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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. Ron Schoenfeldt, McComb Church of the Nazarene, McComb, MS. He is a guest of our majority leader, Senator LOTT.

## PRAYER

The guest Chaplain, Rev. Ron Schoenfeldt, McComb Church of the Nazarene, McComb, MS, offered the following prayer:

Let us unite our hearts in prayer.

O Heavenly Father, maker of Heaven and Earth and ruler over all nations, we acknowledge our dependence and reliance upon You. From the founding days of our beloved Nation You, O Lord, have been the author of liberty.

We have seen in the early days of the leadership of Congress their firm belief in the protection of Your divine providence and where they mutually pledged to each other their very lives, fortunes, and their sacred honor. We confess today it is easy to take for granted these men and women in their elected positions of the Senate.

Therefore, we ask You, O Lord, to help them to understand the times to know what to do. In this day and age when cynicism and disillusionment of life are running rampant, bless the Senate to provide hope and vision to this Nation which still remains the keystone in the arch of democracy.

May this session today realize the help and hand of our Father to shape the future so America can remain great and strong. May You bestow grace, wisdom, and courage today upon these Senators who proclaim the motto: ''In God we trust.'' For this we ask in the name of Christ Jesus, our Lord. Amen.

## RECOGNITION OF THE MAJORITY LEADER

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

Mr. LOTT. Thank you, Mr. President.

## THE GUEST CHAPLAIN

Mr. LOTT. Mr. President, we are honored this morning to have had today's opening prayer delivered by Rev. Ron Schoenfeldt, senior pastor of the McComb Church of the Nazarene in McComb, MS. I am very pleased to have Reverend Schoenfeldt here today, because he is highly well-known and respected in McComb for outreach work, such as his monthly nursing home ministry and work with area athletic programs.

I know Reverend Schoenfeldt wanted to open the Senate with a prayer on his 40th birthday. We are honored to have him do so.

I thank the Chaplain for all the work he does and allowing us to have this guest.

I thank Reverend Schoenfeldt for taking the time to come here today to pray for this institution and our country. I also commend him for his fine work in the McComb Church of the Nazarene and wish him continued success and happiness. Thank you very much, Reverend Schoenfeldt.

## SCHEDULE

Mr. LOTT. Mr. President, this morning, the Senate will debate the nomination of Ronald Lee Gilman, of Tennessee, to be a U.S. circuit judge for the sixth circuit. At the conclusion of debate, at approximately 9:40 a.m., the Senate will conduct a rollcall vote on the confirmation of the nomination. Following that vote, the Senate will debate the conference report to accompany H.R. 1119, the Department of Defense authorization bill, for up to 4 hours, as under the previous order. So we assume then that vote will occur on or about 2 o'clock. Also under the order, a vote on the adoption of the conference report will occur at the expiration of time. Again, we assume that will be around 2 o'clock.

Amtrak reform, D.C. appropriations bill, the FDA reform conference report, the intelligence authorization conference report and any other additional legislative or executive items that can be cleared will be taken up. I understand that we are just about ready to call up the D.C. appropriations bill. I think that there was an FDA conference report yesterday. Hopefully, they resolved their problems. After the DOD authorization bill, we then should be able to move to the intelligence conference report. We will also continue to try to move Executive Calendar nominations. I believe yesterday we moved about 20 nominations. We will have a vote this morning on Mr. Gilman to be a sixth circuit court judge. We should expect to have further votes during the day in addition to the two at 9:40 a.m. and approximately 2 o'clock. We will advise Members when a time is set for future votes. I yield the floor, Mr. President.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the leader time is reserved.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

## PRIVILEGE OF THE FLOOR

Mr. CRAIG. Mr. President, aside from the business at hand, I ask unanimous consent that Janice Nielsen, a legislative fellow who works in my office, be granted the privilege of the floor for the duration of the debate and vote on the conference report to accompany H.R. 1119, the Department of Defense authorization bill.

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

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

Mr. CRAIG. I yield the floor.

## EXECUTIVE SESSION

### NOMINATION OF RONALD LEE GILMAN, OF TENNESSEE, TO BE U.S. CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of the nomination of Ronald Lee Gilman, of Tennessee, which the clerk will report.

The assistant legislative clerk read the nomination of Ronald Lee Gilman, of Tennessee, to be U.S. circuit judge for the sixth circuit.

The PRESIDING OFFICER. There will be 10 minutes debate on the nomination.

Mr. LEAHY. Mr. President, I understand that on the nomination, there is 5 minutes reserved to a side, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. LEAHY. Mr. President, I don't see the distinguished chairman of the Judiciary Committee, so I will take the 5 minutes on this side.

Obviously, this is a case where, I assume, Ronald Gilman will be confirmed, and I congratulate him.

I am pleased that the majority leader has decided to take up the nomination of Ronald L. Gilman to be a judge for the Sixth Circuit Court of Appeals. Mr. Gilman currently works as a partner for Farris, Mathews, Gilman, Branan & Hellen, P.L.C. in Memphis, TN, an adjunct professor of trial advocacy for the University of Memphis Law School, an arbitrator and mediator for the American Arbitration Association in Nashville, TN, an arbitrator and mediator for the National Association of Securities Dealers in Chicago, IL, and as a dalkon shield referee for the Private Adjudication Center in Cary, NC. The ABA gave Mr. Gilman its highest evaluation—a unanimous well qualified rating.

In addition to his paid legal service, Mr. Gilman currently volunteers on behalf of the Memphis, TN and American Bar Associations, the Association of Attorney-Mediators and the Commercial Law Affiliates.

I congratulate Mr. Gilman and his family, and I look forward to his service on the Sixth Circuit of the U.S. Federal Court of Appeals.

I am also delighted that the Judiciary Committee plans to consider 15 judicial nominations at its executive business meeting today. I am hopeful that these nominations may be considered by the full Senate before we adjourn for the year.

Mr. President, we have seen this time and time again where judges are held up because people are concerned about them, we are told, and then we have a rollcall vote on them and virtually every Senator votes for them. I mention this because no matter how many times we are told that we have to look very carefully at these judges, that they have concerns about them, it is obvious the Senate is not concerned about them and the Senate votes for them.

The same thing has happened with Bill Lann Lee. It is a case where the whole Senate would vote for Bill Lann Lee, that he would be confirmed overwhelmingly as Assistant Attorney General for the Civil Rights Division, but a small ideological group has decided that while they could not defeat Bill Lann Lee on the floor, a minority of the minority would try to defeat him and vote to block him in committee.

It seems the Republican leadership is determined to sacrifice Bill Lann Lee to narrow ideological politics. If the Republican leadership were to allow the Senate to vote on this outstanding nominee, a majority of the Senate, Republicans and Democrats, would vote to confirm him. Unfortunately, the press accounts this morning are that conservative Republicans have decided to block him by a minority of the minority. They have vowed not to allow this nomination to be considered by the Senate before adjournment this year.

This is not democracy. This is not the Senate at its best. This is the Senate at its worst, twisting the rules. The reason the Republican leadership gives for trying to kill this nomination is that Bill Lann Lee agrees with the President. It is not so much about Bill Lee as Bill Clinton. The President won election, and he won reelection. For the Senate to refuse to proceed to this nomination because Mr. Lee honestly testified that he would adhere to policies of equal justice consistent with those of the President is wrong.

Mr. President, can we have order, please? I cannot hear myself.

The PRESIDING OFFICER. There will be order in the body. Any conversations will please be taken off the floor. The Senator may proceed.

Mr. LEAHY. I thank the Chair. The Republican leaders were prodded into this by the narrow ideological extreme right of their party and its allies. They have not brought forward their own bill on affirmative action. They want to talk about it, but they have not brought it forward because they know a majority of Republicans and Democrats would not vote for it.

The Proposition 209 case is over. The Supreme Court has ruled on that. The good people of Houston rejected efforts to abandon those previously discriminated against. So there is nothing left for the extreme right except one trophy, and that trophy is Bill Lann Lee.

What kind of an example does this set? What kind of signal does this send? Bill Lee's life story is an American success story. He is the son of immigrants who struggled against discrimination. His father fought with the American forces in World War II. He spent his professional career working to solve civil rights problems and diffuse conflict. His record of achievement is exemplary. He is a man of integrity and honor, as even those opposing him have to concede.

When he said to the Judiciary Committee that quotas are illegal and wrong and he would enforce the law, no one should have any doubt about his resolve to do what is right. He is a person with great problem-solving skills. Such matters are too important to be used for political purposes or as wedge issues to divide people. What is promising about this nomination is that Bill Lee is the person with the credentials, credibility and creativity to help move America and all Americans forward.

Any fairminded review of his 23-year career shows him to be well-suited to head the Civil Rights Division. It shows where he has been and where the law has been and how we have moved forward to refine remedial approaches to discrimination and its vestiges. One measure of this extraordinary individual are the testimonies of support provided by so many of his litigation opponents over the years, support based on his fairness and good sense, support from Democrats and Republicans alike.

Just this summer, the Senate moved forward to confirm another Assistant Attorney General, someone who had expressly declined to follow the language of the Telecommunications Act House-Senate conference report and raised concerns among a number of Senators. We were told that the standard to be employed in evaluating these nominees was not to hold a nominee hostage to policy differences with the administration but to vote for the nominee, if well-qualified, to permit the Justice Department to proceed with a confirmed division chief, and for us in Congress to move forward and work with the administration in the formulation and implementation of effective policies.

Unfortunately, with this nomination, that of the first Asian-American to head the Civil Rights Division, the rules are being changed and the standards are being moved. First, it appeared that the Republicans wished to raise their concerns with the nominee and point out their differences with administration policy, as is traditionally done. Then the focus was on Mr. Lee's possible involvement in Supreme Court consideration of the California proposition 209 case. When Mr. Lee came forward and recused himself from involvement in that case, the suggestion was made that the Department of Justice abstain from filing a brief in that case should certiorari be granted.

That suggestion was properly rejected. Indeed, I would think that the Supreme Court would be likely to request the views of the U.S. Government if they were not tendered in an amicus brief. Surely imposition of this suggested gag rule on the United States on issues of significance and concern in

order to confirm a nominee who would not even be involved in formulating the U.S. position would have been ill-advised.

This week the Supreme Court denied review in the California proposition 209 case. If Bill Lee's recusal did not clear the way for his confirmation surely, one would have thought, this action by the Supreme Court removed the immediate obstacle that had been fastened on by the opposition. Instead, the grounds for opposition shifted. It now appears that in order to be confirmed to lead the Civil Rights Division, the nominee must not only commit to uphold the law but disavow the President who has nominated him to serve in this administration. Before we are done I expect that the nominee would be required to endorse S. 950, a bill that the Senate has not considered nor the Congress enacted.

I think it beneath Senators to suggest that this fine nominee ought be rejected because a previous, unqualified Republican nominee had been rejected by the committee. Tit for tat may be the rule in the alley, but should not govern the actions of the U.S. Senate. Nonetheless, there seems to be a lot of pay back motivating those opposing this fine man.

I regret that a narrow, ideological litmus test is being proposed that would require nominees to disavow remedies and approaches that the Supreme Court has held to be constitutional and necessary to enforce our commitment to equal opportunity. It is the administration's commitment to affirmative action and equal justice that would have to be sacrificed. I know that Bill Lee would not compromise his commitment to enforce the law and to seek equal justice for all Americans.

Moreover, if accepted by a partisan majority, that political litmus test will know no natural limit. It could infect the confirmation of the Associate Attorney General, the Solicitor General and all other nominations.

I regret that some have decided to oppose this good man. He would, in my view, enforce the law, use his problem-solving skills and proven ability to move the country forward and build on the progress that we have been able to make in remedying past discrimination over the last several years. It appears now that for this nomination to prevail in Committee it will take a profile in courage by a couple Republican members. I urge each member to consider his or her vote carefully and what it means for this nomination, for the country and for standards being created for future nominations.

There is a place to consider the important issues involved in the debate over race relations in the country and the constitutionality of affirmative action that the Supreme Court has held to be constitutional. That should not be the issue with respect to the vote on this nominee, however.

When Bill Lee appeared before the Committee with his family he testified candidly about his views, his work and his values. He articulated to us that he understands that as the Assistant Attorney General for the Civil Rights Division his client is the United States and all of its people. He told us poignantly about why he became a person who has dedicated his life to equal justice for all when he spoke of the treatment that his parents received as immigrants. Mr. Lee told us how in spite of his father's personal treatment and experiences, William Lee remained a fierce American patriot, volunteered to serve in the United States Army Air Corps in World War II and never lost his belief in America.

He inspired his son just as Bill Lee now inspires his own children and countless others across the land. They are the kind of everyday heroes to whom we sing praises.

Mr. Lee told us:

''My father is my hero, but I confess that I found it difficult for many years to appreciate his unflinching patriotism in the face of daily indignities. In my youth, I did not understand how he could remain so deeply grateful to a country where he and my mother faced so much intolerance. But I began to appreciate that the vision he had of being an American was a vision so compelling that he could set aside the momentary ugliness. He knew that the basic American tenet of equality of opportunity is the bedrock of our society.''

I know that Bill Lee will remain true to all that his father taught him and hope that the momentary ugliness of people opposing his nomination based on an ideological litmus test of people distorting his achievements and beliefs and of some succumbing to narrow partisanship will not be his reward for a career of good works. Such treatment drives good people from public service and distorts the role of the Senate.

I have often referred to the Senate as acting at its best when it serves as the conscience of the Nation. In this case, I am afraid that the Senate may show no conscience.

I call on the Senate's Republican leadership to end their targeting of Bill Lann Lee and to work with us to bring this nomination to the floor without obstruction so that the Senate may vote and we may confirm a fine person to lead the Civil Rights Division into the next century.

Why this exemplary Asian-American is singled out, a man who has shown far more qualities than most people and could easily be confirmed, I cannot understand. To allow somebody's career, to allow somebody who has lived the American dream, to allow somebody who has demonstrated what is best about this country, to allow the Senate to react to what is worst about this country in defeating him is absolutely wrong. It is a shame on the Senate. It is a shame on the country. It is a shame on all of us if we allow this to happen. The worst part of that shame, Mr. President, is that if the Senate were allowed to vote on Bill Lann Lee, he would be confirmed, because most Senators in both parties would not allow this shame to go on. Why an ideological ultraright would stop it I cannot understand.

Mr. President, I ask unanimous consent that recent editorials on this matter from the Los Angeles Times, the New York Times, and the Washington Post be included in the RECORD.

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

[From the Los Angeles Times, Nov. 6, 1997]

POLITICS OF THE PARTISAN KILL—HATCH PLAYS THE EXECUTIONER IN THE BILL LEE CONFIRMATION PROCESS

Sen. Orrin G. Hatch's manipulation of Bill Lann Lee's confirmation process was a callous performance, nearly a political beheading for no apparent reason beyond the fact that Lee is President Clinton's choice as the nation's top civil rights official.

The Utah Republican himself acknowledged Tuesday that Lee, nominated to head the Justice Department's civil rights division, is ''an able civil rights lawyer with a profoundly admirable passion to improve the lives of many Americans.''

The GOP game seems to be to torpedo even the most outstanding appointments out of petulance that the Democrat in the White House has the nominating power. The Senate Judiciary Committee, headed by Hatch, has turned to stalling or harassment in the cases of many worthy nominees to the federal bench, for instance; this continues at a time when one in nine judgeships are vacant.

Lee, with 23 years of experience in civil rights law, is well respected and qualified to do the job, but Hatch painted the Los Angeles attorney as a poster boy for affirmative action. Ridiculous.

The senator says that much of Lee's work has been devoted to ''constitutionally suspect, race-conscious public policies that ultimately distort and divide citizens by race.''

Distorted view of the law? Lee has worked long and vigorously within the civil rights statutes to uphold the law. He opposed California's Proposition 209 but has said he would support the law of the land, including this week's controversial U.S. Supreme Court decision to let stand Proposition 209, California's ban on race and gender preferences in public hiring and university admissions.

Hatch's opposition could doom Lee's appointment unless two Republicans join the committee's eight Democrats in today's scheduled vote on Lee, who would be the first Asian American to manage the 250-lawyer division. Even if the Judiciary Committee does not recommend Lee, the full Senate should get the opportunity to vote on the nomination. Clinton administration officials, who belatedly mounted a full-court press for their nominee, believe that Lee could be confirmed by a floor vote.

Barring that, Clinton could courageously circumvent the Senate and put Lee in the job by making a ''recess appointment'' after Congress shuts down Friday for its annual Christmas break. Lee warrants Senate confirmation. He should not be made a political scapegoat.

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[From the New York Times Nov. 6, 1997]

AFFIRMATIVE ACTION IN PLAY

The Supreme Court's most momentous decision of the current term may turn out to be its refusal this week to hear a challenge to the constitutionality of California's anti-affirmative-action initiative, Proposition 209. The Court's sidestep allows California to proceed unimpeded with its rollback of remedies that are, regrettably, still needed to

address the nation's persistent problem of race and gender discrimination. It may also encourage other states to follow California.

Had it taken the case, this Court might well have agreed with the Ninth Circuit's decision upholding Proposition 209, which applies to affirmative action programs in public education, employment and contracting. But the opposing arguments are also weighty and deserved a timely and respectful airing by the justices.

In the absence of any guidance from the Supreme Court, the nation is now embarking on a far-reaching legal and social experiment that holds as much potential to exacerbate racial differences as to minimize them. Clearly, many fair-minded Americans are uncomfortable with race-based preferences. But they cannot feel sanguine that alternative steps, such as basing affirmative action on income instead of race, will be adequate to preserve black access to the elite public universities, and the career opportunities and higher pay that follow from it.

The only encouraging development on this contentious issue was seen in Houston, the nation's fourth-largest city, in Tuesday's elections when voters defeated a measure similar to Proposition 209 that would have prohibited affirmative action in Houston's contracting and hiring. The heavy minority turnout for the city's mayoral election was evidently a big factor in mobilizing opposition, as was a clearly worded measure that avoided inflammatory and misleading language. Houston's retiring Mayor, Bob Lanier, a wealthy white developer, did the nation a service by emphasizing the unfair result if affirmative action were eliminated. ''Let's not turn back the clock to the days when guys who look like me got all the city's business,'' he urged voters.

It was hoped that the Supreme Court's refusal to take up Proposition 209 would at least persuade Senator Orrin Hatch to clear President Clinton's nomination of Bill Lann Lee as Assistant Attorney General for Civil Rights. Earlier Mr. Hatch, chairman of the Senate Judiciary Committee, broached the idea of trading Mr. Lee's confirmation for a promise from the Administration not to file a brief with the Court in support of the challenge. Once the 209 challenge was dead, however, Mr. Hatch announced he would vote against Mr. Lee anyway, based on his affirmative-action views.

Yet those views are also the President's, and no one, not even Senator Hatch, disputes that Mr. Lee is well qualified. Mr. Hatch seems to be abusing the confirmation process to bolster his standing with the right wing of his party. Sensible Republican senators need to join quickly with their Democratic colleagues to make sure that Mr. Lee's nomination survives this offensive kind of end-of-session maneuvering.

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[From the Washington Post, Oct. 24, 1997]

THE LEE NOMINATION

In July, the president nominated Bill Lann Lee, western regional counsel for the NAACP Legal Defense and Educational Fund, to be assistant attorney general for civil rights. The post had then been vacant for half a year. On Wednesday, Mr. Lee had his confirmation hearing. The nomination now should be approved.

The choice of Mr. Lee has drawn some limited opposition, as civil rights nominations by either party almost always seem to do these days. In this case, however, even opponents, some of them, have acknowledged that, from a professional standpoint, Mr. Lee is qualified. The issue is not his professional competence. The objection is rather to the views of civil rights that he shares with the president, and which, in the view of the critics, should disqualify him.

Mr. Lee's views appear to us to be well inside the bounds of accepted jurisprudence. He is an advocate of affirmative action, as you would expect of someone who has spent his entire professional career—23 years—as a civil rights litigator. The president has likewise generally been a defender of such policies against strong political pressures to the contrary. But Mr. Lee himself observed that the assistant attorney general takes an oath to uphold the law as set forth by the courts, and so he would. The range of discretion in a job such as this is almost always less than the surrounding rhetoric suggests.

Mr. Lee over his career has brought a considerable number of lawsuits in behalf of groups claiming they were discriminated against, and has sought and won resolutions aimed at making the groups whole, somehow defined. It is that kind of group resolution of such disputes that some people object to, on grounds that the whole object of the exercise should be to avoid labeling and treating people as members of racial and other such groups. There is surely some reason for the discomfort this group categorizing generates. But the court's themselves continue to uphold such actions in limited circumstances. And Mr. Lee has won a reputation for resolving such cases sensibly. Los Angeles's Republican Mayor Richard Riordan is one who supports the nomination. ''Mr. Lee first became known to me as opposing counsel in an important civil rights case concerning poor bus riders in Los Angeles,'' he has written. ''The work of my opponents rarely evokes my praises, but the negotiations could not have concluded successfully without Mr. Lee's practical leadership and expertise . . . Mr. Lee has practiced mainstream civil rights law.''

There are lots of legitimate issues to be argued about in connection with civil rights law. Mr. Lee's nomination is not the right vehicle for resolving them. Senators, including some who no doubt disagree with some of his views, complain with cause about the continuing vacancies in high places at the Justice Department. This is one they should fill before they go home.

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

Mr. DURBIN. Mr. President, I ask to be recognized.

The PRESIDING OFFICER. All time has expired as far as the amount of time allocated on this nomination. There are 5 minutes controlled by the majority. But the 5 minutes to the Senator's side has expired.

Mr. DURBIN. Is there time in morning business?

The PRESIDING OFFICER. We are on the nomination of Mr. Gilman of Tennessee.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak for 2 minutes.

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

Mr. DURBIN. Mr. President, I associate myself with the remarks of the Senator from Vermont. This is a sad day. I have only been a Member of this body for less than a year.

I cannot remember, though, any nominee who has come before the Senate Judiciary Committee who had a more compelling personal story about his life and his family. Bill Lann Lee is an extraordinary man, the son of Chinese immigrants. His parents came to this country penniless and started a hand laundry in New York.

His mother, who sat with him at the confirmation hearing, sat in the window of that hand laundry her entire life in front of a sewing machine. His father, working in that hand laundry, refused to teach Bill Lann Lee and his brother the skill of ironing clothes because he was determined they would not follow him in his footsteps in that laundry.

As Senator LEAHY has said, Bill Lee's father, who could have been deferred because of age from serving in World War II, volunteered, put his life on the line, and came back with the experience of being treated, as he said, ''as an American.'' That is what Bill Lee told us.

Then Bill Lee, given a chance to attend Yale and Columbia Law School, graduated with high honors and, instead of going with a prestigious law firm and making a lot of money, he devoted his life to finding opportunity and education and employment for everyone in this country.

That this Senate—that the Senate Judiciary Committee, and a small group in that body, would turn down this opportunity for such a fine man to serve this country is truly disgraceful.

I believe that we owe it to Mr. Lee to give him a chance to serve, as he has already served this country in so many ways. To take out on Mr. Lee some feelings about President Clinton is totally unfair. I hope the Senate Judiciary Committee will give him this opportunity to serve.

Just last week or so, we all queued up to talk about human rights to the President of China. Now we have a chance to vote on human rights in putting a well-qualified person in the job as Assistant Attorney General for Civil Rights. We are going to determine whether those speeches that were given by Republicans and Democrats were only tourist fare for President Jiang.

Mr. THOMPSON. Mr. President, I am pleased that the Senate is taking up the nomination of Ronald L. Gilman of Memphis to be United States circuit judge for the U.S. Court of Appeals for the Sixth Circuit. I want to thank Chairman HATCH of the Judiciary Committee for taking up and reporting this nomination so promptly and the majority leader for scheduling a vote on it so soon after the nomination was reported to the Senate. The Sixth Circuit currently has two vacancies, so it is important to my State and the others in the circuit that this vacancy get filled quickly.

Ron Gilman is a native of Memphis, where he was raised. After attending the Massachusetts Institute of Technology and Harvard Law School, he returned to Memphis in 1967 and since then has spent his entire legal career at the leading Tennessee law firm of Ferris, Mathews, Gilman, Branan and Hellen. I might point out that the Mathews in that firm name is former Senator Harlan Mathews.

Mr. Gilman rapidly became established as a leader of the Memphis bar,

serving as president of the Young Lawyers Division of the Memphis Bar Association and president of the Young Lawyers Conference of the Tennessee Bar Association. He subsequently served a term as president of both the Memphis and Tennessee Bar Associations.

Mr. Gilman is eminently qualified to serve as a judge. His legal career has been as distinguished as it has been multifaceted. He has practiced criminal law, civil litigation, particularly commercial litigation, general business law, and estate planning. Most recently, he has spent a good deal of his practice involved in alternative means of dispute resolution, often serving as an arbitrator and mediator. From a background such as his, I think we can safely expect that Mr. Gilman will bring to the bench the legal practitioner's bent for common sense and careful application of the law rather than an ideological approach to the law.

Mr. Gilman is not only one of Tennessee's most distinguished lawyers, but a leader in the Memphis community as well, having served leadership roles with the Boy Scouts, the Memphis Jewish Home, and Memphis Senior Citizens Services, among other groups. He is a recipient of the Sam A. Myar, Jr. Memorial Award for outstanding service to the legal profession and the Memphis community.

This nomination enjoys widespread and bipartisan support. Both Republican Representative ED BRYANT and Democratic Representative HAROLD FORD, Jr., support the nomination. The entire Tennessee legal community supports the nomination. I have heard not a single negative word about Mr. Gilman's nomination, and I urge my colleagues to vote in favor of this nomination.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield back the time on this 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.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Ronald Lee Gilman, of Tennessee, to be U.S. circuit judge for the Sixth Circuit? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Maryland [Ms. MIKULSKI] is necessarily absent.

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

The result was announced—yeas 98, nays 1, as follows:

[Rollcall Vote No. 295 Ex.]

YEAS—98

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

NAYS—1

Faircloth

NOT VOTING—1

Mikulski

The nomination was confirmed.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEARS 1998—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of the conference report accompanying the bill (H.R. 1119) to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The report will be stated by the clerk.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1119), have agreed to recommend and do recommend to their respective Houses this report, signed by majority of the conferees.

The Senate proceeded to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 23, 1997.)

The PRESIDING OFFICER. Under the previous order, there will now be 4 hours for debate to be equally divided in the usual form.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the conference report for the National Defense Authorization Act for Fiscal Year 1998 is before the Senate now. This is an important component of the national security legislation that the Congress must pass each year.

The Armed Services Committee worked hard this year to produce a bill that will authorize the appropriation of $268.2 billion for procurement, research and development, test and evaluation, operation and maintenance, working capital funds, military personnel, military construction and family housing within the Department of Defense, and for the weapons programs of the Department of Energy and the civil defense. This is an important piece of legislation.

Mr. President, there are some Senators who will suggest that the Senate should reject this bill in order to protect interests in their States. This is a very large bill with over 600 legislative provisions. The conference report is nearly a thousand pages. In order to reach agreement on a bill of this magnitude, a lot of compromise is required. The conference report includes many programs and policies essential to the Department of Defense and the Nation. However, not everyone got everything that they wanted. As the committee prepared for our markup, we received letters of request from 99 Senators. The committee tried to accommodate as many of these requests as possible, consistent with our national security needs. Mr. President, neither South Carolina nor Michigan got everything Senator LEVIN and I wanted for our States.

Defeating the Defense authorization bill because three or four Senators did not get everything they wanted would be the ultimate in partisanship over statesmanship. Let me explain what the Nation would lose if there is no Defense authorization bill this year.

I believe the single most controversial issue in the conference report is the policy with regard to depots. In the area of privatization, the bill includes an important compromise that provides for open competition for the work at the closing depots at Kelly and McClellan Air Force Bases. If the bill is not enacted, the opportunity to support full and open competition and to resolve a longstanding and very contentious issue will be lost. The bill would also change the current 60–40 public/private split in The Department of Defense depot maintenance to 50–50, giving The Department of Defense greater flexibility to achieve an optimal mix of public and private capabilities.

Mr. President, negotiating the compromise on the depot issue was a difficult and complex three-way negotiation. Senator LEVIN and I worked together in a totally bipartisan manner to ensure a fair resolution that provided for fair and open competition. We are in total agreement on the compromise. I want to commend Senator

LEVIN, and members of his staff, for their tireless efforts and cooperation in achieving this compromise.

I know that some Senators believe that they should have gotten more, but there are equally as many Senators from States on the other side of the issue who believe they gave up a great deal more. I hope that we agree that open competition will be in the best interests of the public and private sector and the Nation. Secretary Cohen has indicated that he can support the depot compromise. I urge my colleagues to put parochial interests aside and work with us to implement this compromise successfully.

