGUSTA SOUZA KAPPNER, RESIGNED.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE U.S. ARMY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601(A):

To be lieutenant general

MAJ. GEN. THOMAS A. SCHWARTZ, 000–00–0000, U.S. ARMY.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

HENRY LEE BARRETT, OF CALIFORNIA
CAROL E. CARPENTER-YARMAN, OF CALIFORNIA
JOHN R. MORGAN, OF TENNESSEE
DOUGLAS WYLIE PALMER, OF WASHINGTON
WILLIAM R. PARISH III, OF CALIFORNIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

PETER H. DELP, OF CALIFORNIA
MARGARET LORRAINE DULA, OF CALIFORNIA
TAMERA ANN FILLINGER, OF CALIFORNIA
NANCY J. LAWTON, OF VIRGINIA
MICHAEL E. SARHAN, OF ARKANSAS
MARY EDITH SCOVILL, OF VIRGINIA
DEE ANN SMITH, OF VIRGINIA
JAMES E. VERMILLION, OF FLORIDA
MICHAEL F. WALSH, OF PENNSYLVANIA

FOR APPOINTMENTS AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

ELLIS MERRILL WALKER ESTES, OF CALIFORNIA
ALONZO SIBERT, OF THE DISTRICT OF COLUMBIA

AGENCY FOR INTERNATIONAL DEVELOPMENT

EMMANUEL BRUCE-ATTAH, OF TENNESSEE
JOSEPH L. DORSEY, OF TEXAS
STEVEN KENNETH DOSH, OF MARIANA ISLANDS
MARSHALL W. HENDERSON, OF CALIFORNIA
MARYANNE HOIRUP-BACOLOD, OF CALIFORNIA
EDITH I. HOUSTON, OF TEXAS
CYNTHIA J. JUDGE, OF OREGON
CEOPUS KENNEDY, OF ALABAMA
JEFFREY RANDALL LEE, OF VIRGINIA
RAYMOND L. LEWMAN, OF WASHINGTON
JENNIFER NOTKIN, OF MASSACHUSETTS
DIANE L. RAWL, OF VIRGINIA

DEPARTMENT OF AGRICULTURE

DAVID W. COTTRELL, OF FLORIDA

UNITED STATES INFORMATION AGENCY

MYUNGSOO MAX KWAK, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

SENECA ELIZABETH JOHNSON, OF IDAHO
LAWRENCE J. KAY, OF IOWA
W. HOWIE MUIR, OF CONNECTICUT

UNITED STATES INFORMATION AGENCY

JOSEPH A. BOOKBINDER, OF NEW YORK
JAMES GREGORY CHRISTIANSEN, OF VIRGINIA
JENNIFER L. DENHARD, OF MARYLAND
KATHERINE HOWARD, OF MICHIGAN
MAURA MARGARET KENISTON, OF NEW YORK
JOSEPH PATRICK KRUZICH, OF OREGON
PHILIP THOMAS REEKER, OF NEW YORK
MICHAEL WILLIAM STANTON, OF VIRGINIA
RODNEY MATTHEW THOMAS, OF RHODE ISLAND
MARK TONER, OF PENNSYLVANIA
DALE EDWARD WEST, OF TEXAS
KATHERINE L. WOOD, OF VIRGINIA
JULIET WURR, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENTS OF STATE AND COMMERCE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SERGE M. ALEKSANDROV, OF MARYLAND
LORI H. ALVORD, OF WISCONSIN
CHARLES S. BAXTER, OF VIRGINIA
DAVID A. BLOCK, OF VIRGINIA
CHESTER WINSTON BOWIE, OR MARYLAND
STEPHEN CRAIG BRADLEY, OF VIRGINIA
KIP ANDREW BRAILEY, OF VIRGINIA
STEPHANIE LYNN BRITT, OF VIRGINIA
MARC R. CARDWELL, OF VIRGINIA
THEODORE D. CARLSON, OF VIRGINIA
STACEY T. COSTLEY, OF MARYLAND
JONATHAN S. DALBY, OF VIRGINIA
DOLLIE N. DAVIS, OF MARYLAND
HELEN DAVIS-DELANEY, OF MARYLAND
CLAUDIA N. DEVERALL, OF VIRGINIA
PAUL R. FELDTMOSE, OF MARYLAND
KERRY L. GAFNEY, OF VIRGINIA
MARC T. GALKIN, OF VIRGINIA
FELIX GONZALEZ, OF VIRGINIA
DAMIAN THOMAS GULLO, OF VIRGINIA
BRUCE R. HARRIS, JR., OF VIRGINIA
ANGE BELLE HASSINGER, OF THE DISTRICT OF COLUMBIA
MARGARET H. HENOCH, OF THE DISTRICT OF COLUMBIA
ROBERT DOUGLAS JENKINS, OF VIRGINIA
RICHARD HILL JOHNSON, OF VIRGINIA
KEITH PATRICK KELLY, OF MICHIGAN
DAVID P. LAWLOR, OF VIRGINIA
STEVEN JON LEVAN, OF VIRGINIA
KEVIN G. LEW, OF VIRGINIA
ALAN LONG, OF VIRGINIA
SHARON ANN LUNDAHL, OF VIRGINIA
DEAN PETERSON, OF SOUTH DAKOTA
MICHAEL H. RAMSEY, OF VIRGINIA
E. ELIZABETH SALLIES, OF THE DISTRICT OF COLUMBIA
LINDA M. SIPPRELLE, OF VIRGINIA
RODNEY D. SMITH, OF VIRGINIA
HARRY L. TYNER, OF VIRGINIA

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 3353, 12203(A) AND 12207:

MEDICAL CORPS

To be lieutenant colonel

NELSON M. ALVERIO, 000–00–0000
ARTHUR S. PUA, 000–00–0000

IN THE NAVY

THE FOLLOWING-NAMED NAVAL RESERVE OFFICER TRAINING CORPS AND ENLISTED COMMISSIONING PROGRAM GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE AND STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

BOBBY Z. ABADI, 000–00–0000
EDERLAIDA O. ABREU, 000–00–0000
CHARLES J. ACKERKNECHT, 000–00–0000
DEREK S. ADAMETZ, 000–00–0000
CHARLES F. ADAMS, 000–00–0000
STEPHEN K. AGEE, 000–00–0000
KELLY V. AHLM, 000–00–0000
BARIMA K. AKOASARE, 000–00–0000
ALBERT A. ALARCON, 000–00–0000
HILARY A. ALBERS, 000–00–0000
MARCUS A. ALBERS, 000–00–0000
JOHN C. ALBRIGHTON, 000–00–0000
FREDERICK G. ALEGRE, 000–00–0000
CHARLES G. ALGIER III, 000–00–0000
FERDINAND B. ALIDO, 000–00–0000
SCOTT D. ALLEE, 000–00–0000
KATHERINE F. ALLEN, 000–00–0000
GREGORY G. ALLGAIER, 000–00–0000
CHARLES E. ALLISON, JR, 000–00–0000
JOHN D. ALLISON, 000–00–0000
STEPHEN W. ALLUM, 000–00–0000
NATHANIEL B. ALMOND, 000–00–0000
ERIC P. ANDERSEN, 000–00–0000
ALEXANDER D. ANDERSON, 000–00–0000
BRIAN C. ANDERSON, 000–00–0000

BRIDGETTE M. ANDERSON, 000–00–0000
LAND T. ANDERSON, 000–00–0000
BRIAN S. ANDERTON, 000–00–0000
REBECCA A. ANDREWS, 000–00–0000
STEVEN W. ANTCLIFF, 000–00–0000
CORY R. APPLEBEE, 000–00–0000
WILLIAM ARIAS, JR, 000–00–0000
KAREN M. ARMSTRONG, 000–00–0000
DOUGLAS J. ARNOLD, 000–00–0000
DANIEL P. ARTHUR, 000–00–0000
ERIC J. ASCHEMAN, 000–00–0000
RANDY E. ASHMAN, 000–00–0000
MELISSA C. AUSTIN, 000–00–0000
MORGAN S. AVITABILE, 000–00–0000
LYNDA M. AYALA, 000–00–0000
DANIEL B. AYOTTE, 000–00–0000
PATRICK, C. BABKA, 000–00–0000
CHADWICK S. BACHOROWSKI, 000–00–0000
SCOTT A. BACON, 000–00–0000
GREGORY L. BADGER, 000–00–0000
CARLOS J. BADILLO, 000–00–0000
KENNETH N. BAGUSO, 000–00–0000
PHILIP M. BAHEN, 000–00–0000
CHRISTOPHER E. BAILEY, 000–00–0000
JASON W. BAILEY, 000–00–0000
JOSEPH T. BAILEY, 000–00–0000
GREGORY E. BAKER, 000–00–0000
JOHN F. BAKER 000–00–0000
BENJAMIN J. BALLARD, 000–00–0000
BRIAN M. BALLER, 000–00–0000
NATHAN A. BALLOU, 000–00–0000
ROMMEL S. BALMEO, 000–00–0000
MARIANIE O. BALOLONG, 000–00–0000
VERLANA R. BANKES, 000–00–0000
RICHARD R. BARBER, 000–00–0000
CHRISTOPHER J. BARKER, 000–00–0000
MATTHEW A. BARKER, 000–00–0000
PAUL R. BARNEY, 000–00–0000
DALE S. BARRETT, 000–00–0000
OSCAR A. BARROW, 000–00–0000
JON A. BARTEE, 000–00–0000
TOBIN P. BASFORD, 000–00–0000
JENNIFER L. BASHAW, 000–00–0000
BRIAN J. BAUMHOVER, 000–00–0000
JASON J. BEACHY, 000–00–0000
SCOTT A. BEAL, 000–00–0000
MARCUS A. BEAMAN, 000–00–0000
ROBERT W. BEAMAN, 000–00–0000
MICHAEL L. BEANE, 000–00–0000
LASHANDRA M. BEARD, 000–00–0000
QUINCY E. BEASLEY, 000–00–0000
GREGORY M, BEATTY, 000–00–0000
CHARLES D. BECK, 000–00–0000
GREGORY B. BECK, 000–00–0000
JOSEPH R. BECKER, 000–00–0000
MICHAEL S. BELK, 000–00–0000
JESSE J. BELSKY, 000–00–0000
MARIO M. BENEDITO, 000–00–0000
JEFFREY L. BENJAMIN, 000–00–0000
DANIEL E. BENNETT, 000–00–0000
HOLLY E. BENNETT, 000–00–0000
KEITH K. BENSON, 000–00–0000
KATHRYN L. BERGER, 000–00–0000
MIKAEL P. BERGH, 000–00–0000
JOHN R. BERGQUIST, 000–00–0000
RYAN J. BERNACCHI, 000–00–0000
JEFFREY S. BERNHARD, 000–00–0000
GEOFFRY S. BERRY, 000–00–0000
RICHARD R. BESSEL, 000–00–0000
THOMAS M. BESTAFKA, 000–00–0000
RICHARD A. BESTGEN, 000–00–0000
KEITH R. BIANDO, 000–00–0000
JASON H. BIEGELSON, 000–00–0000
RACHELLE L. BILBRUCK, 000–00–0000
HEATHER A. BILLETS, 000–00–0000
JOSHUA R. BINDER, 000–00–0000
MICHAEL A. BISBEE, 000–00–0000
RAYMOND K. BIZIOREK, 000–00–0000
ANTOINETTE BLACK, 000–00–0000
KRISTINE T. BLACK, 000–00–0000
DAVID J. BLACKMAN, 000–00–0000
CARL M. BLAHNIK, 000–00–0000
KARA J. BLAISURE, 000–00–0000
JOSE A. BLANDINO, 000–00–0000
ROBERT D. BLONDIN, 000–00–0000
ADAM S. BLOOM, 000–00–0000
JASON R. BLYTH, 000–00–0000
KURT P. BOENISCH, 000–00–0000
CHRISTOPHER G. BOHNER, 000–00–0000
MATTHEW D. BOKMEYER, 000–00–0000
TODD M. BOLAND, 000–00–0000
WILLIAM A. BOLLER, 000–00–0000
JOHN D. BOMKAMP, 000–00–0000
DAVID V. BONFILI, 000–00–0000
KOE P. BORNHOR, 000–00–0000
GREGORY E. BOUCHER, 000–00–0000
CHRISTOPHER L. BOWEN, 000–00–0000
RICHARD L. BOWLES, 000–00–0000
PATRICK W. BOYCE, 000–00–0000
ERIK J. BOYNTON, 000–00–0000
JOHN J. BRABAZON, 000–00–0000
DANIEL S. BRADLEY, 000–00–0000
HARRY C. BRADLEY, 000–00–0000
DOUGLAS W. BRADY, 000–00–0000
JEFFREY D. BRANCHEAU, 000–00–0000
MICHAEL J. BRAND, 000–00–0000
MICHAEL C. BRATLEY, 000–00–0000
STEPHEN J. BREITIGAN, 000–00–0000
WALTER D. BREWER, 000–00–0000
JONATHAN E. BRIEN, 000–00–0000
LUCIA BRIGHTWELL, 000–00–0000
CHRIS T. BRINKAC, 000–00–0000
ANDREW W. BRINKMEIER, 000–00–0000
NEAL BRINN, 000–00–0000
BRYAN A. BRIONES, 000–00–0000
RACHEL W. BRISTOL, 000–00–0000
LATONIA D. BROADWATER, 000–00–0000
ANTHONY V. BROCK, 000–00–0000
DANIEL M. BROOKES, 000–00–0000
ROBERT J. BROOKS, 000–00–0000
SHANE E. BROOKS, 000–00–0000
BYRON B. BROWN, 000–00–0000
CHARLES A. BROWN, 000–00–0000
J.C. BROWN, 000–00–0000
KENDALL R. BROWN, 000–00–0000
TROY A. BROWN, 000–00–0000
MARK J. BROWNFIELD, 000–00–0000
ANNA C. BRYANT, 000–00–0000
TIMOTHY J. BRYANT, 000–00–0000
RYAN J. BRYLA, 000–00–0000
CHRISTOPHER B. BRYSON, 000–00–0000
JOHN L. BUB, 000–00–0000
KURT A. BUCKENDORF, 000–00–0000
JAMES E. BUCKLEW, 000–00–0000
MARK L. BUNN, 000–00–0000
EUGENE A. BURCH II, 000–00–0000
MICHAEL A. BURCHIK, JR., 000–00–0000
BRIAN H. BURGIN, 000–00–0000
JOHN R. BURKE, 000–00–0000
DEXTER A. BURLEW, 000–00–0000
MICHAEL E. BURLEY, 000–00–0000
JAMES H. BURNS, 000–00–0000
JERRY L. BURNS, 000–00–0000
PAUL C. BURNS, 000–00–0000
SEAN M. BURROW, 000–00–0000
RICHARD E. BURTON, 000–00–0000
JAMIE F. BURTS, 000–00–0000
DAVID V. BUSH, 000–00–0000
STEPHANIE J. BUTLER, 000–00–0000
JONATHAN M. BUTZKE, 000–00–0000