Mr. President, I could talk for hours about the important legislative provisions that the Department of Defense and our service men and women will be denied if we permit this conference report to be defeated. I will spare my colleagues that recitation, but I do want to highlight some of what we will lose.

Without the Defense authorization bill, the military pay raise will be less than our service members deserve. The bill includes a 2.8-percent pay raise for military personnel. If the bill is not enacted, the pay raise for military personnel will be limited to 2.3 percent. Federal civilians will receive at least a 2.8-percent pay increase while our military personnel on duty throughout the world will receive a pay raise 1 percent below the inflation rate. Denying military personnel what I would describe as a minimal pay raise is shameful.

The bill includes authority for significant increases in the special pay and bonus structure designed to respond to critical recruiting and retention problems highlighted by the Department of Defense. Specific groups that would be affected include military aviators, nuclear-qualified officers, dentists, military members on overseas tours, military members receiving family separation allowances and/or hazardous duty assignment pay, and military members serving in hardship duty locations. Reducing military pay raises while failing to increase these bonuses through defeast of the Defense authorization bill will punish those who expect us here in the Congress to look out for them. We will be repudiating the commitments we have made to improving the quality of life for military personnel and their families.

Mr. President, I assure my colleagues that, unless this bill is passed, we will see increases in career personnel leaving the military services. They will see our action as a breach of faith and I cannot blame them.

The bill provides authority for the Department of Defense to begin construction on the fiscal year 1998 military construction projects including quality of life and training-related facilities. If the bill is not enacted, construction cannot begin. Some may believe that since the military construction and family housing projects are funded in the Military Construction Appropriations Act, they do not need the authorization in the conference report. Let me assure my colleagues that is not correct. Both an authorization and an appropriation are required for military construction projects.

The conference report includes an exception to the cost limitation for one *Seawolf* submarine. Without this legislation, the Navy will have to stop work on the SSN–23 later this calendar year. This could lead to significant payments to the shipyard and people who work on the *Seawolf* Submarines and those who supply materials for the submarines will be laid off. Not only does the Nation need the capabilities of these advanced submarines, the employees and the communities in which these people live will be tragically affected. We cannot allow this to happen.

In the conference report, we re-authorized the acclaimed National Guard Youth Challenge Program. The bill would make permanent the authority for this important and popular community and youth-oriented program. If the bill is not enacted, the Department of Defense must terminate support for this popular program. Many disadvantaged youth in all our States will be denied the opportunities this worthwhile program provides.

The President, and most of us here in Congress, strongly profess our support for counterdrug activities. The bill includes provisions that would extend the 1-year authority to provide counterdrug assistance to Mexico and would create a new 5-year authority to provide riverine counterdrug assistance to Colombia and Peru.

The bill would establish two new assistants to the Chairman of the Joint Chiefs of Staff, representing the interests of the National Guard and the Reserves. This is important legislation designed to ensure that the Chairman of the Joint Chiefs of Staff has the benefit of the best advice with regard to all the reserve forces, in particular as it pertains to their unique capabilities and requirements.

Mr. President, I could go on for hours on the good things in this bill. Some may propose stripping out some of the provisions I have discussed today and introducing separate legislation in order to avoid denying our service members key benefits. This is a shortsighted and unacceptable notion. The conferees worked very hard for many weeks to craft a bill that includes those items they agree are essential to the national security. To fracture this process would be irresponsible. Those who may propose such legislation will be trying to take care of a few at the expense of many. This is not our way. I will strongly object to any such proposals.

Mr. President, suggestions to defeat the Defense authorization conference report because of the compromise on depot maintenance are irresponsible. This bill is important to the young men and women who serve in our military forces. The bill includes pay raises and increases to special incentive pay, including vital aviator bonuses. Provisions in this bill affect every aspect of our national defense including quality of life initiatives, modernization, and readiness. I remind all Senators that all military construction projects require an authorization as well as an appropriation and cannot be executed without this bill.

All members of the Armed Services Committee support this bill, both Democrat and Republican. The Military Coalition, a consortium of nationally prominent military and veterans organizations representing 5 million current and former members of the seven uniformed services, their families and survivors, strongly endorses enactment of this bill. I ask unanimous consent that a letter signed by the leaders of the 22 organizations be included in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. THURMOND. Mr. President, the House of Representatives has already passed this bill by a veto-proof majority of 286 to 123. The leaders of the Defense Department have indicated that they can make this compromise work and that they need this bill passed. It is hard for me to believe that any Senator would oppose the entire Defense authorization bill at a time when American troops are deployed in Bosnia and serious trouble appears to be brewing again in Iraq.

I strongly encourage all Senators to vote for this bill. We must send a strong signal to the White House to demonstrate to the President that this bill which is so important to our national security should be signed. We must show the young men and women in uniform serving our Nation around the world, men and women many of whom will spend yet another Thanksgiving and Christmas holiday season away from home in service to their Nation, that we are strongly behind them.

Mr. President, I might add that the conference report is the outcome of a great deal of hard work by Members and staff. I want to especially thank staff on both sides for all that they did to promote this bill. I am confident that without their good work we couldn't have brought to the floor such an outstanding bill. I want to commend Les Brownlee and David Lyles for the excellent work, and other members of the staff who cooperated with them.

Mr. President, I yield the floor.

EXHIBIT 1

THE MILITARY COALITION
*Alexandria, VA, October 30, 1997.*

Hon. STROM THURMOND,
*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Military Coalition, a consortium of nationally prominent military and veterans organizations, representing five million current and former members of the seven uniformed services plus their families and survivors, is writing to strongly endorse enactment of H.R. 1119, the National Defense Authorization Act for FY 1998.

Several of the provisions of the bill are vital to maintaining a high level of military readiness among the men and women of the Army, Navy, Marine Corps, Air Force, Coast Guard, Public Health Service and National Oceanic and Atmospheric Administration. Others would offer significant improvements in health programs, compensation protections for deploying members, and survivor benefits programs, to name a few.

Now that the conferees have made their judgments concerning defense priorities and resource allocation, the Coalition believes strongly that this legislation should be enacted as quickly as possible. The unformed servicemen and women, whose selfless dedication to this Nation frequently puts them in harm's way, need Congress' support, and that support can best be rendered at this time by passing H.R. 1119.

Sincerely,

THE MILITARY COALITION.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I am pleased to join with the chairman of the Senate Armed Services Committee in bringing the conference report on the DOD authorization act to the Senate floor this morning. It has been a long and difficult conference in which we had to address and finally resolve some very difficult issues.

First, I want to congratulate Chairman THURMOND on the successful conclusion of the conference and thank Senator THURMOND for the open and bipartisan spirit in which he conducted this conference on the Senate side. Without his leadership, this conference report wouldn't be here. He had to make some difficult decisions. He did that on a bipartisan basis, and I want to commend him for it.

I thank the chairman and the ranking member on the House side, Congressmen SPENCE and DELLUMS, for their cooperation.

We worked hard to reach a fair conclusion on the issues in the conference. I think we have succeeded. There are some provisions in the bill that I don't agree with. But, overall, I think we reached a good compromise on the major issues. And I hope the President will sign this bill.

Let me start with the action that we took to begin the implementation of the Quadrennial Defense Review. These are important steps. There hasn't been a lot of focus on them. But these are important actions which we took. The QDR, the Quadrennial Defense Review, was completed in May. The conference report begins to implement some of the recommendations of the QDR.

For example, the conference report would permit reductions in Active and Reserve and end strengths below the fiscal year 1997 level, as the Department of Defense continues to restructure and streamline both combat and support functions in an effort to free up funds for the services' modernization priorities.

Second, the conference report calls for annual reductions of 5 percent in headquarters staffing over the next 5 years in an effort to reduce the so-called tooth-to-tail ratio.

The conference report would provide funding for a number of the Army's Force XXI initiatives. The QDR set a goal of ''digitizing'' an entire Army Corps by 2004—and the funding in this bill will continue that process.

Finally, the conference report would make some positive changes in the area of privatization of depot maintenance work recommended by the QDR by permitting the privatization of up to 50 percent of such work, in lieu of the 40 percent cap currently imposed by law.

Mr. President, I think it is very unfortunate that Congress has not followed the QDR recommendation to give the Defense Department authority to conduct more base closure rounds. We lost that battle on the Senate floor this year, but this issue is just simply not going to go away. I think more and more people are going to realize that we are going to have to close some unnecessary bases if we are going to free up money for other important needs, including the modernization of our forces.

The bill also takes a number of important steps to improve the quality of life of our troops.

For example, the conference report includes a 2.8-percent pay raise for active duty military members. If the bill were not enacted, this pay raise would be limited to 2.3 percent because of the statutory link between military and civilian pay raises. However, Federal civilians will receive an average .5 percent in locality pay that is not available to active duty military, in addition to their 2.3-percent pay raise.

So the 2.8-percent pay raise for active duty military is fair, it is needed, and it is dependent upon the passage of this conference report.

The conference report also includes authority for significant increases in special pay and bonuses available to respond to critical recruiting and retention problems which have been highlighted by the Department of Defense. If the bill were not enacted, these authorities would not be available to the Department. Specific groups that would be affected include aviators, nuclear-qualified officers, dentists, military members on overseas tours, military members receiving family separation allowances and/or hazardous duty assignment pay, and military members serving in hardship duty locations. Those increases in those special pay and bonuses are critically necessary. They are dependent on the passage of this bill.

The conference report includes significant reforms of the existing structure for housing allowances and subsistence allowances for military members. These reforms would simplify the management of these allowances and better target the allowances to those individuals in geographic areas with the greatest need.

The conference report provides authority for the Department of Defense to begin construction on fiscal year 1998 military construction projects, which include a number of important quality-of-life and training-related facilities. As our chairman has said, if this bill is not enacted, construction of these projects cannot begin, and they are needed. And these are quality-of-life issues.

The conference report terminates the Reserve Mobilization Insurance Program. If the bill is not enacted, the Department of Defense will continue to lose $10 to $12 million per month as deployments and obligations continue.

Mr. President, I am particularly pleased that the conferees agreed to authorize the full budget request of $382 million for the Defense Department's Cooperative Threat Reduction Program, and $158 million for the related programs in the Department of Energy.

The House bill also contained some very restrictive provisions that would have made it difficult for these programs to continue in the coming year. I am pleased that those provisions were either dropped or modified by the conferees. Combating the threat of proliferation of weapons of mass destruction is one of the greatest national security challenges that we face. And the cooperative threat-reduction programs are on the front line of our efforts to meet this challenge.

Those programs are an investment in America's security. Those programs make it less likely that there will be a proliferation of weapons of mass destruction. Those programs are a very, very cost-effective way of reducing probably the greatest threat that America faces. I am glad that we were able to fully fund the budget request and, again, either eliminate or modify some needlessly restrictive provisions on the use of those funds.

There were three issues that we had to deal with in conference that the administration said, if we didn't resolve satisfactorily to them, would result in a veto of this bill.

First, Bosnia;

Second B–2's;

And, third, depots.

All three of these issues were raised by provisions in the House bill. And, after a lengthy battle, we have successfully addressed each one of them.

First, on the issue of Bosnia, I think we had a good outcome. The administration again said they would veto a bill that included a funds cutoff for United States military presence in Bosnia. We avoided that outcome with a provision similar to the one in the Department of Defense appropriations conference report that authorizes the President to override a funds cutoff if he certifies that the continued presence of American troops in Bosnia after June 30, 1998, is required to meet United States national security interests.

But, equally important in my view is the sense-of-Congress language which I sponsored in the Senate that says clearly it is the sense of the Congress that, one:

First, United States ground combat forces should not participate in a follow-on force in Bosnia after June 1998;

Second, that a western European Union-led or a NATO-led force, without the participation of United States ground combat forces, may, indeed, be a suitable follow-on force; and that a western European Union-led force could be under the European Security and Defense Identity initiative;

Third, this language provides that the United States may decide to provide appropriate support to a follow-on force, including command and control, intelligence, logistics, and, if necessary, a Ready Reserve force in the region;

And, fourth, this language provides that the President should inform our NATO allies of this sense-of-Congress language and strongly urge them to prepare to provide for such a follow-on force.

The second veto issue was the B–2 bomber. On this issue, we believe that we avoided a veto threat by following the appropriations conference outcome. We authorized a total of $331 million either for procurement of additional B–2 aircraft or for maintenance and upgrade of the current B–2 fleet. We left it up to the President to decide which option to select.

I obviously hope and expect that the President will decide not to buy any more B–2's.

That clearly is the position of the Senate, and I hope he makes the decision quickly so that we can put this issue behind us and so the Air Force can begin to spend the money on what is needed, which is to fix some of the problems with the current B–2 fleet. The senior military civilian leaders of the Defense Department have said repeatedly that we don't need and cannot afford any more B–2's.

Now, on depot maintenance, which is the most difficult issue that we faced, it took the longest time to resolve in this conference, and that issue is how do we allocate depot maintenance work of the closing air logistics centers at Kelly and McClellan Air Force Bases. With a lot of jobs at stake, there are obviously strong feelings on both sides of this issue. And those feelings are understandable.

I think we all ought to realize that people who have an interest in their home States are going to fight strongly for those States and for what they perceive as fairness for their home States. That is why we are here—at least one of the reasons we are here—to represent strongly the interests of our own State. And so the kind of strength that we faced in the feelings on this issue was understandable and it is understandable.

The Depot Caucus representatives of the depots that remain open felt that the President had ignored the spirit of the base closure process by pursuing a policy of privatizing the work at Kelly and McClellan, and that was the so-called privatization or privatizing-in-place approach. The Senators from Texas and California fought equally strongly to ensure that the work could remain at the closed depots.

Now, I will state candidly that I disagreed with the assertion of the Depot Caucus that the Base Closure Commission prohibited privatization in place at Kelly and McClellan, and I have said this before, that in my judgment the 1995 Base Closure Commission left it up to the Department of Defense to decide how to redistribute the Kelly and McClellan work. The Commission's recommendation explicitly directed the Department of Defense to ''Consolidate the workloads to other DOD depots or to private sector commercial activities as determined by the Defense Depot Maintenance Council.'' So there was an either/or in the Commission recommendation—either consolidate the work loads to other DOD depots or to private sector commercial activities.

I also disagreed with the legislation which was proposed by the Depot Caucus which was included in the House bill which would have prohibited the Department from privatizing in place until the three remaining Air Force depots were operating at 80 percent of capacity—in effect prohibiting the Air Force from keeping any of the work in California or Texas.

I voted against that proposal in our committee, and I voted against it in conference because I felt that it was one sided. Had that provision remained in this bill, I would not be supporting the conference report. But as the present Presiding Officer fully knows, that provision is not in this conference report. What we have instead is a provision that is aimed at providing a level playing field for competition between the closed depots and the depots that remain open.

Now, I have always believed that competition results in the best value to the Department of Defense and to the taxpayers, and I believe it is the right solution to the depot dispute.

The conference language includes seven specific criteria to help ensure that the Air Force does not tilt the playing field. These requirements were written by Members and staff who are neutral in the fight between the closed bases and the remaining air logistics centers. Now, I reiterate, Members who actually voted against the position of the Depot Caucus in conference took the lead in drafting this compromise, and our sole objective was to ensure a fair competition and each of these requirements was included for that purpose.

We had some objections from both sides of the issue in the Congress and from the administration about almost every proposal that was ever put on the table, but the bottom line is that we believe this compromise is fair. We believe the Department of Defense can make it work fairly. I support the compromise because I believe it will lead to the fair and open competition that is the best and perhaps the only answer to this dispute.

We have heard several arguments from opponents of this provision. First, one draft of the compromise bill language contained a sentence which stated that ''appropriate consideration may be given to differences in cost or performance risk associated with the location of performance.''

In the final version, the bill language was replaced with report language which stated:

> The Department would be expected to consider real differences among bidders in cost or capability to perform the work based on factors that would include the proposed location or locations of the workloads. The consideration of such differences does not constitute ''preferential treatment.''

Both the bill language in the earlier version and the report language in the final version gave the Department the flexibility to consider both cost and risk factors associated with the location of performance. Both are consistent with the Department of Defense's current practice, and I just simply cannot see any substantive difference between them.

Second, opponents of the fair competition compromise oppose a provision authorizing teaming agreements between the public depots and private contractors. In my view, such teaming arrangements simply give each offeror, each bidder, the opportunity to put together its best bid. The Deputy General Counsel of the Department of Defense, who also now happens to be the nominee to be the new Under Secretary of the Air Force, recently testified before the Armed Services Committee that he could not see anything anticompetitive about public/private teaming arrangements. If teaming agreements result in better bids and better value for the Department of Defense and the taxpayer, then it seems to me we should encourage these arrangements and not prohibit them.

Third, opponents of the compromise language have said that it would unfairly stack the deck against Texas and California by permitting the public depots to fudge their bids by hiding overhead costs. In fact, the fair competition provisions specifically require the Department to consider all direct and indirect costs that will result from the various offers. So, far from permitting the depots to hide costs, the provision requires the Department of Defense to consider all costs.

The statement of managers states that the Department should consider all savings including ''any overhead savings, i.e., reduced administrative costs, more efficient utilization of facilities that would result from the consolidation of work loads for the remaining public facilities.''

However, it is up to the Department of Defense to determine what overhead savings, if any, may result from a particular offer. Nothing in the conference report or the statement of managers permits or encourages any offeror to hide costs or authorizes the Department to consider any overhead savings that it has not determined to be valid.

SENIOR MILITARY COLLEGES

The last issue I want to mention is a provision in the House bill that the conferees agreed to over my objections involving the so-called senior military colleges. This provision would require the Army to guarantee graduates of the ROTC programs at the six senior military colleges—North Georgia College, the Citadel, Virginia Military Institute, Virginia Tech, Norwich University, and Texas A&M—automatic assignments to active duty if they request it, provided, however, they are physically and medically qualified, and are recommended by the professor of military science at their school.

The effect of this provision is that graduates from the senior military colleges will be assigned to active duty even if there are better qualified officers graduating from ROTC programs at other colleges and universities across the nation. I realize that this is not a major provision when compared to other issues in the conference. It is, however, a major issue in terms of principle, and I intend to make sure that everyone understands what this provision does.

This provision codifies in law a quota system to give preferential treatment to a small group of ROTC graduates without regard to where their performance and potential stacks up when compared to graduates from other ROTC programs. The Army's own figures show that, when all ROTC graduates—including the senior military colleges—were arranged in an order of merit, a number of graduates from the senior military colleges each year ranked below the cutoff line for active duty.

Since 1990, 268 graduates of senior military colleges have been assigned to active duty despite being below the cutoff point for ROTC graduates offered active duty assignment in the Army's order of merit list. This list ranks all ROTC graduates. The conference provision clearly will disadvantage those graduates of ROTC programs who are not offered the same exceptional consideration as is offered to the graduates of the senior military colleges.

Instead of guaranteeing equal treatment and open competition for assigning all ROTC graduates to active duty, the conference provision establishes in law a formal vehicle to maintain a quota system of preferential treatment for the graduates of six specific colleges and universities.

I will be trying to correct this unfairness in the future.

CONCLUSION

Mr. President, I would like to conclude by thanking the chairman of the Armed Services Committee, Senator THURMOND, for the open and bipartisan manner in which he conducted the conference on this bill. While we were not able to agree on every issue, Senator THURMOND and his staff have made every effort to include the minority at every stage of the deliberations.

I would also like to express my appreciation to the staff of the Armed Services Committee on both the majority and minority sides for the tremendous effort that they have put into this bill and this conference. I think all Members of the committee know that this bill would not have been possible without the outstanding work of Les Brownlee, David Lyles, and their dedicated supporting cast. I also want to extend my thanks to the staff of the House National Security Committee and the House and Senate Legislative Counsels for their help in preparing this large bill.

Mr. President, this is a good conference report that strengthens our national security. I urge my colleagues to join me in supporting it.

Mr. President, I will yield the floor at this time.

I yield my good friend from Connecticut such time as he may need.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and I thank my friend and colleague from Michigan.

Mr. President, I come to the floor to urge our colleagues to support this fiscal year 1998 national defense authorization bill. I am proud to be a member of the committee from which this bill has emerged, the Senate Armed Services Committee. I particularly wish to thank our chairman, Senator THURMOND, and our ranking Democrat, Senator LEVIN. These are two extraordinarily able, wise Members of the Senate who have worked together very well to produce this bill that meets our national security needs.

We all know that we are in a post-cold war period. Perhaps the needs of defense are less in the minds of the public, but these are not matters that should be decided by public opinion polls. These are matters of national security, at the very root of why governments are formed, and they call out for leadership by those who have been given the privilege of serving, leadership in the interest of national security by all of us across party lines, across both Chambers of Congress, across Pennsylvania Avenue between the Congress and the White House to do the best that we can to provide for our national defense today and, in some ways even more difficult, particularly at a time of relative security such as we are in today to make the investments that are necessary so that we will meet the multiple possible threats to our security in the decades ahead. This bill I think does about as well as we could do at this point, and I am therefore proud to be here to urge our colleagues to support it.

I want to state first that this is a bipartisan bill. There are a lot of things that happen around the Capitol that are much too partisan. Somehow we come here and we feel as if we have suddenly been placed on two teams on either side of the tug-of-war and you have to get on your side, and sometimes on all sides we lose a bit of sight of what the problem is and the urgency of working together in the national interest across party lines.

I am very proud that on the Armed Services Committee, of course, there are disagreements, sometimes they tend to split more partisan than at other times, but as this bill, the product of the better part of a year's labor of the Armed Services Committee of the Senate, shows we have gotten together. We have come halfway across the bridge on a whole host of issues and problems, matters of real concern, and the feeling is we have had our voices heard both in the committee, in the Chamber and in conference.

This bill really represents an act of bipartisanship. Because so much attention is focused on the partisanship around here, I think it is important to note that with some satisfaction and again thank the bipartisan leadership of the committee for having made that possible.

Second, Mr. President, this is a bill that is a compromise and that has compromises in it. As a conferee on the Senate side, I must admit that the conference negotiations over this bill were protracted, difficult. There was much give and take. But in the end, which is again the nature of this process at its best, we were able to overcome many obstacles, some of which seemed intractable at times, all of which arose from what initially appeared to be difficult to reconcile positions. And despite these obstacles, the end result I think is a good bill that achieves the goal of adequately providing for our national defense.

It is not a perfect solution, but we rarely achieve perfect solutions here. The question is will we be willing to bend a bit to get to a point where we have any solutions, and I think this bill does. It reflects compromise, the kinds of compromises that are honorable and make our political system unique and produce results. In the end, I would probably say that none of the conferees, House or Senate, were completely satisfied but none were completely disappointed neither, and the end result is a bill that moves us forward.

I do want to say in a more targeted way that the bill protects the Senate position on two controversial issues, Bosnia and the B–2.

Mr. President, the third basic point is that this bill has provisions that are essential to maintaining our military strength and particularly in providing adequately for our men and women in uniform, the finest fighting force in the world. But they will not continue to be so unless we provide for them.

Let me cite a few of the matters in the bill that are so critical. There was some discussion of what would normally be unthinkable, that we might not pass a DOD authorization bill this year. But that would have been done at great peril and loss.

This bill, for instance, provides authority for adequate funding for critical equipment procurement and R&D, research and development. I am privileged to serve as the ranking Democrat on the Subcommittee on Acquisition and Technology, chaired by my friend and colleague from Pennsylvania, Senator SANTORUM. There are some very important investments here that will provide dominance for the American military a decade or two from now. All of the glory that we achieved, the victory that we achieved in the gulf war, so much of it was made possible by research and development that began, not in 1990 or 1991 when we fought the war, but in the 1970's. This budget provides the same kind of first investments in future military dominance.

Second, the bill provides authority for the Department of Defense to begin construction of fiscal year 1998 military projects, construction projects which include quality of life, and training-related facilities which are so critical, both to the morale of our forces and their capacities.

Third, the bill provides lower end strength levels and increased flexibility for managing personnel strength. That is very important to the commanders.

Fourth, the bill includes significant reforms of the existing structure for housing allowances and subsistence allowances for members of the military.

Fifth, the bill includes authority for significant increases in the special pay and bonus structure, designed to respond to critical recruiting and retention problems, particularly in the Air Force.

Sixth, the bill includes a 2.8-percent pay raise for active duty military members—it is not a lot, but at least an increase—a pay raise of 2.3 percent for Federal civilians, and an additional 0.5 percent increase in locality pay.

It is a big bill. It is an important bill. It achieves some things that would not be achievable were this bill not passed.

Senator LEVIN was speaking when I came into the Chamber. He was speaking about the depot issue. Obviously, there has been a lot of concern about that over the last several weeks—months, in fact. Today, as we consider this bill, some are still suggesting that the depot provisions of the bill may invite a Presidential veto. I certainly hope not. I hope such a veto is not being seriously considered within the White House because it would be profoundly harmful to our national defense by delaying authorizations such as those I have just described, which are critical for maintaining our current military readiness as well as delaying investments in our future military strength by way of critical procurement and R&D programs.

The depot provisions of the bill provide, in my opinion, a level playing field among current Government depots and those which are being privatized. I understand the intense feelings in the various localities affected by this. But here again, across party lines, the best effort was made to achieve a compromise. These provisions on depots in the bill, I think, are fair and equitable to all sides involved in this extremely complex issue. No one set of interests prevailed. No one side achieved all their end goals. At the same time, no side walked away without retaining some of their core objectives here. In a very real sense, the depot provisions of this DOD authorization bill reflect the long and detailed, bipartisan effort of all of the conferees. I honestly believe that the conferees produced the very best possible legislation, not only generally but particularly on this issue which was so divisive and was thought to be possibly fatal to the chances of the overall bill, so important to our national defense, even passing.

So, I say, respectfully, that any move to veto this bill because of the depot provisions would be very unfair and unwise. A veto would freeze other provisions in the bill for an unacceptable length of time, and there is no guarantee that what would follow would be a solution any better for the parties involved intimately than the one already painstakingly worked out.

Last, a veto might act to dismantle current support for the bill and open up partisanship on a host of other issues, partisanship or parochialism, divisiveness, on a host of other issues which have already been resolved in the underlying bill through a lot of hard work.

Let me say, finally, that I know there are many in Congress, some in the country, who feel we are still spending too much for defense. As hard as we on the committee struggled to authorize, as closely as we worked with the appropriators, the fact is—and I think it is important to point this out to our colleagues and to the public—this represents the continuation of more than a decade of defense budgets that have been lower in real dollars than the previous year. I believe this is the 13th straight defense budget of the United States of America that has been lower, in real dollars, than the preceding year's.

First, I say that to say to those who say the military industrial complex, whatever, the hawkish people here, are not recognizing the change in the post-cold-war years and are still spending as much, that is just not true.

Second, just look at the newspapers. Look at the instability in the Middle East with Saddam Hussein again acting against America's interests, against the world's interests. Probably, as the news today suggests, people in the U.N., not the United States, are alleging that Saddam Hussein is taking the action he has to try to frustrate inspection for the reason that we would guess—to conceal behavior, development of systems in his country that are not only a breach of the agreement he made to end the gulf war but which could be disastrous for the security of American personnel in that region, for the security of our allies, for the overall balance of power in that region. Look at the acts of terrorism that continue throughout the world.

Even consider the efforts that the President made and has been making—they were highlighted last week because of the visit of the President of China, Jiang Zemin—an effort to try to find a course of peace, cooperation, integration; not to treat the Chinese as if they were our enemies inevitably—which is probably the best way to make them our enemies—but to try to build cooperative relations. That is the kind of effort that can only be made if we feel strong enough militarily to know that if our optimistic view does not work, we have the strength to protect our security interests and those of our allies—in this case in the Pacific region.

There is a lot of change going on within our military structure, a lot of adjustment to the changing threats that we face, the reduced resources available. The outgoing immediate past Chairman of the Joint Chiefs of Staff, General Shalikashvili, presided over the presentation of a visionary document, ''Joint Vision 2010.'' Where should we be in the year 2010? How can we get our services to work better together? How can we take advantage of the enormous leaps forward in technology?

The Quadrennial Defense Review, completed earlier this year, which was authorized in the DOD authorization bill for this year, fiscal year 1997, created, in my opinion, the broadest involvement within the Pentagon of personnel post cold war, about what the shape of the future threat is and what we need to face it. The National Defense Panel, also an independent panel created in the DOD bill last year, is in the final stages of its work. It is a Team B that we created of retired military personnel, outside experts and independent thinkers to provoke us, to make sure that we are doing everything we can to produce the best defense at least cost, that we are taking advantage of new technologies, of new forms of management.

Mr. President, the military cannot be any more immune than the rest of the world to the changes occurring. I have told this story probably too many times. It goes back some months now. One day earlier this year, the lead story in the Wall Street Journal was how General Electric, which happens to be headquartered in my State, was going to be reporting record profits—billions. What was the focus of attention within that company, under a visionary, demanding president, Jack Welch? ''How can we change to make sure that we continue to be as successful in the future as we are today?'' Nobody who sits still is going to remain successful and strong. That is as true of our military as it is of any great institution in the private sector.