PETER B. BYFORD, 000–00–0000
DAVID W. BYRD, 000–00–0000
NEFTALI CABEZUDO 000–00–0000
JEAN L. CADER, 000–00–0000
JOHN E. CAGE, 000–00–0000
PAUL M. CAIRNS, 000–00–0000
JUSTIN M. CALLAGHAN, 000–00–0000
JAMES R. CALVERT, 000–00–0000
DELIO A. CALZOLARI, JR., 000–00–0000
ANDREA H. CAMERON, 000–00–0000
DAVID J. CANNING, 000–00–0000
AGUSTIN E. CAREY, 000–00–0000
COLLEEN A. CARLTON, 000–00–0000
JEFFERY W. CARMODY, 000–00–0000
JOHN R. CARNAHAN, 000–00–0000
TODD R. CARPENTER, 000–00–0000
ARIEL H. CARPIO, 000–00–0000
VICENTE CARRERAS, JR, 000–00–0000
JEFFREY A. CARROLL, 000–00–0000
TONYA S. CARROLL, 000–00–0000
ROBERT CARTER, 000–00–0000
PHILLIP S. CARY, 000–00–0000
ROSANNA M. CASANOVA, 000–00–0000
LISA M. CASTANEDA, 000–00–0000
JOHN A. CASTEEL, 000–00–0000
GARY L. CAVE, 000–00–0000
CHRISTIAN D. CHAPMAN, 000–00–0000
PIERRE E. CHARPENTIER, 000–00–0000
JUDITH L. CHERRY, 000–00–0000
JEFFREY CHIANG, 000–00–0000
COLIN W. CHINN, 000–00–0000
DAVID Y. CHO, 000–00–0000
PAUL L. CHOATE, 000–00–0000
WON H. CHOE, 000–00–0000
HYOSON CHOI, 000–00–0000
BRANDON CHRISTENSEN, 000–00–0000
MELISSA E. CHRISTOFFEL, 000–00–0000
CHRISTOPHER D. CHUHRAN, 000–00–0000
FRANCIS M. CHUNFAT, 000–00–0000
TODD F. CIMICATA, 000–00–0000
ANDREW J. CLARK, 000–00–0000
DANIEL W. CLARK, 000–00–0000
FRANKIE J. CLARK, 000–00–0000
JENNIFER A. CLARK, 000–00–0000
MICHAEL J. CLARK II, 000–00–0000
NATHAN D. CLARK, 000–00–0000
GABRIEL T. CLEMENS, 000–00–0000
RODNEY G. CLEMENTS, 000–00–0000
JENNIFER L. COCIO, 000–00–0000
ROBERT M. COHEN, 000–00–0000
PAMELA A. COLBY, 000–00–0000
DEREK E. COLE, 000–00–0000
HAROLD T. COLE, 000–00–0000
JOSEPH M. COLE, 000–00–0000
JAYSON L. COLEBANK, 000–00–0000
JOSEPH W. COLEMAN, 000–00–0000
HEATHER M. COLLAZO, 000–00–0000
DAVID COLON, 000–00–0000
RACHEL A. COLUCCI, 000–00–0000
MATTHEW T. COMMONS, 000–00–0000
DANIEL K. COMUNALE, 000–00–0000
CHRISTOPHER M. CONDON, 000–00–0000
BRYAN Z. CONNELLY, 000–00–0000
THOMAS P. CONNELLY, JR, 000–00–0000
BRENNA C. CONWAY, 000–00–0000
DANIEL W. COOK, 000–00–0000
JOSEPH COOK, 000–00–0000
TANYA N. COOK, 000–00–0000
WENDY A. COOK, 000–00–0000
WILLIAM W. COOK, 000–00–0000
MICHAEL J. COOKSON, 000–00–0000
CHRISTOPHER P. COOPER, 000–00–0000
JOSEPH S. COOPER, 000–00–0000
ROBERT C. COOPER, 000–00–0000
JOAQUIN S. CORREIA, 000–00–0000
MARK D. CORRIERE, 000–00–0000
KEVIN D. CORYELL, 000–00–0000
ERIN M. COTTRELL, 000–00–0000
MICHAEL S. COURSEY, 000–00–0000
RICHARD G. COUTURE, JR, 000–00–0000
ROBERT G. CRAMPTON, 000–00–0000
AARON R. CRANE, 000–00–0000
GREGORY A. CRAWFORD, 000–00–0000
KENNETH T. CREAMEANS, 000–00–0000
PARIS E. CRENSHAW, 000–00–0000
FRANCIS CRISTINZIO, 000–00–0000
ROBERT F. CROFOOT, 000–00–0000
SCOTT E. CROFT, 000–00–0000
JOHN L. CROGHAN, 000–00–0000
PATRICK A. CROLEY, 000–00–0000
NICOLA M. CROWELL, 000–00–0000
TOBY S. CROWLEY, 000–00–0000
RAYMOND D. CRUMP, 000–00–0000
PHILLIP D. CRUZ, 000–00–0000
ASSUNTA M. CUEVAS, 000–00–0000
KENNETH L. CULBREATH, 000–00–0000
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PAUL C. DESAULNIERS, 000–00–0000
NANCY J. DEVEAU, 000–00–0000
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OHENE O. GYAPONG, 000–00–0000
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MARK S. HONEA, 000–00–0000
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GARY W. HOPEWELL, JR, 000–00–0000
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MARK J. HORENKAMP, 000–00–0000
RONALD G. HORTILLOSA, 000–00–0000
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SHARON L. HOUSE, 000–00–0000
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SEAN R. HOYT, 000–00–0000
JUSTIN S. HSU, 000–00–0000
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GEZA M. ILLES, 000–00–0000
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MIGUEL C. INIGUEZ, 000–00–0000
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JAMES P. JOHNSTON, 000–00–0000
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NICOLE L. MAVERSHUE, 000–00–0000
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DIRK K. MC CAULEY, 000–00–0000
GRAYSON C. MC CLAIN, 000–00–0000
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DALE D. MC GEHEE, 000–00–0000
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MEGEN Y. MC IVER, 000–00–0000
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JUSTIN F. MILLER, 000–00–0000
NATHAN A. MILLER, 000–00–0000
TODD W. MILLS, 000–00–0000
ALEX R. MINTER, 000–00–0000
DANIEL M. MIRELEZ, 000–00–0000
CHAD J. MIRT, 000–00–0000
JEFFREY L. MISHAK, 000–00–0000
PATRICK J. MONAGHAN, 000–00–0000
FRANCESA A. MONCION, 000–00–0000
RENE J. MONCION, 000–00–0000