That process is beginning. The Armed Services Committee has played

a leading role in encouraging it. We have to keep that moving, as this bill does. So, overall this bill is a good bill, and it is an important bill, and it is a necessary bill. So I urge my colleagues across party lines to vote for the bill with a strong show of support as we send it eventually to the President with the very urgent hope, and I think the strong case, that the President will sign this bill knowing that it truly serves the primary goal of our Government, which is the national security.

Mr. President, I again thank the chairman of the committee for his extraordinary leadership and the ranking Democrat, and I yield the floor.

Mr. THURMOND. Mr. President, I commend the able Senator from Connecticut on his excellent remarks on this subject.

Mr. President, I suggest the absence of a quorum and ask the time be equally charged to both sides.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BUMPERS. 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. BUMPERS. Mr. President, I am not here to necessarily engage the chairman and the ranking member of the Senate Armed Services Committee——

The PRESIDING OFFICER. Will the Senator suspend? Who yields time?

Mr. BUMPERS. Will the Senator from Michigan yield—this won't take long.

Mr. LEVIN. I will be happy to yield—how much time?

Mr. BUMPERS. Fifteen minutes. You may want more than 15 by the time I get through.

Mr. LEVIN. I yield the Senator from Arkansas 15 minutes. We don't know how time is going to be allocated, that is our problem.

Mr. BUMPERS. I will try to make this short.

Mr. LEVIN. I yield 15 minutes to my friend from Arkansas.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 15 minutes.

Mr. BUMPERS. Mr. President, from 1993 to 1997, the Navy retired seven *Los Angeles* class attack submarines—seven in that 4-year period. In that same period, we were in the process of building three *Seawolf* submarines at a cost of $13.2 billion. Not one of those submarines that we have decommissioned, all of which had a 30-year life expectancy, not one that we retired had less than 12 years left on its life expectancy, and several of them had 14 years left on their life expectancy.

In that same period of time, we retired two nuclear-powered guided-missile cruisers, the *Virginia* and the *Mississippi*. Both of those ships had 20 years left on their life expectancy. And just last month, the Navy decommissioned another *Virginia* class guided missile cruiser, the U.S.S. *Arkansas*. That ship is near and dear to my heart because my wife Betty christened it. The U.S.S. *Arkansas*, incidentally, had sailed for only 18 years, and had a life expectancy of 20 years left on it. CGN–41. That stands for cruiser, guided missile, nuclear.

In that same period of time, 1993 to 1997, we decommissioned five frigates, everyone of which had anywhere from 14 to 16 years left on their 35-year life expectancy.

In that same period of time, we also decommissioned nine guided-missile frigates, every one of which, but one, had a 21-year life expectancy left.

Now, Mr. President, the Navy and the Pentagon has told the Defense Subcommittee on Appropriations on which I sit, as does the Presiding Officer, that tight budgets were requiring them to do more with less and that we are wearing out our ships and exhausting our crews because of the high operating tempo we are demanding of them.

I have had reason to reevaluate what those officials have told us. First, Congress added $720 million to the 1998 defense budget to increase from three to four the number of DDG–51 *Arleigh Burke* class destroyers we will buy this year. The *Arleigh Burke* destroyer is a very fine ship, and it carries the Aegis air defense system. But let me repeat that this extra ship cost $720 million.

Secondly, I learned, as I said, that the Navy would retire the U.S.S. *Arkansas* while it still has 20 years of useful life left. That ship is now being broken up for scrap.

You have to ask yourself, why are we retiring perfectly good multimission surface ships when the cost for a comparable new ship is staggering? So I decided to look into this early warship retirement, and here are some of the things I have learned.

Those ships that I mentioned that we retired between 1993 and 1997, the five regular frigates and nine guided-missile frigates and the two nuclear-powered guided-missile cruisers and the *Los Angeles* attack submarines, all of those ships, as I said, had 12 to 21 years left on their lives. During that same period of time, Congress appropriated about $18 billion to acquire two new submarines and 16 *Arleigh Burke* destroyers.

It seems to me that this is awfully penny-wise and pound-foolish to be retiring these ships and spending so much to replacing them with fewer ships. We could keep a lot more ships in service at a lot less cost if we canceled or delayed procurement of just one or two of the submarines or destroyers the Navy plans to buy over the next 4 years.

Listen to this. It costs $200 million to refuel a *Los Angeles* class submarine and about $30 million a year to operate it. So the Navy could refuel three *Los Angeles* attack submarines and operate them until the year 2014, 16 to 17 years from now, for the price of buying one New Attack Submarine.

In addition, it costs about $25 million a year to operate a guided-missile frigate. So, for the cost of the one *Arleigh Burke* destroyer that we added to the fiscal 1998 budget, the Navy could operate three *Perry* class frigates until the year 2007.

I know that the *Los Angeles* class submarine is not quite as good as a *Seawolf*, or New Attack Submarine. I know a guided-missile cruiser or frigate is not quite as capable as an *Arleigh Burke* destroyer, but those older classes were good enough for the cold war when they were expected to cope with a highly sophisticated air and sea threat from the Warsaw Pact.

Here are some comments by Admiral J. Paul Reason, the Commander in Chief of the Atlantic fleet. You don't have to listen to what I have to say, but listen to what the commander of the Atlantic fleet has to say, Admiral Reason. He says, according to the Norfolk Virginian-Pilot, that the fleet might be better served by cheaper ships in greater quantity: ''I would rather have three hulls that have one-third the capability of an *Arleigh Burke*.''

If from a pure military standpoint three cheaper ships are sometimes better than one expensive new one, why are we spending money mothballing or scrapping perfectly good ships with a 20-year life expectancy and then spending staggering sums to build new ones?

Mr. President, I am not going to pursue this. The question is very simple. I intend to get into it in depth next year when we have hearings before the Defense Appropriations Subcommittee with the Navy. But I will tell you—and I serve notice on them right now—I will tell you what I think is going on. I don't think that the reasons given us are legitimate. They make no sense to me. I am not, admittedly, a Navy man, but when you look at the dollars and cents and when you look at the threat and you look at the life expectancy on magnificent ships—I can vouch for the U.S.S. *Arkansas*, I have been on it more than once, and it hasn't been that long ago when it was the state of the art. And I don't buy this business that we have to pay any price to get the absolute added technological edge on every one of our systems.

This is a terribly expensive program the Navy is undertaking, doing away with perfectly good ships, with long lives left, to replace then with fewer hugely expensive ships. I agree with the admiral down in Norfolk when he says that sometimes he would rather have three cheaper ships that will do one-third of the job than have one ship to replace them.

So I think that what we are doing is retiring perfectly good ships in order to keep the shipyards of America working.

What does that mean? It means we have a lot of people in this body who have shipyards in their jurisdictions, and they want to keep those jobs busy.

I understand that. If I had one in my State, I would be wanting those workers to stay busy, too.

But I tell you the enormous cost to the taxpayers of this, in my view, is nothing short of outrageous. I do not buy the rationale for it. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield 5 minutes to the distinguished Senator from Nebraska, Senator HAGEL.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. I thank the chairman for his leadership and the leadership of the distinguished ranking minority member, Senator LEVIN.

Mr. President, it is rather appropriate that we debate this issue today. Next week is Veterans Day. It is the day, a unique day, when America honors the sacrifices and commitments made by our men and women who served in uniform.

I rise today to speak in support of the fiscal year 1998 defense authorization bill conference report. As we have debated this important bill over the past few months, I couldn't help but wonder whether we would be able to meet our national security challenges in the years ahead with the current state of our readiness of our current military forces.

Our national defense ensures the survival of our Nation and our interests around the world. Our national defense is not only the protector of the American people, it is the guarantor of our foreign policy. One of the most important national debates we need to have is over what kind of military will be required as the world moves into the next century. Are we making the necessary investments to meet that need and will America be strong enough to back up the international commitments being made today by our President?

I am very concerned, Mr. President, that we are not making the necessary investments that we will need to make to have the military capability to back up those commitments in 5 to 10 years. While the cold war is over, the world is still very dangerous. It is very uncertain. It requires a skilled, highly mobile military force structure. Rather than one global enemy that we can work to contain, we need to be able to respond to head off crises in hot spots around the world.

Look at our situation today. We have troops in Bosnia. We have a madman in the Middle East whom we already went to war with once, and again he rattles his saber and threatens the peace.

We are faced with the continuing menaces, the dilemma in North Korea. We face proliferation, not only of nuclear weapons, but of chemical and biological weapons around the world. What are the issues on the horizon?

Next year, this body will make a decision on expanding the security blanket of NATO eastward. Difficult decisions still must be made regarding Bosnia. The Caspian Sea has the world's second largest oil reserves, located in the center of a very turbulent area of the world. The Middle East continues to be in turmoil.

What will the future requirements be for the U.S. military? No one can predict with certainty what those requirements will be. But what has made our military the most powerful in the world and has kept the peace is the preparedness and the ability of the United States to respond to whatever crisis may develop worldwide.

In a turbulent, unpredictable world, we cannot now risk weakness. As President Ronald Reagan said so clearly—peace through strength. Our dedicated men and women in uniform are up to the task, as they have always been up to the task.

However, our military has suffered Draconian cuts over the past 10 years. In real dollars—in real dollars, Mr. President—the U.S. military, our national defense, has taken far deeper and more dramatic cuts than any other area of our Federal budget. Over the last 10 years our defense budget has been reduced in real numbers by 40 percent.

We are deferring—we are deferring—vitally important weapons procurement systems to meet our needs for the future. That is not leadership.

Today, I fear we could not repeat what we accomplished during the Desert Storm war because of our strength and our readiness, because that has been cut so drastically. Not a comforting thought, Mr. President, with the current situation in Iraq.

Our Armed Forces have been stretched to the breaking point. While the administration has continually proposed reduced spending in our defense budget, the President continues to deploy more and more overseas forces. At the same time we have been cutting our national defense resources, we have been directing more and larger overseas deployments. This, Mr. President, is very dangerous, with severe long-term consequences for peace and stability worldwide. We are witnessing an unhealthy stress in our military today.

Since 1989, the Army's missions around the world have increased by 300 percent—while funding for our primary land forces has decreased by 38 percent, and the number of soldiers has declined by 35 percent. In the Air Force we face a similar story. Recent press reports indicate that 107 Air Force pilots who were eligible for promotion this year from captain to major asked not to be considered, they decided to leave active service instead. The senior leadership in the Air Force say they have seen an alarming number of pilots leave the Air Force and are concerned that so many pilots are finding the demands of a military career on their families so stressful that they are choosing to quit. It is not just about money either. Most say they are not concerned about going in harm's way, but they are concerned about their unit's readiness to face the challenges ahead.

I am pleased to note that this bill does begin to reverse the downward trend in defense spending by increasing the administration's request by $2.6 billion. It is a good start on the road back to restoring our military forces to a complete ability to defend our vital interests around the world—but it is not enough.

I understand that some of my colleagues believe that this bill is now irrelevant. They say we have passed an appropriations bill already, why do we need an authorization bill? We need this bill to authorize a 2.8-percent pay increase for our men and women in uniform. Who among us wants to look a soldier in the eye, whom the President has just sent to Bosnia and say, ''we sent you in harm's way, but you and your family don't merit a pay increase.'' How many of us in the Senate are aware, according to the administration's own data, that compensation for our men and women in uniform currently lags 12.9-percent behind the private sector. Without this meager pay increase, our soldiers would fall even further behind civilian wages, at a time when the administration asks them to do more with less on a daily basis.

The pay raise issue alone should be enough justification to support this bill. However, there is more. By the Defense Department's own estimates 23,000 service men and women are eligible for food stamps. There is no honor for a nation that asks its men and women in uniform to risk their lives to defend it, then asks them to feed their families with food stamps and live in rundown, dilapidated housing.

Another reason we need this bill enacted into law involves housing for our military personnel. Denying them appropriate and just compensation is clearly one issue. If we, as a nation can't pay our service members enough, surely we can at least provide them with decent, affordable housing. Here again we are failing our troops. As most of my colleagues are aware, military construction projects require both authorization and appropriation to be executed. If the fiscal year 1998 Defense authorization bill is not enacted this year, more than $4 billion in military construction projects cannot be executed during the coming year.

If we do not provide our men and women in uniform with at least a decent quality of life for them and for their families, how can we expect to recruit and retain the best and the brightest?

Signals from the White House indicate that the President is considering a veto of this bill. I ask him to reconsider. Chairman THURMOND and the members of his committee have worked tirelessly to reach an accommodation with both sides in the depot closure debate. This divisive issue has

consumed enough of our efforts. It is time to move on. We are wasting time and draining precious resources away from our Nation's military readiness. Let's show some leadership and get on with our responsibility.

In summary, Mr. President, I close with this: National defense should not be a partisan issue. The security of our Nation is not a Democrat or Republican issue. It is an American issue. The debate over our national defense should not be driven by economic decisions. It should not be driven by jobs. We must be steely eyed, clear eyed, clear headed when we make these decisions for our national security.

Deferring tough decisions and lack of vision and shortsightedness in planning our national defense will have deadly consequences for the future of America and the world.

I strongly support this bill and strongly encourage my colleagues to support it as well.

Thank you, Mr. President.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I commend the able Senator from Nebraska for the excellent remarks he made on this subject.

Mr. HAGEL. I thank the chairman.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I now yield to Senator KEMPTHORNE, the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. KEMPTHORNE. Mr. President, thank you very much.

First, Mr. President, I commend the leadership that Senator THURMOND has provided as the chairman of the Armed Services Committee. With his steady hand on the wheel, we have brought forward a bill that I think all of us can be proud of.

I also want to commend the ranking member of the full committee, Senator LEVIN. I believe this is the first year that he has been the ranking member.

But that bipartisan spirit, that really has been the tradition of the Armed Services Committee, again is exemplified by these two Senators. I commend both of them for their leadership. You have served this Nation well and national security because of that partnership.

Mr. President, I have the great honor of serving as the chairman of the Military Personnel Subcommittee. I say ''honor'' because I feel that that is the committee that deals with the men and women who so proudly wear the uniforms of the U.S. Armed Services.

I cannot think of a more appropriate and patriotic partner than Senator CLELAND of Georgia as the ranking member of that subcommittee. Our men and women know that when Senator CLELAND is involved in any of these issues, their interests are looked out for. I thank him for his partnership but also for his friendship as well.

Mr. President, I rise in support of the fiscal year 1998 defense authorization conference report. I want to congratulate again all of the members of the committee who worked so diligently on this. The conference report now before the Senate authorizes an increase, for example, in a variety of areas.

So what I would like to do, Mr. President, is just have a colloquy with my ranking member of the Personnel Subcommittee, Senator CLELAND, and address a few of these issues that are included in the defense authorization bill. I add that these are issues that if, for some reason, we would lose the defense authorization bill, if it did not have sufficient votes or if upon passage it were vetoed, we would lose these items. So I think it is extremely important for us to underscore this.

I would like to start with an area that Senator CLELAND and I have held a hearing on, and that deals with the Aviation Officer Retention Bonus Program. This is something that is critical.

So I ask the ranking member to explain what important step we took with regard to the aviation officer retention bonus.

Mr. CLELAND. I thank the chairman very much.

Mr. President, I would also like to commend the distinguished Senator from South Carolina, Senator THURMOND, for being our leader on national defense issues, and the ranking member of the Armed Services Committee, Senator LEVIN. They have made a great team. In terms of great teams, I think one of the greatest captains of a team I have ever come across is Senator KEMPTHORNE, our distinguished Senator from Idaho. He and I have worked together on personnel matters and personnel issues.

Mr. President, it is my pleasure to support the defense authorization bill for several reasons.

One of the reasons is, as the Senator from Idaho has indicated, as my colleagues have read in the newspapers, the Air Force and Navy are experiencing real difficulties encouraging experienced pilots to stay in the service. Our Nation has invested, in some cases, up to some $6 million apiece to train these pilots, and the airlines are now benefiting from that. They are hiring scores of pilots away from the military services every month.

As part of our effort to retain these highly skilled pilots, the pending bill increases the pilot bonus from the current $12,000 to $25,000, which is paid out over a 5-year period of time. This is a modest increase. It comes from existing Air Force and Navy funds and was requested by the Chief of Staff of the Air Force and the Chief of Naval Operations.

Without the legislative authority to increase the aviation officer retention bonus, we will fail to give the services the tools they need to keep highly skilled pilots in the cockpit.

Mr. KEMPTHORNE. I appreciate the comments of the Senator from Georgia on that. Again, Mr. President, the fact of the matter is, there is a tremendous investment in having the finest pilots in the world, pilots that have been trained to defend this Nation. But many of them—too many of them—are now leaving the Armed Services and they are going into the private sector. We need to have this sort of a program so that we can retain the best pilots in the world in which we have made millions of dollars of investment.

The pending bill also authorizes a 2.8-percent pay increase for our men and women in uniform. Again, I ask my friend from Georgia to explain the importance of this particular increase.

Mr. CLELAND. I thank the Senator very much.

Mr. President, without the legislative authorization to increase military pay approved in this bill, the pay raise would be limited to 2.3 percent at the same time you have Federal workers who receive a pay raise of at least 2.8 percent. In other words, without the enactment of this bill, we will give civilians working for the Federal Government a larger pay increase, larger pay raise than we give to men and women who are out there risking their lives to defend the interests of this country.

Mr. President, I once ran a wonderful agency, the Veterans' Administration, and I think our employees, our civilian employees, do a wonderful job. But this Defense authorization bill will allow us to give the full 2.8 percent increase that certainly our military people richly deserve.

Mr. KEMPTHORNE. Again, I thank the Senator from Georgia. And referencing back to what the Senator from Nebraska, Senator HAGEL, has talked about, the deployment of our troops currently around the world, the deployment in Bosnia, the dilemma that we are currently facing with Iraq, the news that continues to come out of North Korea that because of the famine, we do not know what is going to happen in North Korea.

So we have our troops deployed around the world, ready to put their lives on the line. Here we have a situation that, again, if for some reason we lose this bill, we are not giving them the full pay increase that they are entitled to. The message that that sends to our men and women in uniform is not healthy.

Mr. President, the bill also authorizes reductions in end strength, or manpower, reductions consistent with the Quadrennial Defense Review, to allow the services to save funds for badly needed modernization.

I ask Senator CLELAND, Is it true that if this bill is not enacted into law, the services will be forced to increase current personnel levels to meet the floors established in last year's defense authorization bill?

Mr. CLELAND. The Senator is eminently correct. Without the bill, the

services will be prohibited from actually reducing personnel, which is called for in the Quadrennial Defense Review, and the services will be forced to add personnel that they have actually determined, Mr. President, they can live without. We do have an era of tight resources, and I think it is unwise of us as a Congress to force the services to keep people they cannot afford.

Mr. KEMPTHORNE. Mr. President, I add that the Senate conferees fought very hard to retain this important issue in the conference report, which was requested—and I will underscore this—by the Secretary of Defense and the Joint Chiefs of Staff.

Mr. President, the bill also authorizes a congressional commission on military training in gender-related issues. I ask the ranking member to explain some of the history behind this important section of the bill.

Mr. CLELAND. The Senator is absolutely right. The bill, in light of the criminal behavior uncovered at Aberdeen Proving Grounds in Maryland, responds to strong sentiments in the Congress. Some of those strong sentiments would like to legislate the end of gender-integrated training. There are equally strong voices against that type of legislation. During our Personnel Subcommittee hearings on this particular issue, the point was raised that a commission created by the Department of Defense might raise credibility issues in some quarters.

Responding to such legitimate concerns, the Senate Armed Services Committee adopted the Kempthorne-Byrd amendment to create a congressional commission to report directly to the Congress on this very important issue.

Mr. President, here again the Senate conferees had to fight in conference to ensure that the commission remained objective.

Mr. KEMPTHORNE. I thank the Senator from Georgia and underscore what he has said. Again, here is a critically important issue that is facing the military and we want to get to the heart of it and find out what is the extent of the problem, and most importantly what is the extent of the solution.

I want to commend the Senator from West Virginia, Senator BYRD, for his leadership on this issue as well.

During our hearings this year the subcommittee heard testimony from actual recruiters about some of the difficult quality of life issues that they face. The bill authorizes important steps to address how recruiters and other military personnel who are not serving near a military hospital receive health care.

Again, I ask the distinguished Senator from Georgia to help explain these improvements to our colleagues.

Mr. CLELAND. This is one of the issues that I personally have a strong commitment to and that is improving the quality of care in our military facilities for our military active duty and retired personnel.

The conference report authorizes active duty personnel serving in remote locations to receive health care through the Tricare system at no expense to that military person or that military family. It will allow military personnel and their families to receive quality health care where they live. This provision has real implications for active duty personnel and their families. It represents another quality of life improvement contained in the defense authorization conference report.

Mr. KEMPTHORNE. Again, I thank the Senator from Georgia.

Senator CLELAND and I had a hearing on this aspect of recruitment. We are facing problems with recruitment. Here we are talking about the actual recruiters. We need to deal with this aspect so those recruiters have a quality of life they can truly sell to those new individuals as to why they should join the services.

The defense authorization bill also includes seven provisions addressing the Department of Defense and the Department of Veterans Affairs activities with regard to assisting those suffering from Persian Gulf illness. I note, too, Mr. President, that Senator CLELAND is a former head of the Department of Veterans Affairs.

The Senate Armed Services Committee held a hearing this spring in which General Schwarzkopf testified. At that particular hearing I asked General Schwarzkopf his thoughts as to what is the cause of Persian Gulf illness, and his point was he did not know what the cause of Persian Gulf illness was nor did he know the extent, but he made the very important point we have to deal with our veterans that have this.

The committee remains dedicated to ensuring that the Department of Defense, in conjunction with the Department of Veterans Affairs, continue an aggressive research effort to determine causes and treatment for this debilitating illness.

Mr. CLELAND. The Senator is eminently correct. The Persian Gulf illness question is one that continues to baffle those of us who try to deal and struggle with it, but it certainly baffles the members of the military family that served in the Persian Gulf. Those personnel deserve justice. They deserve treatment when they are ill and they certainly want us to get to the bottom of this question. This is one of the most serious issues facing active duty and retired military personnel, especially those who served in the Persian Gulf.

I want to say on behalf of our committee and our great leader, Senator KEMPTHORNE, that we take this challenge seriously, and this defense authorization bill will certainly help.

Mr. KEMPTHORNE. I thank the Senator from Georgia, and I agree totally with the comments about our dedication to this.

Mr. President, the bill also includes a very important provision to correct a mistake made over 50 years ago. Specifically, the bill authorizes retroactive payment of the stipends for Congressional Medal of Honor winners who only this year received the award for heroism during World War II. Specifically, the bill authorizes payment to Vernon J. Baker and the surviving families of Edward A. Carter and Charles L. Thomas.

Because of racism, seven Americans were denied the Medal of Honor they rightly earned over 50 years ago. Earlier this year in a very moving ceremony at the White House, President Clinton presented the Medal of Honor to Vernon Baker and the next of kin of the other recipients, except for one recipient who, because he died so young, had no surviving relative. The conference report helps right this wrong. It ought to be adopted by the Senate and signed by the President of the United States.

Mr. President, I am proud that Vernon Baker, a quiet and dignified man, is a resident of the peaceful community of St. Maries in my State of Idaho. Vernon Baker has never asked for the retroactive payment of the stipend for the Congressional Medal of Honor, nor has he ever sought my assistance. But believe me, his act of bravery in April 1945 makes him more than worthy and he deserves to have this wrong corrected. We are not suddenly providing him or the families of the other recipients with a windfall. Instead, we are simply making sure that they receive what should have been provided some 50 years ago.

There are other numerous important quality of life provisions in the pending conference report, including military construction projects which include family housing. You can recruit the soldier, but if you are going to retain him you have to take care of the family. That is what this addresses. It cannot be initiated without passage of this report.

I would like to thank my friend, Senator CLELAND, for helping to explain some of the important provisions in the pending conference report and also for the many hours of dedicated service he and the other members of this subcommittee put in to make sure that we are taking care of our men and women who wear the uniform of the greatest Nation in the world.

My final point, Mr. President, is simply that, again, if for some reason this bill does not become law, all of these quality of life issues that we have addressed are lost. That is a terrible message to send to the men and women who are defending the freedom of this Nation around the world on behalf of the United States.

I yield to my colleague, Senator CLELAND, for any additional comments he would like to make.

PRIVILEGE OF THE FLOOR

Mr. CLELAND. Mr. President, I ask unanimous consent that Regina Jackson be permitted privileges of the floor for the duration of the debate.

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

Mr. CLELAND. Let me say I appreciate Senator KEMPTHORNE's remarks

regarding the Congressional Medal of Honor recipients who were belatedly recognized. Recognition on this issue is much appreciated for those who have gone above and beyond the call of duty in the services of this country.

Mr. President, in terms of going above and beyond the call of duty that is exactly what the distinguished chairman of this Personnel Subcommittee from the great State of Idaho, Senator KEMPTHORNE, has done in regard to bringing me on board as a freshman Senator in making me feel welcome, keeping me posted and informed, and including me in all of the legislative hearings and in all legislative debates and all legislative matters before our committee. It has made me feel very much welcome and very much a part of things. This was my first year on the committee and I couldn't have been more fortunate to have gotten a better chairman than Senator DIRK KEMPTHORNE. I understand he intends to return to the great State of Idaho after completing his term in the Senate. He will be missed as a dear friend, as a colleague, and as a great leader. He has one more year to serve and I look forward to working with him next year to make it a very productive year for us both.

I also extend my gratitude to the distinguished chairman and ranking member of the Senate Armed Services Committee. Senators THURMOND and LEVIN welcomed me as a brother and a colleague into the committee, following in the footsteps of Senator Russell and Nunn in this Senate seat. It has been fun to try to tackle the chores that we tackled this year. It wouldn't have been possible without the help that I received from both of them.

I also thank both the majority and minority staff of the committee under the leadership of Les Brownlee and David Lyles. They have all been of great assistance to me as I have served on the committee. I certainly appreciate the courtesies and hospitalities that their staffs have given me.

Mr. President, this is a very important bill for all of the reasons Senator KEMPTHORNE and I have discussed. It sets forth the priorities for our national defense in the next year. The very title of the bill suggests its importance—National Defense Authorization Act. It has taken 9 long months to get to where we are today, yet one issue remains controversial. In spite of numerous concessions made by the Depot Caucus, this bill faces the threat of a veto. I do not understand this. Much has been said on this topic so I will be brief.

There are at least two significant concessions. First, we agree to the Department of Defense request to continue free and open public-private competitions for the workloads at Kelly Air Force Base, TX, and McClellan in California, rather than directing the departments to transfer this workload to the main depot which we believe is the intent of BRAC. To those who do not believe this is a major concession, this would ratify the mechanism that overrides the BRAC recommendation.

I yield to the distinguished chairman of the Armed Services Committee, Senator THURMOND.

Mr. THURMOND. Mr. President, Senator KEMPTHORNE and Senator CLELAND are valuable members of the Armed Services Committee. Both of them are experts on military personnel and I wish to commend them for the important information they have given the Senate today on that subject.

Mr. LEVIN. Will the Senator yield?

Mr. THURMOND. I yield.

Mr. LEVIN. Mr. President, I want to join Senator THURMOND in thanking Senators KEMPTHORNE and CLELAND for their tremendous work on this subcommittee. I cannot think of any two colleagues that I would feel more comfortable with being chairman and ranking member of that subcommittee.

We will, indeed, miss Senator KEMPTHORNE after he leaves this body. He has been a great friend and a really wonderful participant in our debates and deliberations, just as we welcome Senator CLELAND as a new member who has made a wonderful new addition to our committee.

We thank them both for their work.

Mr. KEMPTHORNE. I thank the chairman and the ranking member for the very kind remarks.

Mr. BOND. Mr. President, I commend the chairman on his herculean effort to address the myriad of policy issues he has faced this year, but I am wary about the fast track we seem to be on to decrease our defense resourcing while simultaneously increasing our operational tempo. I am concerned that because of the dramatic cuts our total force has taken in the past few years, that we are hollowing our force. I am concerned that in spite of our downsizing efforts we are spreading our forces out more than any other time in our history.

Because of this fact, we must squeeze every ounce of bang for our bucks, and I believe that the Reserve components, the Guard in particular, does this very well. Guard units are posted all around the world in addition to performing their duties in their home states. Guard members come from all parts of the population, including former active duty members of the active force. They bring with them, a wealth of experience and training. They are also inextricably woven into the fabric of their local communities, a point which we have come to realize is all important, that our military be connected to our citizenry. Our Army, our military, is the finest in the world, bar none. It is composed of the finest young men and women, provided the finest training and the most well resourced in the world. Our history, our legacy demands the support of our citizens for the institution, and the Guard provides a critical link between our civilian community and the military which protects them. Don't eviscerate the Guard and sever that link. This bill makes a cut of 5,000 Guardsmen and women, troops who we have already voted to fund in the appropriations bill. These troops funding remained within the budget constraints and were apparently desired by the Pentagon and the President as he approved the appropriations bill. I believe that this is an ill-advised reduction in force.