CHRISTOPHER J. MONDZELEWSKI, 000–00–0000
AMY E. MONROE, 000–00–0000
CHRISTOPHER R. MONROE, 000–00–0000
AMANDA E. MONTGOMERY, 000–00–0000
IVORY J. MONTGOMERY, 000–00–0000
JOHN A. MONTIJO, 000–00–0000
ALEXANDER M. MOORE, 000–00–0000
MATTHEW G. MOORE, 000–00–0000
PAULO A. MORALES, 000–00–0000
LEONARD D. MORAVEK, 000–00–0000
ANTHONY MORELLI, 000–00–0000
ELIZABETH J. MORGA, 000–00–0000
NATHAN A. MORGAN, 000–00–0000
BRIAN A. MORRIS, 000–00–0000
GREGORY L. MORRIS, 000–00–0000
KENNETH A. MORRIS, 000–00–0000
JAMES O. MORSE, 000–00–0000
JERRY E. MORTUS, 000–00–0000
MICHAEL C. MOSBRUGER, 000–00–0000
SAMUEL R. MOSER, 000–00–0000
ANDREA M. MOSLEY, 000–00–0000
JENNIFER K. MRAW, 000–00–0000
CHRISTOPHER W. MUEHLEBACH, 000–00–0000
THOMAS J. MUENSTER, 000–00–0000
EDWARD B. MUHLNER, 000–00–0000
MATTHEW J. MULCAHY, 000–00–0000
KENNETH D. MURRAY, 000–00–0000
THOMAS E. MYERS, 000–00–0000
MELVIYN N. NAIDAS, 000–00–0000
RYAN L. NATIONS, 000–00–0000
BRIAN K. NEAL, 000–00–0000
ERIK J. NEAL, 000–00–0000
JOHN G. NEEB, JR., 000–00–0000
DARRELL L. NEELEY, 000–00–0000
MICHAEL J. NEFF, 000–00–0000
ALGRENON T. NELSON, 000–00–0000
JULIE A. NELSON, 000–00–0000
MICHAEL A. NELSON, 000–00–0000
REED B. NELSON, 000–00–0000
GREGORY C. NEUBECKER, 000–00–0000
MARK C. NEWKIRK, 000–00–0000
JOHN L. NGUYEN, 000–00–0000
ANTHONY P. NICCOLI, 000–00–0000
MICHAEL C. NIFONTOFF, 000–00–0000
ROGER D. NISBETT, 000–00–0000
KRISTEN S. NOLAN, 000–00–0000
SHANE R. NOTHELFER, 000–00–0000
BRIAN E. NOTTINGHAM, 000–00–0000
ROBERT C. OBERLANDER, 000–00–0000
TERESA E. OCONNOR, 000–00–0000
JAMES B. ODONE, 000–00–0000
LANE H. OGAWA, 000–00–0000
MICHAEL S. OHARE, 000–00–0000
RONNIE OKIALDA, 000–00–0000
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BRIAN S. ONEILL, 000–00–0000
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STEVEN E. OSELAND, 000–00–0000
NELL A. OSGOOD, 000–00–0000
MICHAEL R. OVERFIELD, 000–00–0000
JAMES K. OVERMOYER, 000–00–0000
NOMER R. OYTAS, 000–00–0000
JOSEPH F. PAGE, 000–00–0000
ANGEL M. PALMER, 000–00–0000
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ROBERT Y. PALMORE, 000–00–0000
PAUL R. PAMPURO, 000–00–0000
AUGUST M. PAGE, 000–00–0000
JACK S. PARKER, JR, 000–00–0000
BRIEN K. PARRETT, 000–00–0000
ERIC S. PARTIN, 000–00–0000
KEVIN G. PARTRIDGE, 000–00–0000
SCOTT A. PASIETA, 000–00–0000
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COREY L. PATTERSON, 000–00–0000
KYRA M. PATTERSON, 000–00–0000
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ELENA G. PECENCO, 000–00–0000
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ANDREW PEREZ, 000–00–0000
STEPHEN G. PERREAULT, 000–00–0000
CHARLES L. PERRY, 000–00–0000
ESLY A. PETERS, 000–00–0000
NICOLE E. PETERSON, 000–00–0000
JOSEPH J. PEZZATO, 000–00–0000
LONNIE R. PHILLIPS, 000–00–0000
SONDRA M. PHIPPS, 000–00–0000
RAYMOND V. PIERIE, 000–00–0000
ADAM A. PIERSON, 000–00–0000
CLARENCE D. PINCKNEY, 000–00–0000
ALBERT J. PIZZICA, 000–00–0000
JUSTIN J. PLUNKETT, 000–00–0000
SEAN P. POLETE, 000–00–0000
JONATHAN S. POLON, 000–00–0000
ALICIA N. PONZIO, 000–00–0000
RICKE PORTALATIN, 000–00–0000
JESSIE A. PORTER, 000–00–0000
NORMAN D. PORTER, 000–00–0000
ROBERT R. PORTER, 000–00–0000
THOMAS A. POST, 000–00–0000
JULIA E. POSTOLAKI, 000–00–0000
RALPH F. POTTER, 000–00–0000
CHRISTOPHER C. POWELL, 000–00–0000
MICHAEL F. POWER, 000–00–0000
MICHAEL K. POWERS, 000–00–0000
MIRANDA F. POWERS, 000–00–0000
RICHARD L. PRESTON, 000–00–0000
ARTHUR V. PREVATTE, 000–00–0000
BRIAN M. PRICE, 000–00–0000
JOHN S. PRICE, 000–00–0000
NATHANAEL B. PRICE, 000–00–0000
SAMMIE PRINGLE, 000–00–0000
DAVID C. PRITCHETT, 000–00–0000
ETHAN R. PROPER, 000–00–0000
SCOTT L. PROPST, 000–00–0000
JAMES N. PUTNAM III, 000–00–0000
ANDRE R. PYATT, 000–00–0000
JOHN M. QUILLINAN, 000–00–0000
ROBERT J. RACE, 000–00–0000
JOSEPH P. RADELL, 000–00–0000
BRIAN E. RAFACZ, 000–00–0000
ROSANNA L. RAGADIO, 000–00–0000
HOLLY L. RAGLAND, 000–00–0000
RONNIE B. RAGUINI, 000–00–0000
JOHN G. RAISBECK, 000–00–0000
CHRISTOPHER A. RAKOV, 000–00–0000
JOEL C. RAMSBORG, 000–00–0000
BOWEN W. RANNEY, 000–00–0000
NATESH A. RAO, 000–00–0000
DAVID M. RAY, 000–00–0000
THOMAS N. RAY, JR, 000–00–0000
DAVID A. READ 000–00–0000
JOHN D. REARDON 000–00–0000
DAVID M. REED, 000–00–0000
ERIC D. REHBERG, 000–00–0000
CHRISTINA M. REID, 000–00–0000
CHAD D. REITHMEIER, 000–00–0000
ROBERT H. REITZ, 000–00–0000
STEPHEN C. RENDALL, 000–00–0000
ELIZA REYES, 000–00–0000
EUGENE H. RHIE, 000–00–0000
ERIC A. RICE, 000–00–0000
RONALD P. RICH, 000–00–0000
WILLIAM C. RICHARDSON, 000–00–0000
LUIS J. RIOSECO, 000–00–0000
MATHEW R. RITCHEY, 000–00–0000
JOHN D. RITCHIE, 000–00–0000
RYAN N. RITTER, 000–00–0000
MIGUEL R. RIVERA, 000–00–0000
STEPHANIE A. ROBERTS, 000–00–0000
BARBARA L. ROBINSON, 000–00–0000
DARRICK F. ROBINSON, 000–00–0000
JAMES T. ROBINSON, 000–00–0000
MICHAEL J. ROBINSON, 000–00–0000
MUI K. ROBINSON, 000–00–0000
KARENANN B. ROBLES, 000–00–0000
CHRISTOPHER L. ROBY, 000–00–0000
DAVID B. ROCHE, 000–00–0000
DAVID A. RODRIGUEZ, 000–00–0000
RICHARD B. ROGERS, 000–00–0000
DANIEL B. ROSADO, 000–00–0000
ANDREW A. ROSE, 000–00–0000
PAUL ROSEN, 000–00–0000
PHILIP R. ROSI II, 000–00–0000
BRYAN L. ROSS, 000–00–0000
GARY L. ROSS, 000–00–0000
JOHN E. ROTTER, 000–00–0000
JAMES H. ROWBOTTOM, 000–00–0000
ERIC J. ROZEK, 000–00–0000
THOMAS A. RUFFO, 000–00–0000
ROBERT F. RULOF, 000–00–0000
RICHARD C. RUSS, 000–00–0000
CHARLES R. RUSSELL, 000–00–0000
THOMAS F. RYAN, 000–00–0000
RUSSELL C. RYBKA, 000–00–0000
AMY D. SAARE, 000–00–0000
JASON R. SALEMME, 000–00–0000
CHERYL J. SALTSMAN, 000–00–0000
ROBERT A. SALVIA, 000–00–0000
JERRY D. SALYER, 000–00–0000
BENJAMIN A. SAMUEL, 000–00–0000
ALEJANDRO SANCHEZ, 000–00–0000
ANDREW SANDERS, 000–00–0000
KARREY D. SANDERS, 000–00–0000
MICHAEL H. SANDERS, 000–00–0000
REGINALD D. SANDERS, 000–00–0000
ANTHONY A. SANDOVAL, 000–00–0000
KATHLEEN M. SANDOZ, 000–00–0000
EDWIN SANTANA, 000–00–0000
WILFREDO I. SANTOS, 000–00–0000
JONATHAN D. SARGENT, 000–00–0000
CHRISTOPHER J. SARTON, 000–00–0000
KENNETH E. SCHEUERMANN, 000–00–0000
APRIL SCHEUNEMANN, 000–00–0000
JOHN A. SCHIAFFINO, 000–00–0000
EDWARD J. SCHMIDT, 000–00–0000
JAMES W. SCHMITT, 000–00–0000
TOBY V. SCHNEIDER, 000–00–0000
JOHN T. SCHOFIELD III, 000–00–0000
ERIC C. SCHREIBER, 000–00–0000
RYAN D. SCHROEDER, 000–00–0000
PATRICK J. SCHUETTE, 000–00–0000
JOHANNA M. SCHULTZ, 000–00–0000
WILLIAM A. SCHULTZ, 000–00–0000
AARON B. SCHWADERER, 000–00–0000
STACY L. SCHWARTZ, 000–00–0000
STEPHEN H. SCOTT, 000–00–0000
JAMES A. SEELYE, 000–00–0000
TRACY L. SEMONIK, 000–00–0000
RICHARD E. SESSOMS, 000–00–0000
LINDA C. SEYMOUR, 000–00–0000
DOUGLAS K. SHAMLIN, 000–00–0000
MICHAEL T. SHARP, 000–00–0000
THOMAS H. SHARPE, 000–00–0000
SAMUEL A. SHAW, 000–00–0000
LOUIS J. SHEARER, 000–00–0000
MARCELLE P. SHILLITO, 000–00–0000
GLEN E. SIDARAS, 000–00–0000
ARTHUR T. SILVER, 000–00–0000
CHRISTOPHER S. SIMMONS, 000–00–0000
STEPHEN E. SIMMS, 000–00–0000
PETER M. SIWEK, 000–00–0000
GARRETT D. SMALL, 000–00–0000
VALERIE J. SMALL, 000–00–0000
BRYAN L. SMITH, 000–00–0000
CHRISTOPHER M. SMITH, 000–00–0000
DANIEL A. SMITH, 000–00–0000
EMANUEL K. SMITH III, 000–00–0000
JAN G. SMITH, 000–00–0000
KATHLEEN R. SMITH, 000–00–0000
KENNETH SMITH, 000–00–0000
LISA D. SMITH, 000–00–0000
MICHAEL A. SMITH, 000–00–0000
MICHAEL S. SMITH, 000–00–0000
RAMONA L. SMITH, 000–00–0000
VICTOR E. SMITH, 000–00–0000
TIMOTHY M. SNAVELY, 000–00–0000
DAVID T. SNEE, 000–00–0000
MICHAEL Y. SNELLING, 000–00–0000
JEFFREY L. SNYDER, 000–00–0000
JEFFREY Z. SNYDER, 000–00–0000
TODD E. SNYDER, 000–00–0000
MARK D. SOHANEY, 000–00–0000
THOMAS B. SONG, 000–00–0000
ATTAPOL SOOKMA, 000–00–0000
EDWARD G. SORRELL, 000–00–0000
MICHELLE G. SOUTHARD, 000–00–0000
MICHAEL T. SPADAZZI, 000–00–0000
SUSAN B. SPERLIK, 000–00–0000
LOUIS V. SPICCIATI, JR, 000–00–0000
PHILIPP D. SPILLER, JR, 000–00–0000
JOHN E. STAFFORD, 000–00–0000
SHERRILL D. STAMEY, 000–00–0000
EDWARD A. STANCZAK, 000–00–0000
SHAWN B. STANDLEY, 000–00–0000
VERNON H. STANFIELD, 000–00–0000
MATT T. STANTON, 000–00–0000
DAVID L. STEBBINS, 000–00–0000
CHRISTOPHER R. STECKLING, 000–00–0000
MICHAEL W. STEELE, 000–00–0000
MATTHEW J. STEENO, 000–00–0000
ROBERT J. STEFANI, 000–00–0000
THOMAS A. STEPHEN, 000–00–0000
JONATHAN T. STEPHENS, 000–00–0000
MICHAEL L. STEPHENS, 000–00–0000
PAUL R. STEPHENSON, 000–00–0000
STANLEY V. STEPNOWSKI, 000–00–0000
JOSHUA C. STEVENS, 000–00–0000
JOEL G. STEWART, 000–00–0000
STANLEY K. STEWART, 000–00–0000
WILLIAM P. STINNEY, 000–00–0000
HAROLD E. STOCKTON, 000–00–0000
MARTIN L. STODDARD, 000–00–0000
CARMEN N. STOKS, 000–00–0000
DANIEL C. STONE, 000–00–0000
MATTHEW J. STONEHOUSE, 000–00–0000
ALETTA M. STOUDMIRE, 000–00–0000
MATTHEW L. STOUGHTON, 000–00–0000
CHRISTIAN A. STOVER, 000–00–0000
DONALD W. STRASSER, 000–00–0000
DANIEL G. STRAUB, 000–00–0000
FRANK S. STRAZZULLA, 000–00–0000
KYLE G. STRUDTHOFF, 000–00–0000
KENNETH A. STUBERT, 000–00–0000
JEFFREY D. STURM, 000–00–0000
AARON D. SULLIVAN, 000–00–0000
ANDREW J. SULLIVAN, 000–00–0000
RYAN M. SULLIVAN, 000–00–0000
SHANE F. SULLIVAN, 000–00–0000
TIMOTHY M. SULLIVAN, 000–00–0000
PAUL P. SUMAGAYSAY, 000–00–0000
BRUCE J. SUTHERLAND III, 000–00–0000
CHRISTOPHER L. SUTHERLAND, 000–00–0000
ROBERT M. SWAHN, 000–00–0000