Mr. President, I make the following points to explain my objections to the National Guard policy decisions reflected in this bill.

The Guard is unique of all the Reserve components; having both Army and Air Force components under a unified command, and the Guard performs State oriented missions under title 32 and Federal missions under title 10. The Guard has been the neglected stepchild of the National Command Authority for as many and more years than I have been in the Senate. No one can say that the Guard has received a fair share of the budget pie without direct input from the Congress. Each year we are required to inject hundreds of millions of dollars to keep the equipment accounts adequately funded as well as the training and operations funding accounts. I believe that a four-star position along with the elevation of the directors of the Army Guard and Air Guard would provide the Guard Bureau with much needed and appropriate upper echelon infrastructure and departmental and congressional vetting. I believe the Department of Defense has been disingenuous in its characterization of the National Guard's participation during the Quadrennial Defense Review. I believe that the current command structure of placing the Air Guard under authority of the Army is convoluted to say the least.

Mr. President, as a four-star, the chief of the Guard bureau will have the rank required and the subsequent authority to actually have a place at the table. Now the Guard Caucus would like to see that table be at the JCS level, because that is from where our uniformed personnel delivers recommendations to the National Command Authority. However, it is our main concern that the operational and force employment decisions have a Guard input. So, we are open to constructive and statutory alternatives. But whatever the result, the status quo is unacceptable. The provisions in this bill do nothing to alter seriously, the status quo. I predict that next year, in spite of this well intentioned but wholly inadequate compromise with rogue and obstinate members of the House, we will once again see resourcing problems in the Guard and Reserve accounts. We will continue to see them until we, here in the Congress, do something to recognize and reflect our increased reliance on our reserve components because of the force structure changes we are forcing our military to make.

I disagree strongly with the measures in this bill dealing with National

Guard policies but I will grudgingly accept them for I do believe that we do need an authorization bill and these are issues which may be addressed at a later date. And I guarantee you, that come next year, I will be here again arguing for policies which will recognize the relevancy of the Guard and which will position it appropriately within the Department of Defense hierarchy.

Mr. FORD. Mr. President, I would like to discuss with the distinguished chairman and ranking member of the Armed Services Committee a provision in the DOD authorization bill conference report. These provisions concern depot-level activities and are contained in subtitle D of title III. As the chairman and ranking member know, Louisville is the home to the former Naval Surface Warfare Center Detachment which was closed by the 1995 Defense Base Closure and Realignment Commission. However, in its recommendation, the Commission directed that the workload, equipment and facilities be transferred to the private sector if the private sector could accommodate the workload onsite. The Commission's recommendation has been followed and the former Navy depot was privatized in 1996. The current contract runs through the year 2000 if all the options are exercised. My understanding is that the competition requirements in section 359 of the conference bill would not apply to any workload already privatized at the former depot in Louisville under the current contract or under any recompetition once the current contract expires. Is my understanding correct?

Mr. THURMOND. Mr. President, the distinguished senior Senator from Kentucky is correct in his interpretation of section 359. First, under the exception contained in new section 2469a(c)(3), these competition requirements do not apply to any contract originally entered into before the date of enactment of the conference bill. Second, under new section 2469a(b), these requirements apply only to workloads that are currently proposed to be converted from performance by DOD personnel to performance by a private sector source for the first time, not to work that has already been converted to performance by a private sector source. For these reasons, the competition requirements in section 359 would not apply to workloads that have already been converted to private sector performance at Louisville or any other similarly situated facility.

Mr. LEVIN. Mr. President, I agree with the statement of the distinguished chairman of the Armed Services Committee that section 359 does not apply to any current or future solicitations or contracts for workloads that have already been privatized at a former military installation before the enactment of the Fiscal Year 1998 Defense Authorization Act. The conferees were aware of my colleague from Kentucky's concerns about the successful privatization that has already occurred at Louisville and section 359 represents a compromise that does not affect workload currently performed at Louisville under existing contracts or under any recompetition of those contracts. I would also note that the requirements of this provision would not apply to any other workloads that Louisville may choose to compete for, unless those workloads were performed at a military installation that was approved for closure or realignment under the 1995 BRAC round, and are proposed to be converted to private sector performance for the first time.

Mr. FORD. I thank the distinguished chairman and ranking member of the Armed Services Committee for their explanation of section 359 of the conference bill.

Mr. MCCAIN. Mr. President, I rise in support of passage of the conference report on H.R. 1119, the National Defense Authorization Act for Fiscal Year 1998. Despite its many flaws, some of which I will expand upon momentarily, the report does represent a solid effort at advancing the defense budget process in accordance with the legislative branch of government's constitutional role in raising and supporting the Armed Forces of the United States. Important policy issues are addressed, needed reforms are implemented, and vital quality of life initiatives are authorized.

Procedurally, there is ample room for improvement in how the budgetary responsibilities of Congress are executed. The exclusion from negotiations of Members with important interests in specific issues should not be accepted. Conversely, when invitations to participate in negotiations on such issues are proffered, the Members in question should not then decline those offers. Through such cooperativeness we can hopefully avoid the kind of problems that have delayed final passage of this bill.

Lest anyone underestimate the importance of this bill, let me remind them that it is bad enough that $13 billion foreign aid appropriations bills are routinely passed without proper authorization. To permit $260 billion in defense spending to be enacted without appropriate authorization is simply dangerous. The authorizing and appropriations processes, as we all know, provide Congress with its own much needed internal system of checks and balances. As with the checks and balances that exist between branches of government, should our internal system break down, the results will be grave indeed, including drastically reduced accountability in how public funds are spent and an elimination of vital oversight of the structure, equipping and training of our Armed Forces. That is not a situation that should be permitted to develop, and I intend to do everything in my power to prevent it from happening.

We maintain the system of authorizing and appropriating to help prevent an excessive consolidation of power in too few hands. I don't think I exaggerate when I suggest that such a consolidation would be seriously deleterious to the country's best interests.

On the content of the bill itself, when the fiscal year 1998 defense budget process commenced early this calender year, it was widely anticipated that certain issues would delay and possibly derail our ability to pass an authorization act. Chief among these is the so-called depot maintenance issue, inarguably the single most contentious issue with which the Senate Armed Services and House National Security Committees were involved. Those of us who have been around a while are more conversant than we would like to be in the intricacies surrounding this arcane issue involving a handful of congressional districts.

The conference report before us today includes a depot compromise that is much improved from previous depot language considered this year. For example, it changes the 60/40 workload definition to 50/50. It also removes the capacity factor requirement—that is 75 percent—which was synonymous to killing competition at Kelly and McClellan Air Logistics Centers. However, this remains an exceedingly deficient approach to the issue of depot-level maintenance, still grounded in protectionist sentiments devoid of serious regard for the principles of sound public policy.

A key criticism is that the process was not inclusive of all the parties that would be affected by changing DOD policy on depots. I feel strongly that developing compromise legislation with the depot caucus and the Kelly and McClellan supporters could have been achievable in the late stages of the process. Having said that, however, this may be the best compromise that could be expected.

I tried to reform depot policy in the past as chairman of the Senate Readiness Subcommittee on the Armed Services Committee and failed. So I commend Senator INHOFE and Chairman THURMOND for making at least some meaningful progress toward reforming the depot maintenance system. I continue to support fair and open competition between private and public depots, though. Current law, even with these modifications, precludes the full competition that would most benefit the American taxpayer and allow the Defense Department to allocate operations and maintenance dollars more optimally.

I am also disappointed that this compromise does not include language that was in the Senate bill that changed section 2466—definition of 60/40—by relating workload to a facilities-based definition rather than a personnel-based definition. This provision would have allowed industry to go into public depots and compete for work alongside public employees and any core capability work done privately in a depot counted against the public workload. This language, more than any other

provision in the compromise encouraged public-private partnerships.

Another issue that was amicably resolved, but that should not have been brought up at all in light of the apparent resolution of the matter during preparation of the previous fiscal year's authorization act, involves personnel missing in action in Southeast Asia. Most of the onerous provisions, strenuously opposed by administrations of both parties as well as by theater and war-fighting commanders since its inception a decade ago, that establish burdensome bureaucratic requirements upon our troops in the field and that place unrealistic requirements upon the Defense Department personnel responsible for accounting for missing personnel, are included in the conference report.

Those provisions that are included are not particularly necessary and won't contribute to resolution of the problem of accounting for all missing personnel, but they are not as egregious as the provisions that were not included in the final bill. Those of us active on this issue for many years who believed the issue to have been resolved last year will not endure another protracted debate over provisions of extremely dubious merit when the process begins again next year. It was clearly stated by the conferees that this matter is considered closed. I expect that to be the case.

Not surprisingly, given the wealth of unnecessary and wasteful programs funded in the defense appropriations bill, the authorization act similarly includes numerous examples of items funded in the bill primarily, and, in some instances solely, for parochial reasons. I have already presented a list of such items from both the House and Senate authorization bills for publication in the CONGRESSIONAL RECORD. Consequently, I will not repeat them item by item today. Suffice to say that the unrequested $150 million for the B–2 bomber, the addition of a destroyer not requested by the Defense Department, the acquisition of additional C–130 airframes despite the surplus of such aircraft already in the fleet, the usual list of unrequested military construction projects, and a variety of location-specific earmarks for such highly questionable projects as those all-important Centers for Excellence, all combine to represent a business-as-usual approach to passing legislation that serves to further erode public confidence in elected officials while draining scarce financial resources from higher priority programs. To paraphrase Samuel Beckett, we've laughed at the idiocy so many times that the humor is gone and we are left with the unfortunate consequences of our actions.

Thankfully, negotiations on the authorization act succeeded in diluting the potentially damaging effects of language on Bosnia, but the appropriations bill has already addressed that action in a manner apparently acceptable to the White House. The administration's protestations notwithstanding, a satisfactory compromise was worked out on the export of computers with dual use applications to countries with suspect records in how such technology is exploited. Whether the Commerce Department wants to admit it or not, a legitimate national security concern involving the export of such computers does exist, and I believe the language included in the conference report adequately addresses the concerns of both the national security apparatus and the industry affected by it. I am surprised, therefore, that the Office of Management and Budget included this issue in its letter to Majority Leader LOTT as being particularly objectionable.

Provisions involving the expansion of the North Atlantic Treaty Organization serve little or no constructive purpose, particularly those pertaining to cost. The cost of expanding the alliance is certainly worth debating, but at the end of the day we ought not predicate a decision on whether to bring in new members on cost data that is so qualified as to be rendered meaningless. Expanding NATO will cost as much or as little as we want to spend. We're not bringing in impoverished Third World countries with facilities barely able to accommodate a Cessna. We're talking to countries that belonged, involuntarily, to the Warsaw Pact and which possess military infrastructures that only need to be improved upon and that have command, control and communications networks that must be made compatible with the rest of the alliance. That will certainly cost money, but it is hardly a deal breaker.

Thanks to the administration's decision to adopt a more reasonable approach toward missile defense issues, the conference report includes a more realistic funding profile for both theater and national missile defenses. The administration's admission that it was seriously underfunding even rudimentary national missile defenses has helped to move this issue forward in a constructive manner. Hopefully, this presages a trend toward a more mature and serious approach to missile defenses on the part of the White House.

I am pleased that the Cooperative Threat Reduction Program is funded at the Defense Department's request while restricting the use of funds to exclude spending on programs or areas not directly involved in dismantling Russian weapon systems that would otherwise threaten the United States.

In conclusion, Mr. President, the conference report to accompany H.R. 1119 is like its predecessors: flawed but acceptable. It deserves our support and I hope my colleagues will agree to vote for its passage.

CORE LOGISTICS CAPABILITIES

Mr. COATS. Mr. Chairman, Senator LEVIN, I would like to take a few moments to discuss one of the concerns that has been raised relating to the compromise language on depot maintenance. In particular, I would like to ask a few questions regarding the provisions relating to core logistics capabilities and workloads. The concern has been raised that this language could require the Department to change its current depot maintenance practices and bring in-house work that is now performed by contractors. What is the view of the chairman and ranking minority member on this issue?

Mr. THURMOND. It was not the intent of the depot maintenance provisions to require the Department to bring in-house any work that is now being performed by contractors, and those provisions should not be interpreted to have that effect.

Mr. LEVIN. I agree with the distinguished Chairman. The depot maintenance provisions in the bill are consistent with DOD's current policy and practice on core logistics capabilities and will not require the Secretary to bring in-house any work currently performed by private contractors. As under current law, the Secretary of Defense gets to decide what capabilities are core logistics capabilities, what workloads are necessary to maintain those capabilities, what is cost efficient, and how much workload is necessary to ensure cost efficiency.

Mr. COATS. I understand that the Senators from Texas and California believe that the requirement to ''ensure''—rather than ''promote''—cost efficiency in the depots might be interpreted in such a way as to require the Department to withdraw depot maintenance workloads from the private sector and perform the work in public depots in order to achieve efficiency because the only way they can operate efficiently is to fully utilize the physical capacity. Could you please explain your interpretation of the language? What do you believe it requires?

Mr. THURMOND. I would be happy to clarify what the conference agreement requires. First of all let me just say that this language does not require the Department of Defense to withdraw depot maintenance workloads from the private sector and perform the work in public depots in order to achieve efficiency. As the statement of managers indicates, it simply requires the Secretary to assign sufficient workload to these facilities to ensure that they are operated as cost efficiently as possible. The report clearly states:

> The provision does not require that maintenance for all weapon systems necessary for the execution of DOD strategic and contingency plans be performed at public facilities. Rather, it requires that the capability to perform maintenance and repair on these systems be retained in the public depot activities and that these activities be assigned sufficient workload to ensure that they are operated as cost efficiently as possible while preserving sufficient surge capacity to support the strategic and contingency plans of the U.S. Armed Forces.

Mr. LEVIN. I agree. This language requires that during peacetime the public depots perform certain types of

depot maintenance workloads necessary to retain the capability to maintain mission essential weapon systems, and that sufficient amounts of work should be assigned to these depots in order to ensure that the personnel necessary to perform the maintenance are operating efficiently. This does not mean that the Department would be required to perform maintenance on all mission essential weapon systems within public depots; it simply requires that the Department retain a capability to maintain this equipment, should it become necessary.

Mr. COATS. Then nothing in this language would preclude the Department from retaining a surge capacity to be used in times of military emergency?

Mr. THURMOND. Absolutely not. The language specifically requires that the public depots retain a surge capacity and reconstitution capability necessary to support any strategic or contingency operations identified by the Joint Chiefs of Staff. The requirement for a surge capacity for military emergencies by definition requires less than full utilization of the physical capacity during peacetime.

Mr. COATS. Isn't that similar to the Department's current policy?

Mr. LEVIN. Yes. The provision in question is a clarification of existing law, which already requires DOD to ''maintain a logistics capability (including personnel, equipment and facilities) to ensure a ready and controlled source of technical competence and resources'' for contingency situations and prohibits the contracting out of any logistics activity identified by the Secretary as ''necessary to maintain [that] logistics capability.''

Mr. THURMOND. I agree. The Department of Defense maintains a peacetime work force at these depots that can be supplemented with additional personnel if they are necessary. Ensuring efficiency while retaining surge capacity and reconstitution capability is accomplished under current policy by having the right number of personnel to perform peacetime workloads and simply adding the necessary personnel, or workshifts, to provide a sufficient surge capacity to support any contingency or strategic operations. In fact, when we drafted this language, we asked the Department of Defense to review it and let us know if the Department had any concerns, or if this did not reflect the Department's current policy. We made a number of changes to address the Department's written comments.

Mr. COATS. And did these comments identify the use of the word ''ensure'' rather than ''promote'' as a concern?

Mr. THURMOND. Not initially. The Department provided the conferees with two rounds of written comments on the draft compromise language. In neither version did the Department suggest that ''promote'' be changed to ''ensure.'' It was only on the day that the conference report was finalized that the Department indicated that the use of the word ''ensure'' might be interpreted in such a way as to require all logistics workloads to be performed at public depots. We informed the Department that the requirement to ensure efficiency does not mean that all logistics workloads must be performed at public depots, and added language to the statement of managers to reaffirm that point.

Mr. COATS. So the bottom line is that this compromise language does not require the Department to withdraw workloads from the private sector and move them to the public depots in order to ensure efficiency?

Mr. THURMOND. That is correct. The language does not require this.

Mr. LEVIN. I agree with the chairman.

Mr. COATS. If I could just ask one additional question, is there anything in this language that would preclude the Department from giving appropriate consideration to the differences in cost or performance risk particular to the location of the performance of the work?

Mr. THURMOND. There is nothing in this language that would preclude such consideration. In fact, the bill language specifically requires the consideration of all direct and indirect costs, and the report language specifically states ''The Department would be expected to consider real differences among bidders in cost or capability to perform the work based on factors that would include the proposed location or locations of the workloads.''

Mr. LEVIN. I agree with the chairman. Under this language we expect the Department to give appropriate consideration to costs and risks associated with the proposed location of the performance of the work.

Mr. COATS. I thank the chairman and ranking member for this clarification.

Mr. SESSIONS. Mr. President, I rise today so that this great body may momentarily reflect upon the importance of the bill we are about to vote on this afternoon. It is a bill whose beginnings extend back to early Spring, a bill that has been through many hurdles since then to include a major compromise impacting competition at depots around the country. I intend to vote yes for this bill and I encourage my fellow Senators to do the same.

There have literally been thousands of differences between the House and Senate versions of this bill. However, what is important for Members of this body to understand is that on both sides of the aisle, in both Houses of Congress, we have fundamental support for maintaining the strongest national defense possible for America. This is not an easy task. We share differences in solutions to defense that range from management styles, to leadership, to modernization and procurement, to the vexing uncertainty of the funding levels required to sustain our forces in the field.

The conference agreement was unanimously supported by the committee under the able leadership of Chairman THURMOND. On the major issues of Bosnia, the B–2, cooperative threat reduction and other issues, the bill is much closer to the Senate position than the House position. Equally important to me, the bill is consistent with the targets of the bipartisan budget agreement.

The depot issue was certainly the most controversial provision in this year's bill. There are strong feelings on both sides of the aisle. As the committee noted recently, ''many jobs are at stake, and neither side wants to lose them.'' Certainly, I didn't want to lose any at our great depot in Anniston, AL. Nonetheless, I feel strongly that Chairman THURMOND's objective all along was to ensure fair competition and a level playing field. I feel he and the other members of the committee achieved just that. We have a fair compromise. We have an honest compromise. We have a product that the Department of Defense can work with. I think it's time to put our disagreements behind us and move forward in unity to support the men and women in uniform for whom this bill is designed.

I plan to vote for this bill and I trust my colleagues will join me in making this vote an overwhelming one.

Mr. BIDEN. Mr. President, I would like to congratulate Senator THURMOND and Senator LEVIN, the distinguished chairman and ranking minority member of the Armed Services Committee, for their work in conference to produce a defense authorization bill that will help keep America's military strong and well-prepared for today's multiple threats and challenges. The U.S. leadership role has never been more important than it is now as the world reshapes itself to face a new century.

In order to lead, America must have strong diplomatic and military tools. As ranking minority member of the Committee on Foreign Relations I have worked this year with the Chairman, Senator HELMS, to enhance our country's diplomatic readiness overseas.

Our Nation's defense force is the weight behind our diplomatic initiatives. It is the critical strength upon which we rely when other options, unfortunately, may fail. Good diplomacy is always built upon good defenses and this bill enhances our ability to deal with critical foreign policy and security issues.

I am pleased that the conferees agreed to fully fund the Nunn-Lugar Cooperative Threat Reduction program. This program assists Russia and other former Soviet states both to secure and control their nuclear materials and to improve their nuclear safety programs. This bill ensures that the Nunn-Lugar program will continue to protect our national security in a very cost-effective manner.

The bill also requires the President and the Secretary of Defense to increase their focus on counterterrorism efforts.

The importance of Asia and the Pacific is highlighted by an expression of congressional support for continuing a minimum troop presence to support our security agreements with countries in that region.

The bill contains another important provision that expresses the sense of the Congress that any moratorium on the use of antipersonnel landmines by U.S. Armed Forces should not be implemented in a manner that would endanger U.S. personnel or undermine their effectiveness. This is consistent with the provisions of S. 896, the Landmine Elimination Act of 1997, of which I am proud to be a cosponsor, as that act includes a Presidential waiver to protect American forces in Korea.

Like the defense appropriations bill, there are sections in this authorization bill dealing with our involvement in Bosnia. As I have said before, I think that it was a mistake to have set a deadline for a complete American troop withdrawal from Bosnia. Months ago, I called for a combined joint task force with European troops making up the overwhelming majority of the ground forces and Americans providing command and control, intelligence, and logistics assistance, air and naval support, and, if necessary, a ready reserve force in the region. So, I agree with the thrust of this bill's recommendation, but I also think a small, residual American ground force in Bosnia may be necessary to maintain America's leadership role in the operation.

I am happy to see the commendation for the NATO enlargement process and the sensible reporting requirements contained in this conference report.

In separate provisions, by authorizing pay raises and barracks construction, this bill takes important steps to enhance the quality of life for our brave men and women in uniform.

This bill also adds two positions to the Joint Chiefs of Staff to include National Guard and Reserve commanders. This change recognizes the unique and increasingly vital role played by our reservists and guard members in our nation's defense.

Last, the conferees maintained the U.S. ability to forcefully project power by continuing to fully fund the C–5 aircraft. The C–5 is the military's workhorse plane—carrying heavy weapons like tanks and helicopters all over the world. Its singular value has been shown in conflict after conflict, from Vietnam to Desert Storm. Delawareans are proud to host a significant portion of the Nation's C–5 fleet stationed at the Dover Air Force Base and glad to see that Dover's infrastructure will benefit from the military construction appropriations bill signed by the President and authorized by this bill.

I am pleased, therefore, to support the work of my colleagues on the Armed Services Committee and vote to strengthen America's leadership role around the world with a strong, well-equipped military.

Mr. MCCAIN. Mr. President, I would like to engage in a brief colloquy with the senior Senator from South Carolina.

I understand that the conference report on the Department of Defense reauthorization bill includes a provision—section 1088—that reauthorizes the Aviation Insurance Program for 5 years. The Senate will soon act on a freestanding bill to reauthorize this important program. The freestanding bill (S. 1193) was approved recently by the Commerce Committee, which is the committee with jurisdiction over this program.

Mr. THURMOND. Because the Aviation Insurance Program is so vital to U.S. military missions overseas, we thought it prudent to try to reauthorize it in the defense bill, which is a must pass piece of legislation. The military depends on the airlift capacity that commercial carriers provide. Without an insurance program in place, carriers will be less likely to participate in the Civil Reserve Air Fleet, for one.

Mr. MCCAIN. I agree with my colleague from South Carolina that it is essential that we reauthorize this program as soon as possible. Our goals are the same in that respect. Nevertheless, the Commerce Committee specifically acted to reauthorize the Aviation Insurance Program through 1998. The committee did so out of concern that the balance in the revolving fund is insufficient to pay a major claim or simultaneous claims. Timely payments for hull losses are a significant issue. Many of the carriers lease aircraft under agreements that stipulate that they have to repair or replace damaged aircraft within 30 days of the damage.

The bill would not grant the Federal Aviation Administration [FAA] borrowing authority to cover claims against the program, as we had originally planned. Rather, a short term extension of the program gives the committee and the administration additional time to craft an alternative to FAA borrowing authority. S. 1193 also makes other important modifications to the program.

I appreciate the efforts of the Armed Services Committee to ensure that the Aviation Insurance Program is in place. If, however, both of these bills are enacted into law, I want to clarify that the provisions of S. 1193 supersede the 5-year reauthorization bill. Is that agreeable to the distinguished chairman of the Armed Services Committee?

Mr. THURMOND. That sounds like a good accommodation to me. When and if S. 1193 or a similar House version is signed into law, its language reauthorizing the Aviation Insurance Program should be controlling. If for some reason that bill is not approved before Congress adjourns for the year, and the defense authorization bill is signed into law, the defense bill provisions will serve to reauthorize the program until action on S. 1193 or a similar House bill is taken.

Mr. MCCAIN. I thank my good friend and colleague for his understanding.

Mr. CAMPBELL. Mr. President, today I intend to vote in favor of the Defense Department authorization conference report which contains critical funding for our Armed Forces. This legislation authorizes $268.2 billion in budget authority, the spending level recommended in the concurrent resolution on the budget.

I also am pleased that the Senate and House conferees agreed to include provisions from two bills I introduced earlier this year. Section 1082 of the DOD conference report authorizes the flying of the POW/MIA flag over military installations, memorials and post offices around the nation and at other appropriate places of significance on Armed Forces Day, Memorial Day, Flag Day, Independence Day, Veterans Day, and National POW/MIA Recognition Day. This provision reflects in large part the language of S.528 which I introduced on April 9, 1997.

The United States has fought in many wars, and thousands of Americans who served in those wars were captured by the enemy or listed missing in action. In 20th century wars alone, more than 147,000 Americans were captured and became prisoners of war; of that number more than 15,000 died while in captivity. When we add to this number those who are still missing in action, we realize that more can be done to honor their commitment to duty, honor, and country.

The display of the POW/MIA flag would be a forceful reminder that we care not only for them, but for their families who personally carry with them the burden of sacrifice. We want them to know that they do not stand alone, that we stand with them and beside them, as they remember the loyalty and devotion of those who served. This section provides that support.

The DOD conference report also contains important provisions to strengthen how the Defense Department tracks and accounts for our missing in action.

To address this issue, the DOD Conference Report includes the following provisions. These provisions are based on S. 755, which I introduced on May 15, 1997.

Civilian contract employees who accompany armed forces in the field are now covered under all DOD POW/MIA search and recovery policies.

The theater component commander is now involved in the initial assessment of a missing person's status, where as before, the initial handling of the situation originated with the Secretary of Defense in Washington, DC.

A new file must be opened and reviewed if any new information surfaces concerning the status, living or dead, of an MIA.

A status review board, when making a determination of death must now

provide a description of the location of the body, if recovered, and if the body is not identifiable, a certification by a forensic pathologist. DOD may also have input by other specialists of appropriate medical sciences.

Personnel files will now be established for Korean conflict cases upon receipt of new information.

Families of MIAs will now have more open communication with counsel appointed to investigate the missing person.

Last summer, a United States forensics team returned what are believed to be the remains of four American Korean war soldiers who have been missing for nearly half a century. The following day, news reports then indicated that recently declassified Air Force documents show that the Department of Defense had knowledge of POW's in Korea after the Korean war. These events clearly reinforce the necessity for these provisions as thousands of POW and MIA's still remain unaccounted for. I believe that the provisions adopted by the Senate-House conference and included in the legislation we consider today will go a long way to help the families of our servicemen and women missing in action and will strengthen Defense Department policies for the future.

Mr. CLELAND. Mr. President, it has taken 9 long months to get to where we are today. Yet one issue remains controversial. In spite of numerous profound concessions made by the Depot Caucus, this bill faces the threat of a veto. I do not understand this. Much has been said on this topic, so I will be very brief.

There were at least two significant concessions.

First, we agreed to the Department of Defense request to continue free and open public-private competitions for the workloads at Kelly Air Force Base, TX, and McClellan Air Force Base, CA, rather than directing the Department to transfer this workload to the remaining depots, which we believe was the intent of the BRAC. I would urge those who do not believe this is a major concession to consider that this measure would essentially ratify a mechanism that overides a major BRAC recommendation.

Second, we agreed to the Department of Defense request to lower the 60–40 rule to 50–50. The administration requested 50–50. The Congress responded with 50–50, over the objection of many in the Depot Caucus.

What I find ironic is that on the two most significant priorities the administration had, we conceded to the administration position. Yet there is still talk of a veto here. I do not understand that, especially when I have to explain to people why we agreed to give up so much in return for so little.

I am not completely satisfied with the depot provision in the conference report, but it is a provision I can live with. The Department of Defense shares this view, and I would note that the provision has the unanimous support of the Senate Armed Services Committee.

The provision does not include everything that either side really wanted, but it is undoubtedly a fair and unbiased bill that places bidders on an equal footing.

When Robins Air Force Base won the contract to perform maintenance on the C–5, it had to go the extra mile to prove to the Air Force that it could do the job. It had to endure additional audits, above what is normally expected in such cases. Robins' bid was adjusted after it was submitted to account for factors which the private bidder was not subjected to. In spite of this unlevel playing field, Robins was able to win the award because of its outstanding record and the quality of its people.

I support fair competition, and I agree it can result in lower costs to the Federal Government. This bill provides for fair competition. I urge my colleagues to adopt it, and I urge the President to sign it into law.

Ms. SNOWE. Mr. President, the conference report for the National Defense Authorization Act for fiscal year 1998 is being considered by the Senate. This is an important component of the national security legislation that the Congress must pass each year. The national defense authorization conference report is a good, bipartisan bill. The conference between the Senate and the House conferees dealt with many substantial issues. There were tough negotiations on many issues, and this bill provides a balanced approach and fair compromise. There are three areas that I would like to talk about which are very significant. These are in regard to United States policy in Bosnia; the depot maintenance compromise; and some very substantial quality of life issues for our troops—the men and women in uniform who serve our Nation.

Mr. President, it is important to note that none of these significant national security issues will be addressed in any other forum unless the Senate passes this conference report and it is enacted into law.

For example, significant progress was made in this legislation with regard to United States policy in Bosnia. The bill states that it is the sense of Congress that United States ground combat forces should not participate in a follow-on force in Bosnia after June 1998. In addition, the bill contains a provision cutting off funds to support United States troops in Bosnia after June 30, 1998, unless the President certifies that their continued presence in Bosnia is required to meet our national security interests, and provided United States policy continues to preclude U.S. forces from being used to perform civil law enforcement functions.

This is a significant message to the administration and our NATO allies. This provides a workable solution to this complex policy issue, and is certainly more acceptable to the Senate and the administration than some of the alternatives proposed. I believe our language on Bosnia clearly puts the United States appropriately on record and yet preserves the constitutional authority and the necessary flexibility the administration needs to deal with the thorny issue of Bosnia.

Another significant issue is the area of depot maintenance, and the fair and open competition that was created by the compromise in this legislation. There are strong feelings on both sides of the depot issue—with many jobs at stake. The conferees' objective was to ensure fair competition and a level playing field. This conference report compromise achieves two things: Straightforward criteria for fair and open competition and, provides greater opportunity for DOD outsourcing.

Mr. President, one of the most significant areas in this legislation that will not be adequately addressed unless this bill is passed are very important provisions that support our military personnel in uniform who serve our nation so proudly—our troops who the President has so readily called upon in times of crisis throughout the world. Men and women who are now serving in dangerous and remote places like Bosnia, along the DMZ in Korea, and sailing in ships like the aircraft carrier U.S.S. *Nimitz* and its battle group who President Clinton has just recently ordered into the Persian Gulf to send a very clear message to Saddam Hussein. If we do not pass this bill we will be failing those we call on in times of crisis—the men and women in uniform.

Examples of some of these important provisions are adjustments to troop strength levels, military pay raises, specialty pay and bonuses, major reform to housing allowances that will eliminate Government waste, authorization for new family housing units, and finally an important step forward in establishing accountability in the fair and equal treatment of our troops—both men and women.

Compared to current law, this bill provides lower end strength levels and increased flexibility for the Pentagon and the individual services to manage military personnel strength. If the bill is not enacted, the military services will be held to the higher fiscal year 1997 end strength levels that were based on the 1993 Bottom Up Review. Levels that are higher than they need to be, levels that require the DOD to spend money that it does not have and does not need to spend. The lower personnel levels authorized are also consistent with the Department of Defense's Quadrennial Defense Review [QDR]. If we do not enact this bill we might as well throw the recommendations of that review right out the window.

Without these modified troop strength levels, the services will have to recruit and retain personnel that they will have to separate from the service 1 year later. Is this responsible

government? This will be disruptive to our military, unfair to its people, and significantly detract from funding needed for modernization. This is just poor stewardship of our Nation's precious resources.

Without this Defense authorization bill, the military pay raise that we authorize in this bill will be less than our service members deserve. The bill includes a 2.8 percent pay raise for military personnel. If the bill is not enacted, the pay raise for military personnel will be limited to 2.3 percent.

Mr. President, the bill also includes authority for significant increases in the special pay and bonus structure designed to respond to critical recruiting and retention problems highlighted by the Department of Defense in our Personnel Subcommittee hearings. If the bill is not enacted, these authorities will not be available to the Department of Defense to address these problems. Specific groups that would be affected include military aviators, nuclear-qualified officers, dentists, military members on overseas tours, military members receiving family separation allowances and/or hazardous duty assignment pay, and military members serving in hardship duty locations.

Reducing military pay raises while failing to increase these bonuses through defeat of the Defense authorization bill will punish those who expect us here in the Congress to look out for them. We will be repudiating the commitments we have made to improving the quality of life for military personnel and their families.

The conference report also includes a major reform to housing and subsistence allowances. These are significant reforms to the existing structure for housing allowances and subsistence allowances for military members. The reforms are intended to simplify the management of these allowances and to better target the allowances to those individuals and geographic areas where the need is most acute. The reforms will save the Department of Defense money which can be used for other compensation and quality of life projects. If the bill is not enacted, the Department of Defense will be forced to continue to use the existing, outdated allowance structure with all its demonstrated inefficiencies, inequities, and higher costs.

I assure my colleagues if we do not support military personnel with pay and compensation levels that are fair and meet the needs of their families, we will see increases in career personnel leaving the military services. They will see our action as a breach of faith and they will be absolutely right in their assessment.

The bill also provides authority for the Department of Defense to begin construction on the fiscal year 1998 military construction projects which include quality of life and training-related facilities. If the bill is not enacted, construction cannot begin. Some may believe that since the military construction and family housing projects are funded in the Military Construction Appropriations Act, they do not need the authorization in the conference report. Let me assure my colleagues that is not correct. Both an authorization and an appropriation are required for military construction projects. Without this bill we will not build new family housing units. We will not build new barracks and dormitories for our single service members. We will delay construction on child care centers and dining facilities. If we deny these military construction projects, we will be guilty of failing to meet our commitment in support of our troops.

And finally, another issue of great importance, is creating an opportunity for fair and equal treatment for all our troops. This body has few greater responsibilities than maintaining the effectiveness and accountability of our Nation's Armed Forces. This is one of the reasons that reports of widespread sexual harassment in our Nation's military deeply concerns us all. With Department of Defense statistics showing that sexual harassment is prevalent throughout the Armed Forces—we must do more than pay lip service to the problem. We must act, and this bill does that.

Today, with a full understanding that the time has come for serious action that is responsible and constructive, a provision that I authored is included in this 1998 Defense authorization bill that places us on the road to solving the crisis of sexual harassment that plagues our military force. This legislation attacks the root of the problem—the lack of accountability when it comes to reporting and investigating incidents of sexual harassment.

The Department of Defense conducted a survey in 1988 and found that 64 percent of women reported that they had experienced one or more incidents of sexual harassment in the 12 months preceding the survey. The Defense Department conducted another study in 1995 and found that the figure had only improved to 55 percent. This is not progress, these statistics are shocking.

In its 1995 Defense Department survey, only 24 percent of the victims chose to report their sexual harassment experiences. Is this the kind of environment to which we should subject our volunteer force? These numbers tell me that women essentially stand a 50–50 chance of being harassed. This cannot and should not be tolerated. Add to that the fact that over three fourths of our military personnel do not feel they can report the harassment that occurs and you clearly have a very negative set of circumstances. How can you maintain good order and discipline in such an environment? This situation demands accountability. And it requires action to erase any perception that sexual harassment is tolerated in today's Armed Forces.

My provisions in this bill require the unit commander to report each and every sexual harassment incident to their next senior officer within 72 hours. Once reported, the unit commander appoints an investigating officer to investigate the complaint of sexual harassment. The unit commander has 14 days to report back to their commander with the results of the investigation. If the unit commander cannot complete the investigation within 14 days, that commander must report the interim results, every 14 days, until the investigation has been completed.

Today when an incident is reported to a unit commander, the commander is not required to report the incident until a preliminary investigation recommends disciplinary action. This gives the unit commander tremendous latitude as to how the case is handled. In most instances this is a not a problem. But look what we witnessed with the tragedy at Aberdeen. We saw a company commander who was a bad apple and there was no established system to alert his superiors that there was a problem.

Under the provisions of the national defense authorization bill each incident is immediately brought to the attention of a more senior officer. The most distinct advantage of this provision is that the decibel level of the problem rises by elevating the matter to the highest echelons of the services. Mr. President, this accountability is included in this legislation.

This provision also requires that the senior officers who receive these reports of sexual harassment forward all the complaints they receive and the results of the investigations of those complaints to their respective service Secretary by January 31 of each year, elevating the problem another notch within the military to the authors of the services' zero-tolerance policies where they can be scrutinized. The service Secretaries are then required to forward this information to the Secretary of Defense who in turn must report the information to Congress.

Mr. President, this is what is needed to put us on the road to help end sexual harassment in our military. We owe the men and women who serve our Nation an environment that includes accountability, good order, and discipline. But we also owe this to our Nation, which relies on our military to defend our great country and its interests.

The committee has been working on this bill for the past 10 months, it is an essential piece of legislation that must be passed by the Senate to ensure our national defense. We owe it not only to our people in uniform but to our Nation. I urge my colleagues to vote in favor of this conference report. Thank you, Mr President, and I yield the floor.

MILITARY UTILITY ASSETS

Mr. MURKOWSKI. Mr. President, as chairman of the Committee on Energy and Natural Resources, I would like to

engage in a colloquy with Mr. THURMOND regarding section 2812 of the conference report, the section of the bill authorizing the sale of military utility assets.

Mr. THURMOND. What is the distinguished Senator from Alaska's concern regarding section 2812?

Mr. MURKOWSKI. I wish to draw the Senator's attention to the plain meaning of section 2812 so that there is no confusion in its application or implementation.

First, the plain meaning of the provision does not limit the Secretary of a military department's authority to convey electric utility assets present at a military base. There is no requirement that both electric generation and distribution facilities be present at a base in order for the Secretary of a military department to convey assets. Indeed, the plain language of section 2812 states that such Secretaries may ''convey a utility system, or part of a utility system.''

Second, section 2812 has no effect whatsoever on existing preference power allocations. If an entity that is not currently eligible for—or is not currently receiving—preference power buys an electric utility system at a base which is entitled to receive preference power, the base will continue to receive that preference power—subject of course to the terms of existing contracts, rights, or obligations. There is nothing whatsoever in the plain meaning of section 2812 to the contrary, nor is there any language in the provision supporting the idea that a base's preference power allocation will transfer to any asset purchaser that buys a military base utility system. Federal military bases, as customers of the Federal Government's utilities—the Power Marketing Administrations—will not be defeased of their rights to purchase preference power, regardless of the purchaser of military base assets.

Finally, I wish to reiterate that there is nothing in the plain language of section 2812 which in any way supports the notion that a particular purchaser (either a municipal, private, regional, district, or cooperative utility or other entity) should be given any particular preference with respect to the purchase of military base utility assets. Indeed, the section is intended to create a level playing field for all to compete for the purchase of the facilities. There is no language whatsoever in the section supporting the idea that preference power recipients should receive an advantage in competitive bidding for military base utility assets. Moreover, regardless of who purchases the utility system, the base will continue to receive Federal preference power pursuant to the terms and conditions of contracts.

Mr. THURMOND. I thank the Senator for those comments.

Mr. MURKOWSKI. I thank the chairman.

Mr. KEMPTHORNE. Mr. President, I rise to engage the distinguished Chairman of the Armed Services Committee and President pro tempore, Senator STROM THURMOND, in a colloquy. Mr. President, I know the chairman is very familiar with the important work conducted by the Department of Energy's Technology Development Program.

Mr. THURMOND. Yes, I know the DOE's Technology Development Program does very useful work developing new technologies to tackle many of the tough waste management and environmental restoration challenges across the DOE complex.

Mr. KEMPTHORNE. Mr. President, the chairman also knows the pending conference report authorizes $220 million for technology development work in fiscal year 1998. Within these authorized and appropriated funds, Assistant Secretary Alm has agreed to provide $22.5 million to the Idaho National Engineering and Environmental Laboratory [INEEL] to enhance application and deployment of innovative technologies across the DOE complex through specific validation, verification, and system engineering activities. This work will focus on simulation modeling, treatability studies and development of disposition processes for major DOE waste streams. The work will also help focus DOE's Environmental Management Program on accelerating clean up, developing alternative, improved technologies, and developing and tracking performance metrics for these efforts. This work is certainly within the authorized scope of work of the DOE's Technology Development Program, is it not?

Mr. THURMOND. Yes; this work is what we expect from the Department of Energy's Technology Development Program. I am also pleased to hear Assistant Secretary Alm is working with you and the INEEL to take full advantage of the enormous capabilities of that national lab. I urge the Senator from Idaho to keep me apprised of the progress of this important work.

Mr. KEMPTHORNE. I want to assure the chairman I will keep him informed about our progress in this area. I also want to thank my chairman for his hard work and leadership during the conference on the 1998 Defense authorization bill.

BRILLIANT ANTITANK MUNITION

Mr. SESSIONS. Mr. President, I would like to engage the Senator from Indiana in a brief colloquy to clarify a language provision of this legislation regarding the Brilliant Antitank, or BAT Munition in development for the U.S. Army. There have been some in DOD that have questioned whether the intent of Congress is to cancel the basic BAT procurement program for future years. I maintain this is not our intent. The BAT program is a key component of the Army's long-range fire support against threatening armored forces, but has experienced some developmental difficulties in recent months. It is clear to all of us that in fiscal year 1998, BAT is not ready for full-scale production and the committee's action eliminates the funds for production and applies them to much-needed further development. This is a move which is supported by the U.S. Army and in no way indicates a change in their requirements. Would the Senator say that my understanding is correct?

Mr. COATS. I would say to the Senator from Alabama that his understanding is correct.

Mr. SESSIONS. Mr. President, as I understand the proposed BAT language then, the committee is only eliminating basic BAT procurement for fiscal year 1998 and the committee intends for the basic BAT program, as well as the advanced sensor, to continue development through fiscal year 1998 at which time the committee will have an opportunity to evaluate the program's progress this time next year. Again, would the Senator conclude that my understanding is correct?

Mr. COATS. I would say to the Senator that yes, his understanding is correct. The conferees believe it is important that the Department of Defense understands that the intent of Congress was not to prohibit future procurement of basic BAT, but to eliminate 1998 production. Future congressional evaluation will determine whether the Army should enter into either full-scale production of the basic BAT submunition or limit production to the number required for testing and evaluation of the improved (P31) BAT objective system.

Mr. CHAFEE. Mr. President, I want to thank both the distinguished chairman of the Subcommittee on Readiness, Senator INHOFE, and the distinguished chairman of the Committee on Armed Services and manager of the bill, Senator THURMOND, for their cooperation in including provisions to reauthorize the Sikes Act in H.R. 1119.

The Sikes Act was first enacted by Congress in 1960 to provide enhanced stewardship of fish and wildlife and other natural resources on military installations. The act seeks to capitalize on the enormous potential for natural resource conservation on military lands. The Department of Defense controls nearly 25 million acres of land and water at approximately 900 military installations in the United States, and the National Guard oversees an additional 1 million acres on 80 sites. These lands serve as home to approximately 100 endangered or threatened species and countless other fish and wildlife resources.

The amendment that I offered to the bill, along with Senators KEMPTHORNE, WARNER, and BAUCUS when it was pending before the Senate, would infuse new vigor into the implementation and effectiveness of the Sikes Act. Specifically, it would require the Secretary of each military department to develop a natural resource management plan for each of its military installations, unless there is an absence of significant natural resources on the base. The plan would be prepared by the Secretary in cooperation with the Fish and Wildlife

Service and the appropriate State fish and wildlife agency. The plan must be consistent with the use of military lands to ensure the preparedness of the military, and cannot result in any net loss in the capability of the installation to support its mission. With those caveats, the plan must also provide for the management and conservation of natural resources. This language accommodates the interests of the State and Federal wildlife agencies as well as the needs of the military.

I would like to thank the conferees for accepting the Senate language extending the deadline for completing natural resource management plans from 2 to 3 years from the date of the initial report to Congress, which is required 1 year after the date of enactment. This change was negotiated between the Committees on Environment and Public Works and Armed Services, and approved by all interested parties, including the Departments of Defense and the Interior, and the International Association of State Fish and Wildlife Agencies. This change should enable the Department of Defense to complete the plans within its own internal timeframes, without unnecessarily missing any statutory deadlines.

As I mentioned when I offered this amendment back in July, jurisdiction of the Sikes Act, since its passage in 1960, has always rested with the Committee on Environment and Public Works. Bills to amend and reauthorize the act, including one that was introduced in the 103d Congress containing substantive revisions similar to the revisions in this amendment, have all been referred to that committee. The fact that reauthorization of the Sikes Act is being done through the DOD authorization bill represents the fortunate circumstance that after more than 1 year of debate, agreement happened to be reached by all parties at this particular time in this particular context. This circumstance does not alter the jurisdiction over the Sikes Act in the future. Nevertheless, the Committee on Environment and Public Works has always worked cooperatively on that portion of the Sikes Act pertaining to military installations in the past, and will continue to do so in the future.

In closing, Mr. President, I believe that this provision will significantly improve the Sikes Act, and I thank the conferees for all their hard work.

Mr. McCAIN. Mr. President, every high school civics student is taught the importance of the system of checks and balances among the three branches of government that underlays our representative government. That system, as we all know, is an essential element of democracy. Without it, the consolidation of excessive power in one branch of government poses a very real risk to the survival of true democracy and, consequently, the welfare of the republic.

I do not intend to sound melodramatic, but I believe strongly that the survival of the legislative branch's own system of internal checks and balances is similarly essential to the welfare of our country. The process of authorizing appropriations exists for a reason, and that reason has only increased over time. The balance of power within the branch of our Government that enjoys a constitutional prerogative over the raising and expenditure of revenues seriously needs to be respected and maintained.

Important policy directives that are an integral part of the authorizing process are not particularly well suited to the appropriations process. Authorization acts are intended to set the tone for the appropriations process that, ideally, would follow. When this system begins to degrade for whatever reason, the entire budget review process falters, and essential legislative provisions and oversight activities go unaddressed.

The two-step process of reviewing the President's budget request for defense—in both the authorization and appropriations committees—is especially crticial to our national security. The Senate Armed Services and House National Security Committees provide Congress its most important body of knowledge and experience in the vital realm of national security affairs. The defense authorization bill, which is the major legislative product of these committees, contains the recommendations of the Congress' defense experts on important policy matters as well as guidance on funding priorities. Many of the policy recommendations in this bill must be enacted before the dollars provided in the appropriations bill can be expended to implement them, such as the increases in pay and bonuses that are key to good morale in the force.

With all due respect to the Appropriations Committees, no single committee should be granted sole authority over the expenditure of $260 billion in defense funds. The manning, structure, equipping, and training of the most powerful and important armed forces in the world is too important to set aside the long-standing process of authorization and appropriations review.

Despite its flaws, and there are some, I urge my colleagues to vote for the Fiscal Year 1998 National Defense Authorization Act. To fail to pass this important legislation would be an abrogation of one of our most important responsibilities and would shift the balance of power within Congress from the many to the few, to the detriment of our future security.

Mr. SMITH of New Hampshire. Mr. President, I rise in strong support of the conference report on the fiscal year 1998 Defense authorization bill. I want to specifically commend the distinguished chairman of the Armed Services Committee, Senator THURMOND, for his outstanding leadership in formulating this legislation. I also want to thank the Senator from Michigan, Senator LEVIN, for his profound contributions to this legislation.

Mr. President, although this has been a long and difficult conference, the product of these labors is an excellent defense bill. This legislation will provide for necessary modernization of our Armed Forces, and significantly improve the quality of life for our service members and their families.

Importantly, this bill addresses in a very fair and appropriate manner, a variety of issues upon which the administration expressed strong concerns. Many of these issues had been represented as possibly triggering a veto. These include Bosnia, the B–2 bomber program, and the depot maintenance provisions.

But the conferees dealt in good faith on these issues, and have offered honest compromises that address the administration's concerns. In particular, the depot maintenance provisions have been modified to accommodate the strongly held concerns of the administration and the Senators from Texas and California.

The resulting language is, in my view, balanced, fair, and consistent with our national security interests.

However, in listening to yesterday's floor statements by the Senators from Texas and California, I could not help but think that they were looking at some other bill, because the characterizations made about the depot provisions in the conference report were grossly inaccurate.

Mr. President, let me make clear that I am an advocate for competition. Whether it be private sector competition among defense firms, or competition between public sector and private sector facilities, I believe that fair and honest competition makes sense for the American taxpayers and should be pursued wherever practical and consistent with our national security requirements.

The conference report includes a compromise on depot maintenance that would require the conduct of fair and open competitions at the Kelly and McClellan air logistics centers. The compromise would specifically define ''depot maintenance'' to include contractor logistics support and interim contractor support. It also requires that the Defense Department maintain the capability in public depots to perform maintenance work on certain mission essential weapons systems that the Secretary of Defense and Joint Chiefs deem necessary as part of our national military strategy.

Mr. President, the language is very clear and the intent is even more clear. The conferees support free and open competition for depot maintenance work. With all due respect to the Senators from Texas and California, who suggest otherwise, their assessment of this language is simply not accurate.

The truth is, many Senators, including my friend from Oklahoma, Senator INHOFE, have very strong concerns on this issue. I want to commend Senator INHOFE for his willingness to compromise so much on this issue. He has

been very statesmanlike throughout these negotiations, and anyone who looks at this objectively will come to the conclusion that he has acted in good faith and has gone the extra mile to facilitate a resolution on this issue.

Mr. President, as a senior member of the Armed Services Committee, I was deeply troubled by some of the assertions made by the Senators from Texas and California during yesterday's debate. In particular, I was troubled by the statement by one member to the effect that ''we do not even need a Defense authorization bill since we have already passed the Defense appropriations bill.'' With all due respect, this statement is flat out wrong.

The truth is, we need this bill to authorize pay raises and bonuses, military end strengths, and military construction and family housing. If there is no fiscal year 1998 Defense authorization:

Higher end strengths will remain in effect without funding to sustain them;

There will be no reform of basic allowances for subsistence and quarters;

All bonuses will continue at present levels, which prevents authorized increases to aviation and nuclear officer bonuses;

The Navy will lose the ability to have the CNO's choice for Chief of Chaplains;

Construction of 385 military construction and 45 family housing projects will not be initiated;

There will be no authority to continue the Challenge Program;

There will be no authority to expand the counternarcotics Riverine Program in Peru and Colombia;

There will be no authority to increase counternarcotics support to Mexico;

There will be no authority for the Department of Navy to reprogram funding for the advanced procurement and construction of components for the next nuclear aircraft carrier; and

There will be no authority to accelerate the NATO JSTARS Program.

Mr. President, as you can see, the authorization bill is urgently needed for a variety of compelling reasons. While I respect the views of my friends from Texas and California, I must honestly say that I do not believe they are being reasonable. The conferees conceded to approximately 80 percent of the requests made by advocates of Kelly and McClellan. The House Depot Caucus and the Senators from Oklahoma, Georgia, and Utah have negotiated in good faith. The result is a very reasonable compromise.

Mr. President, in an honest negotiation, no one gets everything. Both sides must give and take. In this case, it is very clear that the Oklahoma, Utah, and Georgia delegations have given a great deal. In fact, I would say they have gone above and beyond the call of duty to facilitate a fair resolution on this issue.

Accordingly, I would call upon my colleagues to reject any further attempts to stall this legislation or to prevent its enactment. The Armed Services Committee has worked diligently, in a bipartisan fashion, to formulate a very responsible and constructive defense bill. We owe it to our men and women in uniform, and particularly those deployed in harms way throughout the world, to pass this legislation promptly.

I urge my colleagues to support the fiscal year 1998 Defense authorization conference report.

DEPOT COMPROMISE

Mr. THURMOND. Mr. President, I would just like to take a few moments to address some of the issues that were raised yesterday regarding the compromise depot language included in the conference report on the National Defense Authorization Act for Fiscal Year 1998. I believe it is important to clarify the issue and ensure that all Members are fully aware of the contents of the compromise language, and the negotiation process that resulted in this language which provides for fair and open competitions.

First of all, I would like to put to rest one very important allegation—that the committee demonstrated bad faith on this issue—that there was some agreement that was subsequently changed in the dark of night. This allegation is simply not true. Given the unprecedented involvement that was afforded to the Department of Defense and the staff of the concerned delegations; given the efforts that were taken to ensure that all interested parties, including those who were not conferees, were kept fully informed on what was taking place; I reject any assertion that the committee treated any Member unfairly, or disregarded any agreement.

There was never an agreement on any package prior to October 22, 1997. Proposed agreements drafted by the committee and provided to everyone—depot caucus, Texas and California delegations, and the administration, were either rejected or there was no response. This includes the proposed agreement regarding depot-level activities that was provided for everyone's review and comments on October 17, 1997.

After talking with the interested parties, both in the administration and Congress, the committee put together the October 17 proposed agreement and submitted it for everyone to review and either accept, or provide input to us regarding those changes that would make this proposal acceptable. After reviewing the language, Senator BENNETT and other Members expressed concern regarding the language in the bill that stated:

No offeror may be given any preferential consideration for, or in any way be limited to, performing the workload in-place or at any other single location. Appropriate consideration may be given to differences in cost or performance risk associated with the location of performance.

The concern of these Members was simply with the appearance of the language. After agreeing to give up their position that privatization-in-place must be prohibited, a position very important to these Members and their constituents, they believed that the Congress should at least insist on a clear statement that the administration could not give preferential treatment for privatization-in-place. Therefore, they asked that the second sentence be moved from the bill to report language.

Mr. President, just to be sure that everyone understands, this language does not state that the Department cannot consider cost or risk. In fact, the bill language still requires the Department to take into account:

the total estimated direct and indirect costs that will be incurred by the Department of Defense and the total estimated direct and indirect savings (including overhead) that will be derived by the Department of Defense.

Furthermore: the report language, which Senator GRAMM himself declared has the effect of law, states:

The Department would be expected to consider real differences among bidders in cost or capability to perform the work based on factors that would include the proposed location or locations of the workload. The consideration of such differences does not constitute preferential treatment.

Unfortunately, when the committee scheduled a meeting with the staff of the concerned delegations to discuss this and other proposed changes, the Department of Defense as well as the staff of the Texas delegation refused to participate.

Taking what input we received from those Members who were able to identify concerns, the committee made a couple of changes to the language that we believed were reasonable. This included moving the bill language discussed above to report language and some changes requested by the Department.

Mr. President, I agree with the Senator from Texas that if the sentence that was moved is technical, is inconsequential, there is no reason why it had to be dropped; other than for the sake of appearance. However, since Senator BENNETT and other Members wanted a clear statement that preferential treatment could not be given to a bid solely because the workload would be done in place, and since we could not even discuss this with the other Members because their staff refused to participate in meetings, the language was moved.

Mr. President, given the administration's past attempt to politicize this process by advocating privatization-in-place, Senator BENNETT's concerns appear to have merit. The Congress should be on record stating that the most competitive bidder should do this work wherever they can do it best. That is the only way the American taxpayer, and our military personnel, will receive the best deal.

Mr. President, I would now like to address the issue of the so-called anti-competitive language that was the

point of discussion on the Senate floor earlier this week. The assertion that this language is anticompetitive could not be further from the truth. As many of you know, the original language that was rejected by the Senate contained an effective prohibition on such competitions. This provision is not included in this bill. In fact, this bill specifically authorizes such competitions and merely includes some of the criteria that must be considered in order to ensure that they are fair and open.

Furthermore, the Department would retain complete flexibility to consider any other criteria that the Department believes necessary to ensure that these competitions are fair. In fact, this provision is very similar to what Senator GRAMM advocated when he addressed the depot issue on the floor of the Senate earlier this year and asked for competitions with criteria.

One of the criteria that the Senator from Texas would like to have changed because he believes it to be anticompetitive, is the clause that would require the Department of Defense to allow public depots and private corporations to form teams to compete for the workloads at Kelly and McClellan. I am not sure why this clause, which opens the competition to more potential bidders, would be viewed as anticompetitive. I see no reason why we should preclude the best team, whether public, private, or public/private, from competing to perform this work and doing it if they have the best proposal. In fact, at a recent hearing before the Senate Armed Services Committee, Mr. F. Whitten Peters, the Principle Deputy General Counsel for the Department of Defense and nominee to be the next Undersecretary of the Air Force, stated that he also did not believe such language to be anticompetitive. If someone truly believes that allowing an organization to compete is anticompetitive, they should explain their position to the Congress and the American people.

Mr. President, the compromise language also amends the current 60/40 law so that the Department might outsource up to 50 percent of its depot maintenance workload. This will provide substantially more flexibility to the Army and the Navy, and some additional flexibility for the Air Force despite the fact that the compromise would also codify the definition of depot maintenance to include interim contractor support and contractor logistics support.

Furthermore, the depot compromise codifies the Department's own policy of maintaining, within organic Defense depots, the capability to meet readiness and sustainability requirements of the weapon systems that support the JCS contingency scenarios. This does not require that the Department perform depot maintenance on all mission essential weapon systems in public depots. It simply requires that the Department retain a capability to maintain this equipment should it become necessary.