TORY J. SWANSON, 000–00–0000
SHAUN A. SWARTZ, 000–00–0000
MARK M. SWEENEY, 000–00–0000
WILLIAM A. SWICK, 000–00–0000
KAIL C. SWINDLE, 000–00–0000
LESLEY N. SWINT, 000–00–0000
STEPHEN H. SWITZER, 000–00–0000
JESSICA M. SZPOT, 000–00–0000
JOSHUA M. TABOR, 000–00–0000
NANCY E. TALBOT, 000–00–0000
MATTHEW R. TAMBOURINE, 000–00–0000
BRIAN J. TANAKA, 000–00–0000
PAUL M. TATE, 000–00–0000
MATTHEW A. TATTAR, 000–00–0000
CHARLES W. TAYLOR, 000–00–0000
COLLEEN A. TAYLOR, 000–00–0000
LISA M. TAYLOR, 000–00–0000
RICHARD D. TEMER, 000–00–0000
NATHAN W. TEMPLE, 000–00–0000
DONALD I. TENNEY, 000–00–0000
JAMES J. TERRY, 000–00–0000
TRAVIS T. TESCH, 000–00–0000
PATRICIA L. TESTON, 000–00–0000
ANTHONY W. THOMAS, 000–00–0000
DENYSE M. THOMAS, 000–00–0000
JOSEPH M. THOMAS, 000–00–0000
MICHAEL E. THOMAS, 000–00–0000
SCOTT P. THOMAS, 000–00–0000
SEAN J. THOMAS, 000–00–0000
COREY E. THOMPSON, 000–00–0000
CYNTHIA A. THOMPSON, 000–00–0000
JOHN A. THOMPSON, 000–00–0000
JAMIE D. THOMTON, 000–00–0000
JAMES P. THURMAN, 000–00–0000
JAMES E. TIDWELL, 000–00–0000
MICHAEL E. TIEFENBACH, 000–00–0000
JEFFREY C. TILLMAN, 000–00–0000
MICHAEL D. TIMMCKE, 000–00–0000
JOSEPH W. TIRRELL, 000–00–0000
JANINE R. TOMPKINS, 000–00–0000
BRENT K. TORNGA, 000–00–0000
AMY L. TRAIL, 000–00–0000
CHAD E. TRAXLER, 000–00–0000
JOSEPH C. TREVINO, 000–00–0000
THEODORE M. TREVINO, 000–00–0000
MARIE M. TRICKEL, 000–00–0000
MATTHEW W. TUFTE, 000–00–0000
ALLON G. TUREK, 000–00–0000
THOMAS C. TUREK, 000–00–0000
ANTHONY J. TURNER, 000–00–0000
CAROL L. TURNER, 000–00–0000
JOHN D. TUTWILER, 000–00–0000
MATTHEW E. TWYFORD, 000–00–0000
STEVEN A. TYLER, 000–00–0000
THOMAS A. ULMER, 000–00–0000
CHRISTOPHER M. URBAN 000–00–0000
GRAYDON S. UYEDA, 000–00–0000
CHRISTOPHER J. VALDIVIA, 000–00–0000
IAN M. VALECRUZ, 000–00–0000
ALEXANDER VALENTIN, 000–00–0000
TOBY S. VALKO, 000–00–0000
AMY E. VANCE, 000–00–0000
DAVID J. VANDYKE, 000–00–0000
ERIC J. VANDYKE, 000–00–0000
NOU VANG, 000–00–0000
JACKSON W. VAUGHN, 000–00–0000
WOLFGANG J. VELASCO, 000–00–0000
RICARDO VIGIL, 000–00–0000
DEBORAH D. VILAYPHANH, 000–00–0000
ROSS R. VILLANUEVA, 000–00–0000
FAYE L. VODICKA, 000–00–0000
EDWARD F. VOELSING, 000–00–0000
BRADFORD S. VOLK, 000–00–0000
R.B. WADDELL, 000–00–0000
DAVID J. WALKER, 000–00–0000
DAVID A. WALKER, JR, 000–00–0000
SHANNAN A. WALKER, 000–00–0000
WILLIAM L. WALKER, 000–00–0000
JOHN F. WALSER, JR, 000–00–0000
MICHAEL J. WALSH, 000–00–0000
KIMBERLY A. WALTERS, 000–00–0000
TERRY R. WAMSLEY, 000–00–0000
LATEEF T. WARNICK, 000–00–0000
WILLIAM K. WARREN, 000–00–0000
LAKINA A. WASHINGTON, 000–00–0000
JASON L. WATKINS, 000–00–0000
LANDRY S. WATSON, 000–00–0000
STEVEN T. WEATHERLY, 000–00–0000
AMY B. WEBB, 000–00–0000
GODFREY D. WEEKES, 000–00–0000
WILLIAM H. WEILAND, 000–00–0000
ERIC R. WELCH, 000–00–0000
SHANNON J. WELLS, 000–00–0000
BRIAN E. WELSH, 000–00–0000
WILLIAM W. WERTZ, 000–00–0000
ANDREA L. WESTERHOF, 000–00–0000
STEVEN C. WHEAR, 000–00–0000
EUGENE B. WHITE, 000–00–0000
FREDERICK C. WHITNEY, 000–00–0000
ARCELIA WICKER, 000–00–0000
JAMES D. WIGHT, 000–00–0000
TROY E. WILCOX, 000–00–0000
THOMAS J. WILEY, 000–00–0000
TIMOTHY B. WILKE, 000–00–0000
DEMETRIUS WILKINS, 000–00–0000
CHRISTOPHER J. WILLIAMS, 000–00–0000
DONALD P. WILLIAMS, 000–00–0000
HEATHER M. WILLIAMS, 000–00–0000
JASON C. WILLIAMS, 000–00–0000
JEFFREY S. WILLIAMS, 000–00–0000
LUCY K. WILLIAMS, 000–00–0000
MARLON WILLIAMS, 000–00–0000
DARRELL J. WILSON, 000–00–0000
ELY C. WILSON, 000–00–0000
ENID WILSON, 000–00–0000
JOSHUA B. WILSON, 000–00–0000
KURT E. WILSON, 000–00–0000
MICHAEL D. WILSON, 000–00–0000
STEPHEN M. WILSON, 000–00–0000
KIMBERLY D. WINCKLER, 000–00–0000
THOMAS R. WINKLER, 000–00–0000
DAVID S. WINTER, 000–00–0000
FRANK J. WIRTZ, 000–00–0000
MICHAEL P. WISCHNEWSKI, 000–00–0000
REBECCA G. WISE, 000–00–0000
HEATHER L. WISHART, 000–00–0000
KAMAU O. WITHERSPOON, 000–00–0000
CHERYL ANNE WOEHR, 000–00–0000
JAMES J. WOJTOWICZ, 000–00–0000
IAN S. WOLFE, 000–00–0000
CLAYTON C. WOLKING, 000–00–0000
JENNIFER L. WONG, 000–00–0000
ALEXANDER D. WOOD, 000–00–0000
JASON M. WOOD, 000–00–0000
PETER P. WOOD, 000–00–0000
STEVEN J. WOODRUFF, 000–00–0000
GERALD D. WOODS, 000–00–0000
MICHAEL D. WOODS, 000–00–0000
JOSHUA P. WRIGHT, 000–00–0000
PATRICIA A. WRIGHT, 000–00–0000
SHAUNN B. WYCHE, 000–00–0000
TIMOTHY J. WYSE, 000–00–0000
SCOTT A. YACH, 000–00–0000
THOMAS E. YARDLEY, 000–00–0000
JOHN T. YEARY, 000–00–0000
ERIC S. YOUNG, 000–00–0000
STANLEY B. YOUNG, 000–00–0000
DAVID A. YOVANNO, 000–00–0000
STEVEN J. ZACCARI, 000–00–0000
THOMAS A. ZDUNCZYK, 000–00–0000
RYAN G. ZERVAKOS, 000–00–0000
JAMES J. ZIMMERMAN, 000–00–0000
JOSEPH A. ZIRNHELT, 000–00–0000
ROBERT L. ZIRZOW, 000–00–0000
BENJAMIN D. ZITTERE, 000–00–0000