The Senator from Texas has expressed some concern regarding the use of the word ''ensure'' rather than ''promote'' in this provision. He stated that this was a major concern for the Department of Defense because someone might interpret it in such a way that it would require the Department of Defense to perform all depot maintenance in public depots. All I can say is that it would take an extremely creative imagination to give that interpretation to this language. Both ''promote'' and ''ensure'' are subjective terms that will be interpreted by the Secretary of Defense. He is not going to interpret ''ensure'' in the manner feared by Senator GRAMM when it is clearly contrary to the intent of the Congress. in fact, when the committee asked the Department to provide in writing any concerns they had regarding this language, the Department did not express any concern regarding the word ''ensure'' or suggest changing the word ''ensure'' to ''promote.''

Mr. President, the Senators from Texas and California have asserted that the depot compromise contained in this bill ''undercuts the ability of the Secretary of Defense to conduct price competition so that we can have bidding on this work.'' However, the compromise language specifically requires the consideration of all costs and savings, and would ensure price competition. Most of the Members involved in this issue have always insisted on price competitions as opposed to schemes which would allow more subjective judgment.

It is also asserted that this language skews the competitions in favor of public depots because it allows them to hide their overhead costs. There is no clause in the depot compromise that allows the public depots to hide overhead costs. The compromise specifically requires that all costs and savings must be taken into account when considering any bid.

Concern has been raised that this language would require the Department to procure expensive and unnecessary equipment in order to be able to maintain commercial systems that have been integrated into military equipment. This is false. in fact, the provision requiring the retention of a core capability specifically provides an exemption for commercial items.

Finally, concern has been raised because there was bill language which the Department did not like that was moved to report language. I believe that this must refer to the report language that simply notes that the Department of Defense has denied the General Accounting Office access to information that the General Accounting Office is entitled to obtain by law. I could understand why this would be objectionable if this were not true. Unfortunately, the Department is refusing to disclose information on the earlier C–5 workload competition so that we can be sure that it was fairly conducted. Perhaps the conferees would not have agreed to include such language if the Department would allow the General Accounting Office access to the information necessary to perform the review requested by the committee.

Mr. President, this bill contains a fair compromise that was drafted by the members of the Senate Armed Services Committee after consulting with all interested parties; including the administration and the concerned delegations. It is fair to assert that none of the parties involved are completely happy with this compromise language, however, that is what happens when you have to compromise. If we all insisted on getting everything our way, nothing would ever be accomplished by the Congress.

Mr. President, Senator LEVIN, the ranking member of our committee, and I worked together in a totally bipartisan manner to achieve this compromise and we both agree that this compromise enables the Department of Defense to conduct fair and open competitions for the workloads currently performed at Kelly and McClellan. During the drafting of this compromise language the Department of Defense, as well as the staff of the concerned delegations, were provided numerous opportunities to review this language and identify their concerns. We made significant changes to this language in order to alleviate many of the concerns they raised.

Mr. President, as I previously stated, this is a good compromise; a fair compromise. It allows all parties to compete for these workloads in a fair and open manner. I ask the other Members of the Senate to support this compromise, and this bill, by voting in favor of final passage.

Mr. FEINGOLD. Mr. President, I intend to oppose H.R. 1119, the Department of Defense authorization bill for fiscal year 1998, and would like to take a few moments to explain my disagreement with this authorization bill.

Mr. President, there are a multitude of reasons for opposing this legislation. First and foremost is the $268.2 billion in overall funding this bill provides for our Armed Forces, an amount that is not only substantially higher than the amount we authorized last year, but $2.6 billion more than the Pentagon itself has requested.

Additionally, this legislation continues the funding of a host of highly questionable and outright unaffordable programs. For example, the bill includes $331 million—$157 million more than the Pentagon requested—for the B–2 bomber, a program that scores of budgetary and military experts, not to mention numerous Members of Congress on both sides of the aisle, have concluded does not serve our national security interests and does not merit any additional funds.

The legislation includes $2.4 billion for 20 new F/A–18 E/F SuperHornet tactical fighters for the Navy. My colleagues may recall that the General Accounting Office and other experts

have made repeated, convincing recommendations that we shelve this program in favor of the more affordable F/A–18 C/D, the Navy's current top-of-the-line tactical fighter capable of providing nearly all of the benefits of the E/F version but at a savings of billions of dollars to the taxpayer.

These are just two examples, Mr. President, of billions of dollars that are being needlessly spent in this bill for programs that have encountered enormous criticism and steadfast opposition from across the political spectrum. Despite these questions and opposition, the gravy train continues to chug along unabated from the Congress to the Pentagon.

For many years Congress has failed to sufficiently control the flow of deficit dollars to the Defense Department, clinging to a conviction that having a less expensive military structure will consequently leave us with a less effective military structure. That is an absurd correlation, Mr. President. There is no question that if we invest our defense dollars wisely we can have a leaner military without compromising either efficiency or effectiveness.

Since I arrived in the U.S. Senate almost five years ago, my driving objective has been to reduce the Federal deficit and achieve a balanced budget. We have had enormous success in that regard, passing hallmark legislation in 1993 that drove down the deficit to a point where we could pass further legislation in 1997 that will finally allow us to reach a balanced Federal budget in a few short years.

A large part of that success has been due to the willingness of both the Congress and the President to do more with less, to trim excessive spending wherever possible and maintain important services but with fewer resources. We have succeeded almost everywhere in government—education, health care, veterans' care, welfare benefits, environmental programs—everywhere except defense spending where we continue to build destroyers the Navy does not ask for and continue to build bombers the Air Force does not want.

Balancing the budget is about making difficult choices, Mr. President. Sure the Navy would like to have the F/A–18 E/F fighter, and if we were in a radically different budgetary position I might support giving them 200 of those airplanes instead of the 20 they are receiving in this legislation. But can we afford 20 of these new tactical fighters, when a more affordable and equally effective alternative aircraft is readily available? How that question is answered, Mr. President, is the difference between fiscal excess and fiscal responsibility.

We have to make smart choices Mr. President. A balanced Federal budget is in sight for the first time in three decades. But we are not going to be able to maintain a balanced budget, let alone start bringing down the Federal debt, so long as we continue to commit to programs and force structures that are so blatantly unaffordable.

In this context, I would like to discuss the role of the National Guard in our force structure and how the Guard will be affected by this conference report.

Mr. President, the National Guard is a source of immense pride in my State of Wisconsin. As I travel across the State, I often have the privilege of meeting the men and women who compose the Wisconsin Guard and have been impressed with the tremendous degree of professionalism and proficiency with which they complete a wide range of missions.

These are well-trained, dedicated, professional soldiers who earn rave reviews from the Governor's office down to the villages and municipalities who are often the principal beneficiaries of the Guard's assistance.

The mission list of the Wisconsin Guard is impressive: Just last spring, the 115th Fighter Wing based in Madison and comprised of Fighting Falcon F–16's, participated in Operation Northern Watch, enforcing the no-fly zone the United Nations imposed over northern Iraq. In addition, 181 Wisconsinites attached to the 128th Air Refueling Wing stationed at Mitchell Field in Milwaukee recently returned from Turkey where they too participated in Operation Northern Watch, providing air refueling support to the fighters enforcing the no-fly zone.

As much as some perceive the Guard as mere weekend warriors, we must remember that these individuals are performing missions both domestically and abroad that pose as great a risk to their lives as any active duty personnel.

But what makes the National Guard so unique is the traditional role they have played in our democratic system dating back to our Nation's infancy. In Wisconsin, we can trace the history of the Guard to 1837, when Governor Henry Dodge appointed a new commander of the Green Bay Rangers Volunteer Company, enlisting the men of that unit to serve the Territory of Wisconsin.

Today, over 10,000 men and women serve in the Wisconsin Guard, generating more than $125 million in annual Federal income. The Wisconsin Army National Guard has 96 units located in 67 communities throughout the State, while the Air Guard has four units in Madison, Milwaukee, and Volk Field.

The National Guard has traditionally served both a Federal and a State mission, providing ready, trained units to the active Army and Air Force in time of war or national emergency, and assisting State authorities in protecting life and property and preserving peace, order, and public safety.

Unfortunately, the legislation before us includes provisions that are troubling to those who support a meaningful role for the National Guard in our Nation's defense. These provisions were recently brought to my attention by Maj. Gen. James G. Blaney, adjutant general of the Wisconsin National Guard, who raised concerns not only about the impact these changes would have on the readiness of the Guard, but also about how such changes undermine the traditional and constitutional roles the Guard has always been intended to fill.

First, the legislation includes a reduction in the Army National Guard's end strength by 5,000 troop slots. This reduction reflects a compromise agreement that was reached with the active Army, which also agreed to reduce its end strength by 5,000 soldiers in the upcoming fiscal year. However, though this legislation includes the reduction for the National Guard, it does not include the reduction for the active army—a reduction that was also recommended by the Quadrennial Defense Review.

Second, the legislation before us establishes a new mobilization category that would allow the President, under the Presidential Selective Reserve Call-Up Authority, to mobilize up to 30,000 Individual Ready Reserve [IRR] troops before mobilizing the National Guard for contingency operations. Mr. President, the IRR is composed of inactive military members who are awaiting their final discharge. Although current law permits the President to call on these troops only after he has called on the Guard, the DOD Authorization Conference Report would elevate this new category of IRR forces to a higher position than that of the Guard.

That is a senseless exercise, Mr. President. The members of the National Guard are continually training for such deployments, and yet this legislation proposes to call up 30,000 inactive, nontraining troops before the Guard is mobilized.

It is little wonder that the National Guard perceives these changes as a direct assault on the traditional role of the Guard in our Armed Forces. But what is even more troubling is how contrary these proposed changes are to the constitutional role that the Guard and the State militias are designed to fulfill.

Article I, section 8 of the U.S. Constitution provides Congress with the power to ''raise and support armies, but no appropriation of money to that use shall be for a longer term than two years''.

I find that extraordinary, Mr. President. Why did the Founding Fathers prohibit Congress from appropriating funds for a standing army beyond 2 years? Not surprisingly, Americans of the late 18th century were highly suspicious of standing armies. They had witnessed firsthand the power and intrusiveness of such an army and how it could be used by a monarch or a central government to suppress the rights and sovereignties of the people.

The Framers of the Constitution wisely decided that if there was going to be a standing army in a free democracy, it would only be through the ongoing approval and purse strings of the representative branch of government.

Article I, section 8 continues, granting Congress the power:

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions [and] provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress.

In short, Mr. President, the Framers not only held a standing army suspect, they recognized the importance of defining a role for a citizen militia to be maintained, led and trained not by the central government, but by the States. Interestingly, although the Constitution makes no mention of what capacity a standing army is designed to serve, it does specifically hold the militias responsible for executing our laws, suppressing insurrections, and repelling foreign invasions.

This leaves little doubt that the Founding Fathers were substantially more trusting of the State militias, and were far more willing to assign responsibilities for the defense of the Nation to these militias than they were any standing army.

Of course, Article I of the Constitution is not the only component of the Constitution that is relevant to today's National Guard. The second amendment to the Constitution provides:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Whatever advocates and opponents of gun control construe these words to mean in 1997, the aim of the first part of the second amendment is evident: Our Founders were making a penetrating statement that a strong militia was imperative to the security of a free State.

What the Framers of the Constitution recognized over 200 years ago with respect to the vital importance of the militias remains true today. That is certainly not to suggest that there is no purpose or merit in maintaining a standing army. On the contrary, we have learned in this century that a free and democratic society cannot sustain itself without self-protection, and Republicans and Democrats alike can agree that we should have—and do have—the strongest and best-trained active duty force structure in the world.

But to simultaneously and needlessly diminish the strength and role of the National Guard is, I believe, to tarnish many of the underpinnings of our great democracy.

Today's men and women of the National Guard represent what our Founders envisioned in terms of a citizen militia. Members of the Guard are sprinkled throughout our communities. They are teachers, firefighters, doctors, nurses, business owners, police officers, farmers, and yes, even Members of Congress.

And just like our active duty personnel, the men and women of the National Guard can be called upon on a moment's notice to be placed in harm's way. From the Civil War to the Persian Gulf, the State militias and the National Guard have consistently played a central role in protecting our Nation's security, both at home and abroad.

But the Guard does much more as well. They participate in youth programs, such as the highly successful, low-cost Badger Challenge program in Wisconsin where the Guard takes at-risk kids and helps them obtain their GED's while teaching them discipline and respect for themselves and others.

The Guard supports medical outreach programs. They are involved in counterdrug efforts, working with the Department of Justice and local law enforcement agencies through aerial observations, ground surveillance, and cargo inspections.

All of this is accomplished, Mr. President, in a highly cost-effective manner. A comparison of the costs of active duty personnel and Guard personnel demonstrates the sharp differences in costs. According to one study, on average, it costs $73,000 per year to train and equip an active duty soldier. The cost of training and equipping one National Guard soldier—$17,000, almost one-fifth the cost.

Projected on a larger scale, an estimate recently prepared for the National Defense Panel found that the Government could save roughly $1 billion per year for every active division whose responsibilities it shifts to the eight divisions of the National Guard. Another analysis finds that a Guard unit can cost anywhere from 25 to 80 percent less to maintain than an active duty unit.

In other words, Mr. President, with little sizable military threat to the United States today, we can shift many of the warfighting responsibilities—not to mention responsibilities for peacekeeping and humanitarian operations—from the active forces to the National Guard at a substantial savings to the taxpayer while losing little in skills, readiness, and training.

There are a host of missions today that the National Guard can fulfill and should fulfill, providing a less expensive but highly effective complement to our active forces.

As we reassess what our strategic blueprint for our future Armed Forces should look like, and as we begin the process of conducting a comprehensive review of our inventories and projected needs, it is my hope that the there will be renewed focus on the advantages of a properly funded, well-maintained National Guard.

Such a focus presents us an opportunity not only to ensure that we have a highly efficient and cost-effective military, but that we are also adhering to some of the most fundamental constitutional principles established by our Founding Fathers.

Mr. DODD. Mr. President, I want to commend Senator THURMOND, Senator LEVIN, and the others on the Armed Services Committee for their efforts in bringing this conference report to the floor. This important conference report has not easily reached this point, and the fact that we are about to vote on it is a tribute to the bipartisanship and forbearance of the Committee members.

This conference report will be good for our fighting forces and good for the Nation. Most important perhaps is the well-deserved 2.8 percent pay raise for our military personnel. Moreover, this conference report will provide the badly needed pay bonuses to help encourage highly trained personnel to continue their military service beyond their initial commitments.

With passage of this conference report into law, this Nation will also fully fund the Cooperative Threat Reduction Program—the most cost-effective means of preventing nuclear proliferation. I can think of no better method to stop the spread of weapons of mass destruction than to assist Russia in dismantling its nuclear arsenal.

This conference report includes an amendment that I authored to assist those suffering from Persian Gulf war illnesses. Next year, I look forward to a combined Defense Department-Veterans Administration plan to provide health care to our sick veterans. Also, I expect to see a full report from the Defense Department on the effectiveness of research efforts to date. Finally, because there has not yet been a program to determine which treatments are most effective in caring for those suffering from Persian Gulf war illnesses, this amendment authorizes $4.5 million to begin a clinical trials program with that determination as its goal.

As for procurement, I give this conference report high marks. It supports the agreement between our Nation's two submarine builders to work together in building the New Attack Submarine; it provides appropriate relief from the Seawolf cost cap; it completes the funding authorization for the third and final Seawolf-class submarine; and it fully funds the New Attack Submarine Program. For those who think that this Nation is doing too much submarine building, let me urge them not to look at any 1 year in particular, but to look at the submarine program as a whole. The U.S. Navy, which had once built two, three, or four attack submarines a year to maintain a fleet of well over 100, now plans to build just four over the next 6 years. The United States has never built nuclear attack submarines at a lower rate.

This conference report also authorizes 30 H–60 helicopters. The Army, Navy, Air Force, Coast Guard, and National Guard all use these helicopters, not to mention several countries throughout the world. In natural disasters and military operations alike, H–60 helicopters are on the front line. One

need only ask the Adjutant General of virtually any State in the Union to gain an appreciation of how vitally important these helicopters are. I hope that future defense bills will continue to provide this Nation's servicemembers with the capable H–60 helicopters that they need and want.

Let me conclude by mentioning that I do not know whether this conference report will be vetoed. I think, on balance, that the good in this report clearly outweighs the bad, and I would urge the President to quickly make it law rather than prolonging the battles that have plagued conference report for months.

Mr. THURMOND. Mr. President, I ask unanimous consent that the division of time on the pending conference report be as follows: Senator THURMOND in control of 20 minutes, Senator LEVIN in control of 20 minutes, Senator GRAMM and HUTCHISON in control of 45 minutes, Senator FEINSTEIN and BOXER in control of 45 minutes, and finally Senator STEVENS be recognized to speak up to 30 minutes.

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

The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I ask I be notified after 22 minutes because that is the time I will control. My senior colleague, Senator GRAMM, will have the other 23 minutes.

Mr. President, I want to say that I am one of the most prodefense people in this body and I think most of this bill is very good and very important. I am going to speak on the part of the bill that I think is very shortsighted and will, in fact, hurt our readiness in the future if it is not fixed. I will continue to urge the committee to work to fix it because I do believe that all of us want a stronger national defense and we want the taxpayer dollars to be spent wisely. In fact, passing this bill will waste billions of taxpayer dollars, and those aren't my figures. Those are the figures of the experts.

So why would we do that? Let me first say that the points that were made by Senator KEMPTHORNE and Senator CLELAND can be met. I agree with them. It is most important that the pay and compensation issues, the health care issues, the military construction issues be addressed. In fact, a clean bill has been introduced that would cover those items, that if this bill is vetoed by the President—which I hope it will be, so it can be corrected—we can take care of those very important compensation, health and military construction issues, and that bill has been introduced.

This can be worked out. It can be worked out for the good of everyone, for the good of the Department of Defense, for our men and women in the military and for the taxpayers of our country.

I want to read from the Base Closing Commission recommendation. The Base Closing Commission recommended the closing of both Kelly Air Force Base and McClellan Air Force Base, but it did reserve the right of the Department of Defense to make the decision about where the work would be done and how it would be done. It says that ''the workload would be moved to other depots, or to private sector commercial activities, as determined by the Department of Defense.''

Now, what we are doing in the bill, if it is passed today, is taking that flexibility away from the Department of Defense. What we are saying is, you cannot have a level playing field, you cannot have real competition for the most cost savings and for the readiness issues in the maintenance of our equipment. This is a crucial issue, and it is not an issue that is just for McClellan Air Force Base or Kelly Air Force Base or California or Texas. This is an issue about how we are going to conserve the dollars that we spend on defense so that they can be spent for our troops, for the quality of life, and for the readiness that we must have to face the security threats to this country.

The savings are absolutely—it has been proven—achievable, and it has been shown already by the most recent competition, the one that took place on the C–5, which saved $190 million on the cost of doing the maintenance of the C–5. This was won by a public depot against the private sector bidders that I had hoped would win. Nevertheless, I didn't win, but the taxpayers did, and the Department of Defense will save $190 million because we had the competition.

In fact, private-sector companies that outsource frequently achieve cost savings of 20 to 30 percent. That is proven. If the Department of Defense could achieve similar savings by outsourcing $15 billion in annual depot maintenance, that would free up $2 billion a year for other purposes—$2 billion a year. Just think of it. Our operations in Bosnia cost us $3 billion a year. Most of that could be achieved with savings from efficiencies gotten with competition in the depots. That was proven within the last 2 months in the C–5 competition that was won by Warner–Robins. It was only because there was competition that these efficiencies were made. Otherwise, it would have been business as usual. Everything would have been done the same way. In fact, we would have paid $190 million more to do this work.

One corporation, with much experience in commercial aircraft maintenance, has already looked at the engine maintenance work at Kelly. They have concluded that, by employing commercial-sector business practices, they can reduce the cost by over $1 billion over the life of the contract. They can reduce the amount of time necessary to repair engines by as much as 40 percent. So that is a readiness issue. And they can improve safety of flights through their process modifications. We all know that safety is of paramount importance when we are talking about our young men and women flying in the aircraft provided to them by the Department of Defense. So why wouldn't we bring this kind of expertise and savings into our military maintenance? I don't understand it.

Look at the people who have spoken on this issue. Adm. William Owens, the Vice Chairman of the Joint Chiefs, when he was going out of office, in testimony before the Senate Armed Services Committee said:

> The world's largest business is 65 to 70 percent fixed cost, 35 percent variable cost. The variable cost translates to the war-fighting capability. The money is in the fixed costs, and that is what we've got to work on. We must work on the fixed costs, like maintenance.

Dr. John White, Deputy Secretary of Defense, March 1996:

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

General Shalikashvili, Chairman of the Joint Chiefs, 1996:

> I believe we must go on with privatization, with outsourcing. We need your support to make the hard choices and to change it to make these initiatives work. I particularly ask for your support where changes in law are required.

I don't think the general would want to have constraints on competition and privatization as we are seeing in the bill before us today.

William Cohen, the present Secretary of Defense, June 18, 1997:

> The San Antonio and Sacramento workload involve thousands of highly trained workers and large, expensive equipment and facilities. This work is critical to the continued operation of national assets. To transfer all of these workloads without a competitive evaluation and risk assessment would be unwise, from a business perspective, and would involve a significant risk of disruption in mission performance and degradation in military readiness.

Now, these are the people in charge of our military. They are talking about the importance of privatization, the option of privatization. They are saying, look, we are willing to live with fewer dollars and provide the security that we are supposed to provide to the people of America. But don't tie our hands. Let us have the option, let us have the ability to do this job with the options and flexibility we must have to put the dollars where we need them. And we are seeing the capability of saving $2 billion a year if we will allow full competition.

What is Congress doing in the bill that is before us today? It is tying the hands of the people who are asking for our help in order to do the job we are asking them to do in the most efficient way.

Mr. President, why would we do this? I can't understand it. We have heard quotes from the people on the military side. Now let me quote from a letter received today from the Industry Depot Coalition. These are the people who do the work. These are the people who have been in this business, who know what the cost savings can be, who provide the 20 to 30 percent cost savings

when they do the work. They have written a letter to Senator THURMOND and Senator LEVIN. It says:

The Industry Depot Coalition, comprised of eight national associations representing the breadth of the defense industry and thousands of American businesses, large and small, wishes to register, for the record, our concerns relative to the depot maintenance provisions that are contained in the FY98 national defense authorization bill. In so doing, we wish to raise with you a number of impacts we foresee resulting from the provisions, as well as our sincere hope that you will give serious consideration to making modifications in that language.

They state as a primary concern:

The legislation requires that the Secretary of Defense assign sufficient workload to public depots to ensure cost efficiency. However, the arbitrary assignment of workloads will not ensure efficiency. Efficiency can only be ensured through competition, innovative management initiatives, and the adaptation of commercial practices, none of which is adequately addressed in this legislation.

In addition, we are concerned that the legislation's requirement that DOD have in-house capability to repair all new systems within four years of initial operating capability could result in DOD having to create and maintain redundant facilities and capabilities, even when doing so is neither cost-effective nor, in the judgment of the Department, necessary for the national defense.

A second area of primary concern:

The legislation places in statute competitive requirements that are at this time only to be applied to the proposed competition for the workloads at the Kelly and McClellan Air Logistic Centers. As believers in fair competition and equal treatment in all areas of competition, we simply cannot support a statutory requirement such as this one that places unique requirements on one category of bidders.

Mr. President, we have heard from the industry, we have heard from the Department, we have heard from the military chiefs—they need the flexibility. They need the ability to be able to do the work in the most efficient way, and that is what we are trying to provide them.

The bill before us today does not allow that competition. It does not allow a free and fair competition; it weights toward the public depots to such a great extent that even one of the greatest proponents of this language admits exactly what they want to do, and that is keep private bidders from bidding.

I will just quote from the Daily Oklahoman, where the junior Senator from Oklahoma says:

With the language in the bill before us, I think it is highly unlikely any contractor would want to bid on it.

So they are trying to stifle competition, and I don't understand why the committee is letting them do this. I do not, in any way, challenge the motives of the committee. I know they want to do what is right. But I think they have not looked at the quote of the Senator from Oklahoma, who admits he is trying to put language in so that no one will bid. They are overlooking the Defense Industry Depot Coalition, who have done the work and know that they can do it more efficiently. They are overlooking the fact that, where private industry is doing maintenance, it has worked very well for the Department of Defense. One of the best examples of this was in Desert Storm, where we had much private maintenance that kept right up to the readiness requirements of the Department of Defense.

Mr. President, all the evidence is against what is in this bill today; yet, everyone who is arguing for this bill seems to say that this is just one little issue; it is just one little issue that can save $2 billion a year—$2 billion a year. We could start deploying theater missile defense. We could pay for most of our operation in Bosnia with these savings. Why won't the committee work with us to make sure that it is not just the one narrow interest of people who do not want competition who are winning? That is why the President has said he is going to veto this bill. He has told the Members of Congress he is going to veto this bill, and he is right because he knows that, as he himself is trying to lower the defense costs to our country, he has to have the flexibility to do his job. He can't afford to let $2 billion lay on the table in inefficient operations because a few people don't want competition. The President has said he is going to veto the bill because he knows that it is wrong to stifle competition and waste taxpayer dollars when we need to provide for the readiness of our country.

We are not talking about one State or one depot. We are talking about the readiness of our troops, and the quality of life for our troops. We are talking about doing a job with fewer dollars from our taxpayers but fulfilling our responsibility for the security of our country.

How could we pass a bill that we know is going to waste $2 billion a year, according to the Department of Defense statistics? How could we do it?

I urge the committee to work on this language and make it fair. I urge my colleagues to listen to the debate because, if you vote on the merits, we can fix this bill, and we can provide for competition. We are not asking for favors. We are not asking for anything more than a fair and level playing field. In fact, in my conversations with the Secretary of Defense and the Deputy Secretary of Defense, I said, ''If you can answer one question for me, I will be for this bill because I like most of what is in it.'' Answer one question. ''Can you have a fair and open competition with the bill language as it is before the Senate today?'' And the answer was ''no.'' The answer was no from the Deputy Secretary of Defense. That is the only question that matters.

So when you hear people glossing over this issue as if it is some small thing, as if it is some parochial, minor issue, $2 billion of taxpayer money, $2 billion of readiness, $2 billion of quality of life for our troops, and $2 billion toward systems that will protect the security of our country, it is not parochial.

I urge my colleagues to get engaged on this issue and do what is right. We still have time to pass a good armed services authorization bill that provides for health care, quality of life, pay raises, military construction, and free and fair competition for savings, for good jobs, for people who win on the merits—not through a fix. And the fix is in the bill.

Thank you, Mr. President.

I would like to ask that any balance of my time be given to Senator GRAMM.

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

Who yields time?

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to have printed in the RECORD the letter from the Industry Depot Coalition.

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

THE INDUSTRY DEPOT COALITION:
AEROSPACE INDUSTRIES ASSN.,
AMERICAN ELECTRONICS ASSN.,
AMERICAN SHIPBUILDING ASSN.,
CONTRACT SERVICES ASSN., ELECTRONIC INDUSTRIES ASSN., NATIONAL DEFENSE INDUSTRIAL ASSN., PROFESSIONAL SERVICES COUNCIL, SHIPBUILDERS COUNCIL OF AMERICA,

*November 5, 1997.*

Hon. STROM THURMOND,
Hon. CARL LEVIN,
*Committee on Armed Services,*
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR THURMOND AND SENATOR LEVIN: The Industry Depot Coalition, comprised of eight national associations representing the breadth of the defense industry and literally thousands of American businesses large and small, wishes to register for the record our concerns relative to the depot maintenance provisions that are contained in the FY'98 National Defense Authorization. In so doing, we wish to raise with your a number of impacts we foresee resulting from the provisions, as well as our sincere hope that you will give serious consideration to making modifications to that language.

We certainly respect and appreciate the considerable and extensive efforts to which your and your staffs have gone in attempting to fashion compromise legislation that would ensure a ''level playing field'' for depot maintenance competitions. Unfortunately, from the perspective of private sector entities that might be inclined to participate in such competitions, we do not believe the legislation, as it now stands, achieves that goal. In addition, it would establish in statute a number of problematic precedents that we believe could lead to additional problems on future depot, and non-depot, competitions. Finally, at a time when we have been seeking real clarity and consistency in the conduct of public-private competitions, which, to date, have been marked by anything but, the ambiguities contained in the legislation threaten to only increase the degree of confusion and uncertainty in the process.

Our primary concerns are as follows:

(1) The legislation requires that the Secretary of Defense assign ''sufficient workload'' to public depots to ''. . . ensure cost efficiency''. However, the arbitrary assignment of workloads will not ''ensure'' efficiency; efficiency can only be ensured

through competition, innovative management initiatives, and the adaptation of commercial practices, none of which is adequately addressed in the legislation. In addition, we are concerned that the legislation's requirement that DoD have in-house capability to repair all new systems within four years of Initial Operating Capability (IOC) could result in DoD having to create and maintain redundant facilities and capabilities, even when doing so is neither cost-effective nor, in the judgement of the department, necessary for the national defense.

(2) The legislation places in statute competitive requirements that are, at this time, only to be applied to the proposed competitions for the workloads at the Kelly and McClellan Air Logistics Centers. As believers in fair competition and equal treatment in all areas of competition, we simply cannot support a statutory requirement such as this one that places unique requirements on only one category of bidders. If the object is to ensure fair competition, the statute should reflect that philosophy clearly, unambiguously and uniformly.

(3) The provisions do not adequately address the vital issue of ''best value'' procurements versus cost-based awards. We have, with your strong support and leadership, worked hard in recent years to move the procurement process into an environment where the guiding principle for awards is the best overall value to the taxpayer, including the full range of non-cost factors, so as to ensure quality, performance and true efficiency. We believe affirmative steps should be taken to ensure that the ''best value'' to the taxpayer and the department becomes the dominant focus of all competitions.

(4) While the provisions do include a very important change in which the current ''60/40'' rule is replaced by a new ''50/50'' rule, continuing to base the rule on personnel, rather than on facilities, renders much of the positive language on partnerships and Centers for Technical Excellence, moot. From an objective business case analysis perspective, the continued focus on ''who'' does the work rather than where the work is done, will mitigate against the initiation of the kinds of partnerships that can genuinely assist DoD in meeting its mission requirements, more effectively and efficiently utilizing its current capacity and adapting innovative commercial practices to its operations.

As noted earlier, we recognize the appreciate the efforts you have made to move the House conferees this far and are mindful of the difficulties and challenges posed by this issue. Nonetheless, we urge you to reconsider the substance and ramifications of the provisions and hope that efforts will be made to make appropriate changes. We have a long history of working together effectively to not only ensure the national defense but also to reform, streamline and make fairer a procurement process that has not, historically, functioned as any of us believe it should. As proposed, this legislation could result in a step backward in that critical area.

We look forward to continuing to work with you to fashion a more level playing field for future competitions so as to provide the true best value for the government and the taxpayer. Should you have any questions or comments, please contact any of the associations listed above or the coalition chairman Stan Soloway at (202) 347–0600. In the meantime, our thanks for your time and consideration.

Sincerely,

THE INDUSTRY DEPOT COALITION.

Mr. THURMOND. Mr. President, I yield 5 minutes to the able Senator from Virginia, Senator WARNER.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank the distinguished chairman of the committee. I wish to join other members of committee in indicating to our distinguished chairman and to the ranking member, Mr. LEVIN of Michigan, our commendation for their work over these many months on this bill.

Mr. President, in the limited time I have I wish to turn immediately to the subject of the welfare of the men and women of the Armed Forces.

This past few weeks we have seen a good deal of tension increase in various parts of the world. In fact, that tension prompted the President of the United States to convene a very important meeting. The Presiding Officer was in attendance, as was the chairman and ranking member of the committee, myself and others, at which time the President in consultation with the Congress, the leadership, reviewed the various problems facing the United States and our allies today—and the possibility that we may once again call on the men and women of the Armed Forces of the United States, together with our allies, to go into harm's way in an effort to stabilize these situations.

Mr. President, I say that we cannot as a Congress—as a Nation—say to these men and women, ''You once again will respond to the Commander in Chief'' and not pass this bill, which gives them a very modest and well-earned increase in their pay and allowances to compensate them for inflation—particularly in specialized areas of service: Aviation, submariners, and others where we have to have additional compensation in order to enable them to perform their services, and we retain sufficient numbers of aviators and submariners.

So, Mr. President, I deem this bill absolutely critical. I also wish to commend the chairman and ranking member and other Members who have individually, as have I, petitioned the President to give this bill the most serious consideration and hopefully to affix his signature so that it can become law.

Mr. President, to go into those areas, which as chairman of the Seapower Subcommittee, I have special responsibility, together with the distinguished senior Senator from Massachusetts, [Mr. KENNEDY], who is my ranking member, and our subcommittee recommended to the full committee the following, and the full committee basically adopted it.

We authorized the Secretary of the Navy to enter into a contract for the procurement of four new attack submarines under the terms of a teaming arrangement that was submitted to Congress by the Secretary of the Navy between the two contractors involved in submarine construction. This arrangement will save taxpayers over $1 billion in the next 6 years, and ensure the continued viability of two nuclear capable submarine yards.

I thank my distinguished colleague from Virginia, Mr. ROBB, who worked with me on that, a member of our committee, as well as the distinguished colleague, Mr. LIEBERMAN, from Connecticut.

Further, our subcommittee authorized an increase of $720 million for the procurement of a fourth Arleigh Burke destroyer. By buying this ship early, we will save approximately $230 million on the marginal cost of this ship.

Those are savings that are passed on, of course, to the Department of Defense, but to the American taxpayer.

As relates to the aircraft carrier, the CVN–77, the next in the series of our carriers, we authorized $50 million to accelerate the advanced procurement and construction of components for CVN–77.

I particularly want to thank the distinguished chairman and ranking member of the Appropriations Committee, Mr. STEVENS, and Mr. INOUYE. They accommodated this Senator, personally allowing me to come into literally the closing few minutes of their conference with the House in order to ensure that this $50 million be included in the appropriations.

We authorized the Secretary of Defense to reprogram up to an additional $295 million in fiscal year 1998 for the advanced procurement of CVN–77. I am now working with the Chief of Naval Operations and the Secretary of the Navy to ensure that the Navy takes advantage of this important opportunity to get the ''smart buy'' proposal fully utilized within the Department of Defense, as well as the Department of the Navy. Acceleration of funding for this ship offers an opportunity for potential savings of $600 million for the American taxpayer.

I urge my colleagues to support this conference report. The House has already spoken resoundingly in favor—with 286 Members voting in favor of the conference report last week. We must follow their lead with a strong vote in favor of this conference report. Let us not allow a full year's worth of work to be squandered.

I also urge the President not to veto this important measure. This President has deployed our troops into ''hot spots'' in record numbers. Our troops have answered these many calls to duty and performed admirably. They stand ready today as new missions in Bosnia and Iraq are being discussed by policy makers in Washington.

Do not send a signal to those troops that you do not support their efforts. They should not have to worry about whether or not their raises and bonuses will be there in January. They should not have to question the commitment of politicians in Washington to provide the best equipment and quality of life possible for our troops and their families. I call on you, Mr. President, to show your support for our troops by signing this very important conference report.

Mr. President, I wish to commend the distinguished chairman and ranking

member for their personal intervention with the President along with my own and others to see that this bill merits his signature in a prompt way.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I am happy to yield to the senior Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 10 minutes without that time being charged to either side.

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

Mr. BYRD. Mr. President, I join with others in complimenting the distinguished chairman, Mr. THURMOND, and ranking member, Mr. LEVIN, as well as Mr. KEMPTHORNE, and Mr. CLELAND.

Of the many duties that a United States Senator or a Member of the House of Representatives is called upon to perform, one of the most important involves expressing our views on whether U.S. armed forces should be put in harm's way in defense of our country's national interests. We must weigh whether the issue at hand merits risking the lives of our soldiers, sailors, and aviators.

Members of our armed forces cannot individually decide whether they should place their lives at risk, for they are duty bound to follow the orders of their commanders, and ultimately, of the President. Every individual in our armed forces knows that he or she may be called upon to make the ultimate sacrifice for the nation. Every individual who takes the oath to join the Army, Navy, Air Force, or Marines, whether in the active forces, Reserves, or National Guard, does so knowing that they carry a special burden, and a unique responsibility, to defend our nation's interests, wherever and whenever they may be called upon to do so.

As Senators, we must help to ensure that our armed forces are ready to perform this role. This includes raising and considering difficult questions, which are included in the conference report before us, related to force readiness and the procurement of weapons systems. These decisions involve billions of dollars and involve the employment of thousands of military and contractor personnel. The decisions made here affect all military personnel and a large segment of our economy, and I, for one, do not take them lightly.

But of equal importance are questions concerning the morale of our troops. Weapons alone do not win wars. It is our troops on the ground, our sailors at sea, our aviators in the air, and all the personnel who support them behind the lines who must combine to triumph over our nation's enemies. And these forces can only fight together as a cohesive force if they are united by common goals, morale, and strategy.

The morale of our forces is of particular importance, for troops who suffer from weakened morale must defeat not only the external enemy, but also deal with the internal divisions and problems of their own ranks, even while they fight the enemy. Our armed forces require strong leadership to deal with such problems, while providing a victorious strategy on the battlefield.

Sadly, such leadership has been lacking in recent years, as is evidenced by the low morale particularly among the women in our armed forces. The women in our armed forces must endure a demoralizing and hostile environment while they attempt to carry out their duties. From the shocking behavior of Naval aviators at the ''Tail Hook'' conventions, to the alleged rape of recruits at Aberdeen, it has become clear that the women in our armed forces face sexual discrimination, harassment, assaults, and even rape, as they carry out their duties in defense of our nation.

The recent report by the Secretary of the Army exposes the seriousness of the problem. The report states that ''sexual harassment exists throughout the Army, crossing gender, rank, and racial lines . . .'' Almost one quarter of the women reported that they had been sexually harassed in the last twelve months, based upon a random statistical survey conducted by the Army. A shocking 74 percent reported that they have endured crude or offensive behavior, 47 percent reported that they received unwanted sexual attention, 18 percent suffered from sexual coercion, and 8 percent said they had been sexually assaulted. While these statistics are appalling, the footnotes only add to the outrage. ''Unwanted sexual attention''—which almost half of the women reported—is defined as ''unwanted touching or fondling and asking for dates even when rebuffed.'' And sexual coercion—which almost one quarter of the women endured—''includes classic *quid pro quo* instances of job benefits or losses conditioned on sexual cooperation.''

The Army's report found that ''this issue is one of which the Army has been long aware, and that to date, Army policies and processes implemented to combat and eradicate sexual harassment have had little, if any, impact. As one soldier noted, 'Women have been reporting sexual harassment for five years, and the Army's just now looking into it.' Many soldiers believe that their complaints and concerns have been ignored and that only recent media attention has forced Army leaders to focus on this issue.''

I would note that this in fact understates the intentional neglect on the part of the Army. It is not just that Army leaders ignored complaints of sexual harassment for a number of years. More shockingly, it is that it took the media and national public attention focused on the rape of female recruits to finally force the Army to seriously address the treatment of women in the ranks.

There is an old adage that ''the fish rots from the head down.'' The report states that ''leaders set the values compass for the Army; it is from them that respect and dignity flow. Many leaders are currently seen as practicing a zero defects mentality, caring only about themselves and their careers. Soldiers do not uniformly have trust and confidence in their leaders. Unfair treatment, double standards, and a lack of discipline were raised to Panel representatives time and again . . .''

Within the Army, the policy has been to ''talk the talk,'' but not ''walk the walk''. Even while the Army brass told the troops that the policy was one of ''zero tolerance'' for sexual discrimination, the officers and drill sergeants knew that this was rarely enforced in practice. The report notes that a policy of ''zero tolerance'' is enforced for racial discrimination, but not for sexual discrimination.

The question for the Army is what can be done to correct the problems identified in the report. I must commend the Secretary of the Army for issuing a candid and brutally honest summary of the problem. The report also identifies a number of policies that must be changed or enforced in order to ensure that women receive equal and fair treatment in the Army.

I must note, however, that the report is silent on the question of the desirability of gender integrated training. I offered an amendment during the Committee markup of this bill, which is included in this conference report, calling for the establishment of an independent outside review commission to examine the question of the appropriateness of gender integrated recruit training in the armed forces. My amendment also calls upon the Commission to review the rules of fraternization with the goal of recommending a single consistent standard for conduct among enlisted people, and between enlisted people and officers, which spans all the services. What is appropriate for a soldier in the Army should also be appropriate for a sailor or airman or marine.

On the question of training, the Army report notes that ''a key to addressing human relations issues, including sexual harassment, is assigning enough female role models to set the example for all trainees. Twenty percent of Army accessions are women, but the training base is composed of only ten percent female drill sergeants.'' The report also states that ''new recruits form and hold their most lasting impressions of the Army from the cadre they encounter during initial entry training.''

These observations suggest that female recruits might benefit from gender segregated training, in which they would be guaranteed to receive training from women drill instructors and role models.

The report of the Secretary of the Army is a good first step, in terms of identifying the scope of the problem, and offering possible solutions. The commission that will be created as a

consequence of the enactment into law of this conference report will add yet another dimension to our understanding of the problem and possible solutions.

''People are not in the Army, people are the Army,'' stated General Creighton W. Abrams, former Army Chief of Staff. ''By people, I do not mean personnel . . . I mean living, breathing, serving, human beings. They have needs and interests and desires. They have spirit and will, and strength and abilities. They have weaknesses and faults; and they have means. They are at the heart of our preparedness . . . and this preparedness . . .—as a nation and as an Army—depends upon the spirit of our soldiers. It is the spirit that gives the Army . . . life. Without it we cannot succeed.''

The report of the Secretary of the Army concludes that ''if there is one overarching theme to this report, it is this: we must rededicate ourselves to the fundamental truths so eloquently stated by General Abrams . . . Personnel readiness relies on a positive human relations environment. It is the vital base upon which we build the Army, and the combat effectiveness of the Army's most important weapon system—the soldier.''

Let us hope that the Army follows the recommendations included in this report, and for that matter, that its philosophy permeates the entire Pentagon and military establishment. We cannot relent in our examination of this problem; we must ensure that the leadership of our armed forces creates an environment of fairness for the women in the services. And we must not shirk from examining objectively every aspect of this issue, including some aspects that might be labeled ''politically incorrect,'' such as gender segregated training and coherent across-the-board fraternization policies. I am glad that the conferees had the courage to establish the commission, and I look forward to the report.

I again compliment my chairman, Mr. THURMOND, and the ranking member, Mr. LEVIN.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. I wish to commend the able Senator from West Virginia not only for his work on this bill but for all he has done over the years for good Government in this Senate.

We are proud of you.

Mr. BYRD. Mr. President, I thank my distinguished chairman, Mr. THURMOND, for his kind words.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, before I yield 4 minutes to my friend from New Mexico, let me also add my thanks to Senator BYRD for the tremendous contribution he makes to the committee. We all know the contribution he makes to the Senate, but he makes also an important contribution to the Armed Services Committee, which is not noted as often as it should be but I want to note right now.

I thank him for his support of the conference report.

Mr. BYRD. Mr. President, I thank Mr. LEVIN for his dedication to duty, for his high sense of purpose, and for the example he gives to all of us. I hope we can emulate that.

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

Mr. BINGAMAN. Mr. President, I want to speak briefly in support of this year's national defense authorization bill which was reported out of conference committee.

The bill is the product of many months of dedicated work by Senator THURMOND, Senator LEVIN and many others here, and of course, the committee staff and personal staff of Senators as well. It reflects the collective interests of the Congress. It includes many provisions that were arrived at through many long weeks and even months of debating and negotiating.

I want to call particular attention to the provisions to fully fund the Cooperative Threat Reduction Program and the related Department of Energy programs to secure the nuclear materials and destroy chemical stockpiles and strategic weapons in the former Soviet Union. In my view, the money spent on these programs is among the most cost-effective ways that we expend taxpayer money to pursue our own national security and to promote international peace.

I am also pleased that there is significant funding in this bill authorized for a range of dual-use research and development programs. I believe that is important and allows the Department of Defense to leverage commercial investment in advanced technologies to meet our defense needs.

The bill also authorizes funding to meet the requirements of the defense programs in the Department of Energy, particularly the Stockpile Stewardship Program, which I believe is extremely important to the future of our country.

The bill also contains, and I am sure others have commented on this, a 2.8 percent pay raise for active duty military members. Without this bill, that increase would be limited to 2.3 percent. This may seem like a small amount, but I believe that for people in uniform it is an important difference and one that we should definitely adopt this bill to accomplish.

The bill also, of course, is essential if we are going to go forward with the construction programs for the fiscal year 1998 military construction projects, and that is another reason why the bill should be approved by this Senate and should be signed by the President.

Mr. President, this bill does not meet all the goals of individual Senators, but it does express the collective priorities of the Senate, and I urge that we move to adopt it and send it to the President for his signature. I hope the President will recognize the value of this legislation to the Nation and sign it into law.

Mr. President, I yield the floor. I know the Senator from California is waiting to speak.

The PRESIDING OFFICER. Whole yields time?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I believe the Senators from California have 45 minutes reserved. I would like to exercise that time now and utilize as much of that as I may consume. I would appreciate being notified when 20 minutes have gone by so that my colleague and friend from California might utilize the remainder of the time.

The PRESIDING OFFICER. The Senator is correct and the Senator is recognized.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I rise on this final day of debate on the conference report to the DOD bill, and I do so to express my strong opposition.

Now, I very much regret this. I have great fondness for the chairman of the Committee, the distinguished Senator from South Carolina, and great respect for the Senator from Michigan, Mr. LEVIN. The great bulk of the bill I wish to support. I understand that there are important things in the bill. However, from the perspectives of Texas and California, there is a basic unfairness in this bill that we cannot leave unaddressed, and I rise to address those points.

I want to say how privileged both my colleague from California and I have been to work with the senior and junior Senators from the great State of Texas in trying to remedy the unfairness in this bill. Unfortunately, I must indicate we have not been able to achieve an accommodation, and therefore we register our objections through our ''no'' votes.

I oppose the conference report because it contains language that will effectively stop, ban, prohibit any further public/private competitions of depot workloads at both McClellan and Kelly Air Logistics Centers. These competitions will lower the cost of weapons systems repair and will save the taxpayer money. It is hard for me to understand why they are not being permitted to go ahead.

It is unfortunate that this debate has to take place. We felt we had an agreement. The distinguished Senator from Michigan knows that he called me one night to indicate that at least 2½ points of the four points we had raised would be accommodated. We agreed to that. We backed off. Overnight, committee language was written which essentially undid the compromise, and

we have been able to achieve no remedy since that time.

In the debate last week, this body heard that if this restrictive depot language remained in the bill, the President would probably veto the bill. A strongly worded letter was sent to the majority leader and other senior Members of Congress detailing the administration's concern dovetailing our concern. I will not read the letter, but I would like to talk about some of the points in it.

The depot language in this bill constrains DOD's ability to conduct competitions for depot-level repair work. This will result in decreasing the amount of potential savings the Department would reap from these competitions and could then redirect to fund other vital needs like readiness and weapons modernization.

Second, the administration is correct. The conference report absolutely ''seeks to impose unique and inappropriate requirements on DOD's process for allocating the work now performed at the closing San Antonio and Sacramento Air Logistics Centers.''

Contrary to what members of the Depot Caucus espouse, the option to privatize this depot work was explicitly made available in the 1995 BRAC closure report. The BRAC 95 Commission specifically recommended that the Department ''consolidate the remaining workloads to other DOD depots or to private-sector commercial activities as determined by the Defense Depot Maintenance Council.''

And, yes, the President did strongly support the Commission's decision which specifically reinforced the option of privatization. In his letter to the chairman of the BRAC 95 Commission, the President wrote, ''I was pleased to learn that . . . you confirmed the Commission's recommendations permitting the Department of Defense to privatize the workloads of McClellan and Kelly facilities in place or elsewhere in their respective communities. . . . In my communications with Congress, I have made clear that the Commission's agreement that the Secretary enjoys full authority and discretion to transfer workload from these two installations to the private sector, in place, locally or otherwise, is an integral part of the overall BRAC 95 package it will be considering.''

The President goes on to say without ambiguity,

Moreover, should the Congress approve this package but then subsequently take action in other legislation to restrict privatization options at McClellan or Kelly, I will regard this as a breach of Public Law 101–510 (the base closure law) in the same manner as if the Congress were to attempt to reverse by legislation any other material direction of this or any other BRAC.

While I'm on the subject of the BRAC, let me clear the air on this point. Some have alleged that this public/private competition process which could result in this work being privatized at McClellan and Kelly is just a crooked attempt to keep these bases open. Let me say, without ambiguity, it is not. McClellan and Kelly will both be closed in 2001. BRAC 95 made that decision. And, the communities of Sacramento and San Antonio are struggling to deal with this decision and make the best of it today.

Nearly 3,000 jobs not associated with the ongoing competition at McClellan's Air Logistics Center will be moved to other Air Force depots because when McClellan's gates are locked in 2001, that is it. Those 2,300 jobs that are associated with the public/private competition may also be moved to other Air Force depots depending upon its outcome. That's it. If this depot language remains in the conference report, McClellan will undoubtedly lose these remaining 2,300 jobs. And that is what this is all about.

As far as the property and buildings at McClellan are concerned, they will be transferred under the base reuse process to recipients in the local community according to their base reuse plan.

Third, the Department is already conducting a fair and open public/private competition at McClellan and Kelly. The depot language in this conference report would change that. It would, without question, skew these competition in favor of the public depots. But, don't take my word for that, or the administration's, just listen to the supporters of the depot language.

One of the authors of the language, the junior Senator from Oklahoma, believes that this language shuts the door on private industry's ability to compete. Quoted in the Daily Oklahoman he said, ''I think it's highly unlikely any (contractor) would want to bid on it.''

How are my colleagues and I supposed to believe this is a fair competition? Not only is that the sentiment of the Depot Caucus, but in the letter we have heard quoted on the floor very effectively by the distinguished Senator from Texas, the Industry-Depot Coalition, the Aerospace Industries Association, the American Electronics Association, the American Shipbuilding Association, the Contract Services Association, Electronic Industries Association, National Defense Industry Association, Professional Services Council, and Shipbuilders—all agree that the impact of this is to kill private competition.

In a letter today sent to the distinguished Senator from South Carolina, the chairman of the committee, they point out that the legislation, ''* * * places in statute competitive requirements that are at this time only to be applied to the proposed competitions for the workloads at Kelly and McClellan. As believers in fair competition and equal treatment in all areas of competition, we simply cannot support a statutory requirement such as this one, that places unique requirements on only one category of bidders. If the object is to ensure fair competition, the statute should reflect that philosophy clearly, unambiguously, and uniformly.''

Mr. President, I have had calls from private contractors saying they can't compete and won't compete under this language. I have said to them, ''Would you put this in writing? Will you go public?''

Do you know what they told me? ''We are afraid to. There will be reprisals against our companies if we state this publicly.''

Have we come to that?

Let me also say, the Sacramento Bee quoted an industry representative who said, ''I can't conceive of a company that would bid for McClellan and Kelly under these circumstances.'' So, the Senators from Texas and the Senators from California are fighting for survival. We are fighting for the ability to do what is professed to be the will of this body, which is to see if private competition can be effective in handling some of this workload and that a fair bidding and contracting process exists to carry out that competition.

Secretary Cohen has supported us in this effort and for that I am very pleased.

It is amazing to me that the Depot Caucus has taken this position. Let me cite the Warner Robins Air Logistics Center in Georgia as an example. Members of the Depot Caucus have complained from the first day that the competition announced by the Air Force would be unfair and biased. They said public depots couldn't possibly win. But, Warner Robins won. How did this happen?

One of the reasons it happened is that public depots can hide their overhead in other accounts when they bid against private industry for this work. Members of private industry on numerous occasions have said this is exactly why they can't compete under this bill that is being passed today. Warner Robins, as I understand it—and I have never been contradicted in this—took advantage of this ability to hide overhead costs to help make its bid below that of their private competitors. In fact, the Air Force had to add penalties to Warner Robins' bid for the 500 employees and other overhead that had been shifted to other accounts.

When conference began, the President's advisers said that he would veto the DOD authorization bill if these depot provisions were included in the bill. This veto message has not changed. The Depot Causus' anticompetition provisions, included in this bill by the conferees, will serve to delay and restrict the public-private competitions for depot workload currently underway at both McClellan and Kelly Air Force Bases undermining any effort to do this work in the private sector in a more cost-effective way.

DOD's own policy calls for greater reliance on the private sector for appropriate depot maintenance workload. Outsourcing helps preserve private sector capabilities and enhances DOD's ability to capture new technologies

that are constantly being developed in the private sector. By introducing greater competition into the mix, outsourcing lowers the cost of depot-level maintenance activities increasing funding levels for modernization and readiness needs.

Secretary Cohen stated earlier this year that these provisions:

. . . could cost the Department significant sums in lost annual savings and start-up costs. The could severely impact military readiness. The San Antonio and Sacramento workloads involve thousands of highly trained workers and large, expensive equipment and facilities. . . . To transfer all of these workloads without a competitive evaluation and risk assessment would be unwise from a business perspective and would involve a significant risk of disruption in mission performance and degradation in military readiness.

DOD has stayed true and faithful to the Secretary's statement in also urging and recommending to the President that this bill be vetoed.

So, I urge my colleagues, please support the Senators from Texas and California in opposing this conference report until these depot provisions are removed from the bill. We need to let these competitions go forward in a truly fair and level way so that we can fund the modernization and the readiness accounts. DOD believes that the first competition will result in an expected savings of $190 million. That is what is at stake in this issue, as far as funding for readiness and preparedness of the military is concerned—$190 million.

Turning to another subject, I would also like to raise concerns with a provision in the conference report on revised export rules for computers. The conference report enacts new, and I believe damaging, restrictions on the sale of many types of computers. The proposal is unworkable and will result in undermining our security in the long run.

Computer technology advances rapidly. What was called a supercomputer only a few years ago, represents only routine computing power today. An overbroad restriction will not make the world a safer place, but will undermine U.S. interests by locking up U.S. exports, shifting sales to foreign manufacturers and denying the administration the necessary flexibility to respond to evolving technology and worldwide competition.

Export restrictions must be based on an objective review of a computer's computing power and the computing needs of the potential computer application. In a letter to conferees, National Security Adviser Sandy Berger wrote.

The President's 1995 decision to streamline computer export controls addressed the outdated controls then in effect. Given the rapid pace of technological change, we must avoid substituting similarly inflexible controls mandated by Congress. It is vitally important to maintain our ability to adjust controls to keep pace with technological change while focusing our limited resources on exports of national security concern.

So the administration needs the authority to distinguish between sales that jeopardize national security and those that do not. That is what the administration is asking for. In stating this as a rationale, as well, they would recommend that this bill be vetoed if it goes out in its present form.

I believe that is a correct assessment. I think we only kick ourselves in the pants, to have this kind of a restriction in this bill. Other countries will simply buy elsewhere. Our companies will lose those sales and the President, as well as the Department of Commerce, will lose any flexibility they have in making some decisions that are really based on meaningful criteria. This bill fixes that criteria at a lower level on computers that are not, in fact, supercomputers today. That is the mistake that is inherent in the writing of this provision.

It is for these reasons that Senators GRAMM, HUTCHISON, BOXER, and I oppose this bill. There are those who have said, and I want to address it, these four Senators are resisting pay raises. They don't want increases in housing allowances. They don't want authorization of military construction projects.

That is baloney, and it is the reason that the four of us introduced a bill last week that goes ahead and authorizes the pay raises, the hazardous duty pay, the military construction projects, and military health care.

The PRESIDING OFFICER. The 20 minutes of the Senator has expired.

Mrs. FEINSTEIN. These are the reasons we oppose this bill. We ask our colleagues to oppose it as well. Regardless, the President is going to veto this bill and I am happy, at least, about that.

Mr. President, I know my colleague from California would like to utilize the remainder of this time and I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who seeks time?

Mr. THURMOND. Mr. President, I suggest the absence of a quorum and ask the time be equally charged to each side.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mrs. BOXER. Mr. President, is it correct that the Senators from California have 24 minutes remaining?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Further might I ask, do the Senators from Texas have any time reserved?

The PRESIDING OFFICER. They have 20 minutes remaining.

Mrs. BOXER. Mr. President, although I discussed this bill last week, I think it is important as the Senate gets ready to vote on the conference report that my colleagues understand why the Senators from California and Texas oppose this conference report and why we believe it is a matter of extreme importance, not only to more than 2,000 California families, but also to taxpayers throughout the Nation and, indeed, to our national defense.

Mr. President, although I discussed this bill last week, I want to take a few minutes of the Senate's time to explain why the Senators from California and Texas oppose this conference report and why we believe it is a matter of extreme importance—not only to more than 2,000 California families, but also to taxpayers throughout the Nation, and indeed, to our national defense.

We oppose this bill because it contains provisions changing depot maintenance law that would harm our States and undermine the DOD's ability to perform maintenance work in the most cost-effective manner. These provisions were designed for one purpose: To destroy planned competitions at McClellan AFB in California and Kelly AFB in Texas and funnel workload to public depots in Oklahoma, Utah, and Georgia.