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 12203(A) AND 3370:

ARMY PROMOTION LIST

To be colonel

VIRGIL A. ABEL, 000–00–0000
CRAIG T. ABINGTON, 000–00–0000
DALE M. ABRAHAMSON, 000–00–0000
ROBERT A. ADAMS, 000–00–0000
EDWARD D. AGER, 000–00–0000
DANIEL R. ALLEMEIER, 000–00–0000
ROGER L. ALLEN, 000–00–0000
ROBERT P. ALLISON, 000–00–0000
WILLIAM ALTGILBERS, 000–00–0000
JAMES R. ANDERSON, 000–00–0000
NORMAN H. ANDERSSON, 000–00–0000
JOHN J. ANZIDEI, 000–00–0000
NORMAN E. ARFLACK, 000–00–0000
RAYMOND V. AULL, 000–00–0000
MICHAEL A. BAILEY, 000–00–0000
DOLAS D. BAIN, 000–00–0000
ROBERT L. BAIRD, 000–00–0000
DENISE N. BAKEN, 000–00–0000
ROBERT V. BALDWIN, 000–00–0000
EDWARD H. BALLARD, 000–00–0000
JOSEPH E. BALLAS, 000–00–0000
RICHARD A. BALLIET, 000–00–0000
WILLIAM BARKER, 000–00–0000
WILLIAM B. BARKER, 000–00–0000
RONALD F. BARNES, 000–00–0000
HARVEY BARRISON, 000–00–0000
JOHN H. BAUMAN, 000–00–0000
IVAN T. BEACH, 000–00–0000
PAUL M. BEAVER, 000–00–0000
DWAYNE C. BECKFORD, 000–00–0000
IVAN V. BEGGS, 000–00–0000
LOUIS A. BENIAMINO, 000–00–0000
RODGER E. BENROTH, 000–00–0000
TERRY W. BENSON, 000–00–0000
JOHN C. BERNATZ, 000–00–0000
JOSE BERRIOS, 000–00–0000
MARTIN H. BEST, 000–00–0000
STEVEN P. BEST, 000–00–0000
KENT M. BEVAN, 000–00–0000
JAMES A. BEVIS, 000–00–0000
PARK P. BIERBOWER, 000–00–0000
RUSSELL V. BIERL, 000–00–0000
TERRY G. BLAKEMORE, 000–00–0000
ROBERT E. BOIVIN, 000–00–0000
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JIMMY R. WATSON, 000–00–0000
VERNON A. WATTS, 000–00–0000
HAROLD M. WEAVER, 000–00–0000
THOMAS J. WEISS, 000–00–0000
ARTHUR J. WELCH, 000–00–0000
ROBERT E. WELCH, 000–00–0000
JOHN A. WELLS, JR., 000–00–0000
MICHAEL P. WELSH, 000–00–0000
RONALD WESTERVELT, 000–00–0000
MITCHEL WILLOUGHBY, 000–00–0000
LARRY E. WILSON, 000–00–0000
CHARLES J. WINN, 000–00–0000
BILLY R. WOOD, 000–00–0000
HENRY B. WOOD, 000–00–0000
ROBERT V. WOOD, 000–00–0000
CHARLES W. WRIGHT, 000–00–0000
ARTHUR H. WYMAN, 000–00–0000
HENRY V. WYSOCKI, 000–00–0000
JAMES T. YARBROUGH, 000–00–0000
RONALD D. YOUNG, 000–00–0000
JAMES A. ZERNICKE, 000–00–0000

CONFIRMATIONS

Executive nominations confirmed by the Senate October 31, 1995:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE OF MAJOR GENERAL UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 624:

To be major general

BRIG. GEN. JOHN B. HALL, JR., 000–00–0000, REGULAR AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. BRETT M. DULA, 000–00–0000, UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JAMES F. RECORD, 000–00–0000, UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL ON THE RETIRED LIST PURSUANT TO THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. THAD A. WOLFE, 000–00–0000, UNITED STATES AIR FORCE.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. NICHOLAS B. KEHOE III, 000–00–0000, UNITED STATES AIR FORCE.

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. ROBERT W. ROPER, JR., 000–00–0000.
BRIG. GEN. EDWARD L ANDREWS, 000–00–0000.
BRIG. GEN. DAVID K. HEEBNER, 000–00–0000.
BRIG. GEN. MORRIS J. BOYD, 000–00–0000.
BRIG. GEN. ROBERT R. HICKS, JR., 000–00–0000.
BRIG. GEN. STEWART W. WALLACE, 000–00–0000.
BRIG. GEN. JAMES M. WRIGHT, 000–00–0000.
BRIG. GEN. CHARLES W. THOMAS, 000–00–0000.
BRIG. GEN. GEORGE H. HARMEYER, 000–00–0000.
BRIG. GEN. JOHN F. MICHITSCH, 000–00–0000.
BRIG. GEN. LON E. MAGGART, 000–00–0000.
BRIG. GEN. HENRY T. GLISSON, 000–00–0000.
BRIG. GEN. THOMAS N. BURNETTE, JR., 000–00–0000.
BRIG. GEN. DAVID H. OHLE, 000–00–0000.
BRIG. GEN. MILTON HUNTER, 000–00–0000.
BRIG. GEN. JAMES T. HILL, 000–00–0000.
BRIG. GEN. GREG L. GILE, 000–00–0000.
BRIG. GEN. JAMES C. RILEY, 000–00–0000.
BRIG. GEN. RANDALL L. RIGBY, 000–00–0000.
BRIG. GEN. DANIEL J. PETROSKY, 000–00–0000.
BRIG. GEN. MICHAEL B. SHERFIELD, 000–00–0000.
BRIG. GEN. JAMES C. KING, 000–00–0000.
BRIG. GEN. JOSEPH G. GARRETT, III, 000–00–0000.
BRIG. GEN. LEROY R. GOFF, III 000–00–0000.
BRIG. GEN. DANIEL G. BROWN, 000–00–0000.
BRIG. GEN. WILLIAM P. TANGNEY, 000–00–0000.
BRIG. GEN. CHARLES S. MAHAN, JR., 000–00–0000.
BRIG. GEN. JOHN J. MAHER, III, 000–00–0000.
BRIG. GEN. LEON J. LAPORTE, 000–00–0000.
BRIG. GEN. CLAUDIA J. KENNEDY, 000–00–0000.

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 611(A) AND 624(C):

To be brigadier general

COL. BETTYE H. SIMMONS, 000–00–0000, UNITED STATES ARMY.

THE FOLLOWING-NAMED MEDICAL CORPS COMPETITIVE CATEGORY OFFICERS FOR APPOINTMENT IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER THE PROVISIONS OF TITLE 10, U.S.C., SECTIONS 6119(A) AND 624(C);

To be brigadier general

COL. GEORGE J. BROWN, 000–00–0000, UNITED STATES ARMY.
COL. ROBERT F. GRIFFIN, 000–00–0000, UNITED STATES ARMY.

IN THE NAVY

THE FOLLOWING NAMED CAPTAINS IN THE LINE OF THE UNITED STATES NAVY FOR PROMOTION TO THE PERMANENT GRADE OF REAR ADMIRAL (LOWER HALF), PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICER

to be read admiral (lower half)

CAPT. STEPHEN HALL BAKER, 000–00–0000, UNITED STATES NAVY.
CAPT. JOHN JOSEPH BEPKO, III, 000–00–0000, UNITED STATES NAVY.
CAPT. JAY ALAN CAMPBELL, 000–00–0000, UNITED STATES NAVY.
CAPT. ROBERT CHARLES CHAPLIN, 000–00–0000, UNITED STATES NAVY.
CAPT. JAMES CUTLER DAWSON, JR., 000–00–0000, UNITED STATES NAVY.
CAPT. MALCOLM IRVING FAGES, 000–00–0000, UNITED STATES NAVY.
CAPT. VERONICA ZASADNI FROMAN, 000–00–0000, UNITED STATES NAVY.
CAPT. SCOTT ALLEN FRY, 000–00–0000, UNITED STATES NAVY.
CAPT. GREGORY GORDON JOHNSON, 000–00–0000, UNITED STATES NAVY.
CAPT. STEPHEN IRVIN JOHNSON, 000–00–0000, UNITED STATES NAVY.
CAPT. JOSEPH JOHN KROL, JR., 000–00–0000, UNITED STATES NAVY.
CAPT. STEPHEN ROBERT LOEFFLER, 000–00–0000, UNITED STATES NAVY.
CAPT. JOHN THOMAS LYONS, III, 000–00–0000, UNITED STATES NAVY.
CAPT. JAMES IRWIN MASLOWSKI, 000–00–0000, UNITED STATES NAVY.
CAPT. RICHARD WALTER MAYO, 000–00–0000, UNITED STATES NAVY.
CAPT. MICHAEL GLENN MULLEN, 000–00–0000, UNITED STATES NAVY.
CAPT. LARRY DON NEWSOME, 000–00–0000, UNITED STATES NAVY.
CAPT. RICHARD JEROME NIBE, 000–00–0000, UNITED STATES NAVY.
CAPT. PAUL SCOTT SEMKO, 000–00–0000, UNITED STATES NAVY.
CAPT. ROBERT GARY SPRIGG, 000–00–0000, UNITED STATES NAVY.
CAPT. ROBERT TIMOTHY ZIEMER, 000–00–0000, UNITED STATES NAVY.

ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. OSIE V COMBS, JR., 000–00–0000, UNITED STATES NAVY.

AEROSPACE ENGINEERING DUTY OFFICER

To be rear admiral (lower half)

CAPT. JEFFREY ALAN COOK, 000–00–0000, UNITED STATES NAVY.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE UNITED STATES NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DENNIS C. BLAIR, 000–00–0000.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING TAREK C. ABBOUSHI, AND ENDING MICHAEL F. ZUPAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 1995.

AIR FORCE NOMINATIONS BEGINNING JULIAN ANDREWS, AND ENDING JANICE L. ANDERSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 1995.

AIR FORCE NOMINATIONS BEGINNING LARAINE L. ACOSTA, AND ENDING JOAN C. WINTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 1995.

AIR FORCE NOMINATIONS BEGINNING LARRY E. FREEMAN, AND ENDING TIMOTHY L. COOK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 1995.

IN THE ARMY

ARMY NOMINATIONS BEGINNING ANTHONY C. AIKEN, AND ENDING KAREN L. WILKINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 1995.

ARMY NOMINATION OF AMY M. AUTRY, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 1995.

ARMY NOMINATIONS BEGINNING MICHAEL B. NEVEU, AND ENDING ROBERT A. DIGGS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 1995.

ARMY NOMINATION OF DUANE A. BELOTE, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 1995.

ARMY NOMINATION OF DEREK J. HARVEY, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 1995.

ARMY NOMINATIONS BEGINNING BARBARA HASBARGEN, AND ENDING GARY VROEGINDEWEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 1995.

ARMY NOMINATIONS BEGINNING MARY B. ALEXANDER, AND ENDING CRAIG L. WARDRIP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 11, 1195.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING THURMOND BELL, AND ENDING EARNEST R. WALLS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 10, 1995.

IN THE NAVY

NAVY NOMINATIONS BEGINNING JOHN M. ABERNATHY III, AND ENDING GEORGE R. SHAYNE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 8, 1995.

NAVY NOMINATION OF ROBERT W. ERNEST, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 24, 1995.

NAVY NOMINATIONS BEGINNING TIMOTHY A. ADAMS, AND ENDING MICHAEL J. ZIELINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 5, 1995.

NAVY NOMINATIONS BEGINNING ALBERT M. CARDEN, AND ENDING JENEVIEVE J. WILLIAMSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 8, 1995.

NAVY NOMINATIONS BEGINNING WILLIAM D. AGERTON, AND ENDING WILLIAM M. TURNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 19, 1995.