To fully understand this complex issue, I want to provide the Senate with some background and recent historical context.

McClellan Air Force Base in Sacramento and Kelly Air Force Base in San Antonio were scheduled for closure by the 1995 Base Realignment and Closure Commission. Rather than automatically relocate the duties performed at these bases to other Government depots, the Department of Defense chose to privatize some workload by conducting a public-private competition.

Such privatization efforts were clearly authorized by the base closure commission's final report. Opponents of competition argue that the DOD's privatization initiatives thwart the intent of the BRAC, but this is simply not true. The report of the commission itself instructs the DOD to, and I am quoting the report, ''consolidate the remaining workloads to other DOD depots or to private sector commercial activities.'' It's right there: The DOD has the choice—either send the workload to other depots or to the private sector.

This interpretation of the BRAC Commission's action was supported by the ranking member of the Armed Services Committee, Senator LEVIN, during debate last week. Although Senator LEVIN and I disagree somewhat on this issue, he said last week:

I will state candidly that I disagreed with the assertion of the depot caucus that the Base Closure Commission prohibited privatization in place at Kelly and McClellan. The 1995 Base Closure Commission left it up to the Department of Defense to decide how to distribute the Kelly and McClellan work.

I hope Senator LEVIN's statement will put to bed once and for all the false assertion that competition at McClellan contravenes the BRAC process.

The DOD will not award workload to Kelly and McClellan automatically. Instead it has insisted that private bidders compete with public depots on the basis of quality and cost. In fact, the Department's first public-private competition for work at Kelly AFB was won by a public depot. After this result, how can anyone seriously argue that the process is biased in favor the private sector.

The Depot Caucus—a coalition of legislators from States and congressional districts with public depots—have made no secret of their opposition to public-private competition at Kelly and McClellan. They believe that without competition, work currently performed at those bases will be directed to facilities in their States—regardless of cost or quality. That's not what is right for our Nation.

In the House, Depot Caucus members were able to insert a provision into the DOD authorization bill that would have blocked privatization outright. The Senate bill initially included a similar provision, but it was removed prior to floor consideration. Thus, depot maintenance became a highly contentious issue for the DOD conference committee.

The senators from Texas and California, as well as affected members of Congress, worked very hard to reach a compromise with the conferees on the DOD authorization bill. At first, we were pleased to learn the Depot Caucus abandoned its strategy of blocking competition outright, and instead submitted a proposal described as a compromise.

This suggested compromise was supposed to allow competition to proceed, but would also guarantee a level playing field for both public and private bidders. When I first heard this description, I responded enthusiastically. Unfortunately, when I studied the alternative proposal, it became clear that it was simply a backdoor attempt to block competition.

To explain the depot provision included in this bill, I have compared it to a footrace in which all the participants—both the private contractors and the public depots—are placed equally at the start line and told the first competitor across the finish line wins. Unfortunately, in this footrace, the private sector competitors are forced to run wearing 100-pound ankle weights. That's not a fair competition, Mr. President.

But don't take my word for it. Listen to our leading opponent, the Senator from Oklahoma [Mr. INHOFE]. Following the announcement of the conference agreement, the Senator told his home State paper, the Daily Oklahoman, ''I think it's highly unlikely any contractor would want to bid'' on work at Kelly and McClellan, because of all the new requirements imposed by the bill. That article, titled ''Senators Agree to Provision Giving Tinker Bidding Edge,'' described in detail how the depot maintenance sections of this bill will give the Oklahoma Air Force depot an unfair bidding advantage.

Mr. President, the Senators from California and Texas don't want an unfair advantage. We only want a level playing field and a fair chance to compete. Unfortunately, this bill denies fairness to thousands of working families.

We remain willing to talk to the other side in an effort to reach a fair solution. During the conference, we were moving in the right direction and were close to an agreement. Frankly, we were very surprised when the bill was filed, closing the door to additional negotiations. We believed that a final was compromise in sight. However, once the conference report was filed, we had no choice but to use all of our procedural rights to block passage.

From the beginning, the Clinton administration has made clear that any provision that effectively stops competition will jeopardize passage of the DOD authorization bill. OMB Director Frank Raines reiterated that view in a letter sent to the majority leader on last week. In the letter, Director Raines advises congressional leaders that the President's senior advisors would recommend that the President veto this bill. I hope the President will take that advice and I hope Senators will vote to sustain that veto if it comes. This bill is bad for California, bad for taxpayers throughout the Nation, and bad for our national defense.

I want to mention another provision of this bill that I find objectionable—section 1211, which restricts the export of midrange computers.

On July 10, the Senate overwhelmingly approved the Grams-Boxer amendment, which required a GAO study on the national security impact of the export of computers in the 2,000 to 7,000 MTOPS range to tier 3 countries. Our amendment was offered as an alternative to a proposal to require U.S. companies seeking to export computers in this range to go through a cumbersome and lengthy review and licensing process. The Secretary of Defense, the National Security Advisers, and the Secretary of Commerce all opposed the original proposal.

Unfortunately, rather than accept the Grams-Boxer amendment, the conferees wrote a new provision imposing a number of procedural barriers to the export of midrange computers.

Specifically, the bill requires that prospective exporters wait 10 days before shipping, during which a variety of Government agencies could object to the sale. This requirement is overly bureaucratic, and in the opinion of national security experts, is simply not necessary.

The conference report allows the President to establish a new MTOPS threshold, but it requires a 6-month delay before the new threshold can take effect. I believe that the President deserves the flexibility to make the changes he deems appropriate. A 180-day notification to Congress makes it extremely unlikely that the high-performance computer control threshold will be increased fast enough to keep pace with this rapid technological changes that take place in this industry.

This provision will hurt the American computer industry for no good reason. The conferees should have listened to the NSC, the Defense Department, and the Commerce Department and left this issue alone.

Mr. President, I will vote against this conference report. We may have lost an important skirmish in the conference committee, but I believe the battle is not yet over. We will revisit these important issues in the near future. I remain willing to work with my colleagues to reach a compromise that will ensure fairness for the more than 2,000 California families who only want a fair chance to compete to keep their jobs.

Mr. President, what it comes down to is this. When the last Base Closure Commission issued its report and decided to close down Kelly Air Force Base and McClellan Air Force Base, it was determined by the administration that it would be very foolish if we didn't utilize these bases to allow private firms to come in and do the depot work at these bases. We called it privatization in place.

Specifically, in that BRAC, it was determined that privatization in place would be permitted at McClellan and Kelly, and that those private sector companies that came in would have an equal chance to bid on depot work. Let's face it, we know that around here. Everyone talks about, ''Oh, yes, we want to be competitive''; ''Oh, yes, let's bring in the private sector''; ''Oh, yes, let's run the Government more like a business.'' All that is fine except when something really happens and you get a chance to do it, you have the people from the States who will lose the work suddenly saying, ''This is a bad idea.''

There is language in this bill that is meant to destroy the competition that McClellan Air Force Base in California would offer and that Kelly Air Force Base in Texas would offer. They would take that work that could go to the private sector at an efficient rate, saving the taxpayers money, and instead funnel it to the public depots, the Government-owned, fully subsidized depots in Oklahoma, Utah, and Georgia.

It is extraordinary to me that the very same people who were on this floor for those States arguing day in and day out for a little private sector competition around here are the ones who are undermining the chance to have privatization in place at Kelly and McClellan, thereby saving taxpayers millions of dollars and saving thousands and thousands of jobs.

I think it is important to note that it is the position of the California Senators and the Texas Senators that we don't expect the work to be automatically given to McClellan and Kelly just

because they are privatizing. The DOD will not award work load to Kelly and McClellan automatically. Instead, the DOD has insisted that private bidders compete with public depots on the basis of quality and cost, and that is as it should be.

In fact, the first public-private competition for work at Kelly was won by a public depot. So I don't see how anyone could argue that the Senators from California and Texas are rigging the situation to assure work to our private companies at those bases.

But what you have is the Depot Caucus, a coalition of legislators from States and districts with public depots, trying to completely destroy the ability of McClellan and Kelly to compete. They know that without competition, the work currently performed at Kelly and McClellan will be directed to their facilities regardless of cost and quality. Mr. President, that is not right for this Nation.

What we had hoped in the conference was that we could reach some kind of agreement. Senator LEVIN worked very hard to try and reach some kind of agreement.

We were very disappointed. We thought we had a compromise that was going to work, but, frankly, it became clear to us, as we read the so-called compromise, that it would not guarantee fairness. It would not guarantee a level playing field.

If anyone has any doubt about it, they ought to look at what the Senator from Oklahoma said to his hometown press. He said in the Daily Oklahoman: ''It is highly unlikely any contractor would want to bid'' on the work at McClellan or Kelly. Even the headline of the paper said, ''Senators Agree to Provision Giving Tinker Bidding Edge.'' Of course, Tinker is a publicly owned depot.

So what we have here is a Senator from one of the affected States saying on the one hand there is a fair compromise on this bill and then running home to his hometown press announcing with glee that, in fact, Kelly and McClellan would be out in the cold. That is really where it is at.

So we have our colleagues who are saying on the one hand, yes, they want to be fair; on the other hand they are saying to Kelly and McClellan, you are at that starting point and now you can run with all of the public depots, and whoever wins, wins. What they don't tell you is that they put the equivalent of a 100-pound ankle weight on the people at Kelly and McClellan giving them a huge disadvantage. In fact, they are not going to be able to compete for the work.

There are those who swear that under the current language in the bill, the Department of Defense will be able to award some work to McClellan and Kelly. We don't hear that from our private sector people. They are saying they probably would not be able to bid, which is exactly what the Senator from Oklahoma said when he ran home to his hometown press to tell the world that, in fact, the language in the bill was going to disadvantage the workers at Kelly and McClellan.

I think it is important not only to listen to what Senators say on this floor but to read what they tell their hometown press, if you really want to know the truth. I think the Senator from Oklahoma made a big mistake by going home and telling everyone he had rigged the deal, but he did it, and now the truth is out.

Mr. President, the Senators from California and Texas do not want an unfair advantage. We only want a level playing field and a fair chance to compete. Unfortunately, this bill denies fairness to the taxpayers, first and foremost, because that is what we are about—quality products at the best price. Competition will make that happen. No, we are denying them that.

We remain willing to talk to the other side in an effort to reach a fair solution because, frankly, this bill could well be vetoed. This bill, the way it is currently written, goes back on a promise that was made to thousands of working families in Texas and California.

I also want to discuss another part of this bill which is very objectionable, section 1211, which restricts the export of midrange computers. On July 10, the Senate overwhelmingly approved the Grams-Boxer amendment which required a GAO study on the national security impact of the export of computers in the 2,000 to 7,000 MTOPS range to tier 3 countries.

Our amendment was offered as an alternative to a proposal that would require U.S. companies seeking to export computers in this range to go through a cumbersome and lengthy review and licensing process. The Secretary of Defense, the National Security Adviser and the Secretary of Commerce all supported the efforts of Senator GRAMS and myself on this matter. Unfortunately, when it got to the conference committee, rather than accept the Grams-Boxer amendment, the conferees wrote a whole new provision, a nightmare of procedural barriers to the export of midrange computers.

Nobody wants to see computers be exported that are supercomputers, computers that in fact could give one country the ability to develop weapons of mass destruction.

But these computers are in the midrange. Why would we restrict the export of computers that are made all over the world? We are putting our companies through a nightmare of bureaucratic procedures in order to export. I am really sad that the bill took this tack because it is behind the times and it does not reflect technology.

We ought to wake up. This is almost the 21st century. The computers that are being stopped from export shortly will be the computers in every office in the country. So we are putting our computermakers through this for no reason at all.

So, Mr. President, I will vote against this conference report. We lost an important skirmish in the committee, but I believe the battle is far from over. We will revisit these important issues in the near future if this bill is vetoed, which it is my understanding it will be. I hope that we can get together, all of us, on both sides of this issue, and resolve it.

So I will vote against this bill because it is unfair. It is unfair to workers. It is unfair to taxpayers. And, finally, it has unnecessary controls on midrange computers that are so out of date, we are disadvantaging our computer companies for no good reason at all.

Again, in closing, let me say, Mr. President, I look forward to sitting down with my colleagues in a new spirit of true compromise. There are ways we can resolve these problems. The Senator from Texas, Senator HUTCHISON, has been most dogged in her oversight of this. Senator GRAMM of Texas, Senator FEINSTEIN, and I, we want to find a fair solution. We are ready, willing and able to do that. I hope before the week is out, we will find a way to resolve this short of having a battle over a veto.

Thank you very much, Mr. President. I yield whatever time I may still have to the Senator from Texas.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. How much time do we have left on our side?

The PRESIDING OFFICER. Twenty-five minutes from the original grant.

Mr. GRAMM. I yield myself 15 minutes and save the 10.

How much is left on the other side?

The PRESIDING OFFICER. About 9 minutes.

Mr. GRAMM. Nine minutes?

The PRESIDING OFFICER. Nine minutes.

Mr. GRAMM. Zero-nine?

The PRESIDING OFFICER. Zero-nine, the total of which is, 09 plus the 25, 34.

Mr. GRAMM. I want to thank you for the recognition.

Let me try to go back and explain to people who may have come into this debate in the middle what this is all about, why it is so important, why four of us have in essence held the Senate up for 7 days in considering this bill and why the issue is important to you whether or not your State will ever have a private contractor who competes for a contract or not.

Let me go back 3 or 4 years and try to set the whole thing in perspective.

First of all, as we are all painfully aware, we have cut defense spending since 1985 by about 35 percent. That has taken a very, very heavy toll on maintenance and procurement and modernization. We have not correspondingly reduced the overhead of the military. We have more nurses in Europe than we have combat infantry officers. We still have a bureaucracy that is

leftover from the cold war. So this 35 percent cut that has been implemented since 1985 has had a profound impact on the military.

That is something that all sides of this dispute agree on.

Obviously, you would think that with defense being cut by 35 percent, with the modernization program being dramatically reduced, with operations and maintenance being bled by cuts, and with the President spending billions of dollars now on a deployment in Bosnia, that the one thing we would all agree on is that we want to spend the money that we do have efficiently. You would think that this real tight budget that we have would at least produce unanimity that we ought to try to spend the money as effectively as we can spend it.

In one of the most incredible paradoxes that I have observed, exactly the opposite is occurring. At the very time when we do not have enough money for defense, at the very time that we are not modernizing the weapons systems that need to be modernized, at the very time that we are not maintaining our equipment, at the very time that recruitment and retention in the military is being affected and we are not meeting our quality goals in recruitment in the services, at the very time that all of those things are happening, rather than pulling together to try to get the most we can out of the money that we are spending by having more competition, we have exactly the opposite occurring.

The opposite is occurring because there is a group of Members in the House that have an organization called the Depot Caucus. Basically, these are House Members who have a military depot in their district. A military depot is a Government facility that does defense work, principally maintenance.

What these Congressmen have done is concluded that with declining defense work, what they want to do is stop price competition and force the taxpayer to do defense maintenance work in their depots. That is what this whole issue is about. Now, it has been building for 3 years. For 3 years we have had this battle with the Depot Caucus in the House. For 3 years they have tried to get language in the defense bill that mandates that money be spent inefficiently by limiting competition.

Finally, this year, after a 3-year knock-down, drag-out fight, they have in the bill as it is now printed 12 pages of language that have one objective. That one objective is to guarantee, to the extent that they could guarantee it, that price competition will not be allowed in those areas where we have these defense depots and that defense maintenance work will go to these Government facilities. That is basically what this issue is about.

Now, under our current system where we are beginning competitive bidding, let me give you one example of what it produced.

We had competitive bidding for the maintenance of the C–5. That is the great big transport plane, for those who do not know what the C–5 is. It was put up for bids. Interestingly enough, a Government depot won the bid. But they bid $190 million less than the costs that we are currently performing the work for. How were they able to do it for $190 million less? They were able to do it for $190 million less because they had 500 workers hidden away in their overhead that they were able to put doing work on the C–5, and they were able to do the work with 700 employees rather than the 1,200 that are doing it now.

Who benefited from that? Well, I guess you could say these 500 people who were hidden away in the overhead, maybe they did not benefit. But every taxpayer in America benefited because we are doing the same work on the same critical weapons system, and we are doing it for $190 million less.

What the language of this bill would do, to the extent that they were capable of doing it, would be to stop that type of competition from occurring and mandate that that work be done in a Government depot, even though it might mean $190 million of additional cost to the taxpayer.

Now, what is it that we want? Then I will explain to you why we want it.

What we want is competition. What we want is to give the Defense Department the ability to compete this work, which they support. This is one of these rare instances where President Clinton and some Republicans are on the same side. The President wants to put this work out for competitive bidding, and he wants the contracts to go to the people who can do it for the smallest amount of money.

The language of this bill attempts to stop that from happening. Now, why are we specifically involved? Well, partly we are involved because I care about $190 million on one contract and potentially a couple of billion dollars a year—a couple of billion dollars a year—that will be squandered if we do not have effective competitive bidding.

Second, my State is a State that wants to have the opportunity to bid. So does California.

Now, let me digress for a minute and talk about base closings. We have had three Base Closing Commissions. I was an original cosponsor of the Base Closing Commission bill. I vigorously supported it. I have voted for the conclusions of every Base Closing Commission. And every one of them has closed a base in my State.

Did I like it? No. I hated it. Did I think you should close bases in other States where their Senators were not as supportive of defense as Senator HUTCHISON and I are? Yes. That would have been eminently fair and reasonable in my mind and would have probably been good for the country.

But the point is, I am committed to the process of closing bases. I could not very well say, when the commission decided to close them in my State, that I am for closing them in Massachusetts; I am just not for closing them in Texas. Well, when we committed to a technical process, I supported it.

Now, when the decision was made to close Kelly Air Force Base in Texas and McClellan Air Force base in California, we were in the midst of a Presidential campaign. So is anybody surprised that the most talented politician of our era, Bill Clinton, jumped right in the middle of it with both feet up to his eyeballs? I was not surprised. Nor is there any Member of the Senate that in similar circumstances would not have done exactly what Bill Clinton did and probably more.

What did Bill Clinton do? He came to Texas. He went to California. We are the two largest States in the Union. I do not need to explain to people how the electoral college works in electing Presidents. And he stood there, tears welling in his eyes, and talked about feeling our pain.

He did not go so far as to lay down in front of the bulldozers, and just as they were getting ready to grind him into dust, to have his faithful staff run in and pull him out, him shouting that he wanted to die rather than see it happen. He did not go quite that far, but he was very effective.

For our colleagues who say, ''Well, the President played politics,'' he played it very effectively. And any one of us would have. But the point is, he did not do anything. The Base Closing Commission report said that one of the options that was available to the Air Force—they wrote it out in the Base Closing Commission report—was to put the work up for competitive bids. And if private contractors could come into the empty facility that would no longer be an Air Force base in Texas, would no longer be an Air Force base in California, if they could compete for the work and win it, they would get it.

The President, of course, wanting the electoral votes of Texas and California, thought this was just one great idea. And he talked about it. He was supportive of it. And he was effective at it. But the point is, the Base Closing Commission made the decision. And now the Pentagon is trying to carry it out. Now some of our colleagues say, well, because the President gave a political speech in Texas or California, somehow he tainted the whole process.

That, Mr. President, is not borne out by the facts. The Base Closing Commission report specifically set out the option of competitive bidding.

We have had our first competitive bid, saving $190 million. Interestingly enough, a depot, a Government facility, won the bid by taking 500 workers out of featherbedding and by putting them on the project, and everybody benefited $190 million.

Now, what our colleagues are trying to do is to come in and say that has to stop, that we cannot let contracts on any competitive basis until all these conditions are met with regard to

using these Government facilities, and they have 12 pages of all of these conditions, which boil down to no competition.

In trying to reach a compromise, in working with the Pentagon and the White House, we came up with four simple changes that we said, if you will make these four simple changes, we will swallow hard and we will take this bad language. What were the changes? No. 1, was for commercial items. Those are items that are sold on the general economy; for example, maintaining the engine that is used on airliners. Obviously, airlines maintain their own engines. They are very efficient at it and can do it much cheaper than the Government can do it. So the Pentagon said don't force us to do routine maintenance on things in defense depots that are used by the private sector. Let us competitively bid it, and airlines will compete. We might save 40 or 50 percent on bids. That is the first thing they wanted. Those who are for this language say, no, we don't want American Airlines to maintain the same engines they maintain. We want the Government to do it.

The second thing we asked for was the change of one word. It is a very important word. It is complicated, but the principle is very simple. The principle is that our colleagues tried to write into the bill language to ''ensure the full utilization'' of all of these Government depots. The problem is, if you are forced to fully utilize them, then you can't have competitive bidding because there is not that much work. What the Defense Department wanted to do, they were willing to commit to promote the utilization of them, to try to utilize them, but they wanted to have the ability to engage in competitive bidding. So they asked that we substitute ''promote'' for ''ensure.'' They asked when you are going to have public-private teaming on these bids, they at least have an opportunity to figure out how they could keep Government facilities from hiding costs to balance the bidding process.

Finally, they wanted the ability to take into account cost and performance risk in these competitive bids. The answer on all of these things was ''no.''

So what is the issue that is before the Senate? The issue that is before the Senate is, in a defense budget that is inadequate, in a defense budget that is bleeding modernization and maintenance, should we have 12 pages of language that attempts to preclude competitive bidding that could save billions of dollars for the taxpayer, could allow us to improve pay and benefits, that could help us recruit and retain the finest young men and women who have ever worn the uniform of the country, savings that could help us procure miracle weapons that could protect American lives in the future, and that could maintain the quality maintenance of our equipment and the training of our people? Or should we forgo those savings and simply guarantee Government depots a monopoly, for all practical purposes, on doing this work? That is the question.

The PRESIDING OFFICER. The Senator has used 18 minutes. There are 16 minutes remaining.

Mr. GRAMM. Those of us who oppose this bill say we want competition. That competition is critically important.

We have asked and the President has committed to veto this bill. He is going to veto this bill because it is anti-competitive, because it cheats the taxpayer, because it cheats the men and women who wear the uniform of this country by squandering money that could go to improve the operation and maintenance of their equipment, to modernize their equipment and to provide pay and benefits that would keep the best and the brightest in the service. So that is what this issue is about. It is about competition. This is a debate that has been building for 3 years. Every year we have had this cry that really boils down to this: Defense is being cut and so Government depots have a right to be monopolists on this defense work. Even if it costs more, even if billions of dollars could be saved, they have a right to it. What we have done in this bill, I am sad to say, is we have turned defense into welfare. At the very time when we need efficiency and economy, we are denying it in the name of protecting special interests. I think it is fundamentally wrong.

Now, I don't deny that competition would benefit my State because we have facilities that private contractors would like to use to bid. But the point is they can't get the work if they don't do it cheaper and if they don't do it better. What we want is competition. That is what we have fought for.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield 10 minutes of my time to the control of the two Senators from Utah.

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

Mr. HATCH. Mr. President, I would like to be notified when 5 minutes have expired.

I understand well the consternation of my good friends from Texas and California. My State of Utah has been there, too. We have suffered no less a proportionate loss of jobs and installations from the past Base Closing Commissions. The great difference here is we are a small State with just five electoral votes.

The conference measure gives California and Texas, vote-rich States, something that Utah and other States never had, a second chance at life through a Presidential circumvention of the very BRAC process that the President himself previously enthusiastically supported.

My friends from Texas and California had several months to work out a compromise. Under the threat of Presidential veto and Senate filibuster, the Armed Services Committee and the Senators and staff from such States as Alabama, Florida, Georgia, North Carolina, Oklahoma, and Utah, among others, the so-called depot States or depot caucus States, which included Texas and California on other issues, have accommodated our friends. We could not be more sympathetic to their losses, which, after all, involve real people and families. As I said earlier, we have all been there.

But we have given them just about everything they want, even though—I repeat, even though—what we give them we do in a zero-sum sense. That is because we are giving up something that our people won and earned from the BRAC process and must now share. Our generosity in this sense goes beyond mere fairness and magnanimity. It is closer to sacrifice.

Let me tick off some of the sacrifices.

We allow competition for work that was originally designated for our depots by BRAC.

We allow the Air Force's tier I depot, Hill Air Force Base, which has the highest military value, to bid for something rightfully owed to Hill, against McClellan Air Force Base, a tier III depot, or an installation with the lowest military value, according to Air Force assessments.

We allow these same tier III depots to bid to keep the work there despite the $400 to $700 million higher cost to the taxpayers that the GAO and the Air Force have identified.

Mr. President, that is sacrifice. But I say enough is enough. It is one thing for us to squawk and scream at each other on the floor of the Senate. We need to move ahead now and address this matter in the way it should be addressed.

Hill Air Force Base also hosts two Air Combat Command air tactical fighter wings, one of which is an Air Force Reserve unit. These units are rotating to fulfill this Nation's peacekeeping missions in the Middle East and in Bosnia.

What does that mean to us here today? Military persons are required to put the mission before all else: personal well-being and safety, family, and virtually everything else that matters. So important is this commitment that we have constructed a separate body of law called the Uniform Code of Military Justice, which allows military and civilian authorities to enforce and defend, where necessary, the obligation of self-sacrifice. Cowardice or desertion in the face of the enemy, for example, carries severe penalties.

Having imposed such heavy obligations on the courageous men and women of our Armed Forces, we now find ourselves delaying the availability of the equipment and means they need urgently to execute their missions.

So this bill needs to pass. We should not hold up the $93.8 billion for operations and maintenance, which is to say troop training and equipment

maintenance. We don't want to deny a pay raise of 2.8 percent for these folks in the military who need it so badly at a time when highly trained air crews are leaving at alarming rates. We don't want to deny bonuses based on years of service and skills or delay the implementation of studies to correct deeply rooted gender discrimination and abuses.

Improvements of family housing, which is sometimes so awful I wince at some, we don't want to delay that.

The President's request for $2.1 billion to move ahead on the F–22 program, the airplane to replace the F–15C, the work horse of the Air Force fleet, we don't want to delay that.

I could go on and on. I believe my point is made. We in Utah made our sacrifices. We shouldn't have to make these sacrifices. The President should have lived up to BRAC to begin with.

Delaying this bill means increased risk for military persons putting their lives on the line:

We are holding up $93.8 billion for operations and maintenance, which is to say troop training and equipment maintenance.

We are denying them a pay raise of 2.8 percent.

At a time when highly trained air crews are leaving the services at alarming rates, we are denying bonuses based on years of service and skill levels.

We are delaying the implementation of studies to correct deeply rooted gender discrimination and abuses.

Improvements in family housing, which is sometimes so awful I wince in shame, are delayed.

The President's request for $2.1 billion to move ahead on the F–22 program, the airplane that will replace the F–15C, the work horse of the Air Force fleet, will also be delayed.

Mr. President, I can appreciate that my good friends from Texas and California want to protect the interests of their States. But, they want to change the rules of the game after they've lost in fair play.

To help us make the really tough decisions about base closures, we created the BRAC process. We—Congress—created this mechanism to decide what bases to close and which to keep open.

Congress itself selected several of the BRAC Commissioners; and, I heard no grievances about the criteria used by the Commission to make its recommendations. The process enjoyed the support of Congress and the administration. And, I believe that it has been managed by fair-minded men and women and staffed by nonpartisan, skilled analysts. It is probably about as objective a decisionmaking process as you are going to get.

During the BRAC 95 round, it was determined that Kelly and McClellan should be closed. I can understand why my colleagues from Texas and California are not happy about that—I was not happy when previous BRAC rounds put Tooele Army Depot and Defense Depot Ogden on the closure list.

But, so far, those of us who represent States that have lost bases because of BRAC have not tried to jury-rig a method for keeping Federal dollars coming to a base on the closure list.

The Clinton administration has inexcusably tampered with this process. In proposing privatization in place, the Clinton administration put electoral politics ahead of the integrity of the BRAC process, weakening the investment value of already shrinking defense dollars.

No one has greater cause for protest on this floor than my colleague from Utah and myself. Utah, along with Oklahoma and Georgia, have been made the real victims of the President's tampering with this process.

In the case of Utah, the administration's original proposal would have starved Hill Air Force Base of the work needed to maintain its own efficiency.

The Ogden Air Logistics Center at Hill AFB is rated by the Air Force as its No. 1 depot. It received a tier I rating, meaning it has the highest military value. By contrast, Kelly and McClellan were rated as tier III installations, those having the lowest military value.

The original changes to BRAC proposed by the President could have been made only by dismissing merit as a criteria. It is no different than telling a grade school student that, although he or she is the top academic performer in the class, the honors will go to a less proficient teacher's pet.

It is no wonder that the workers at these depots are offended by this message. The American Federation of Government Employees [AFGE] has vigorously opposed privatization in place—not just because private contractors would be allowed to take over work, but also because the quality of their work and the dedication of their members to America's defense has been given such short shrift.

Nevertheless, Mr. President, Utah has a proud legacy of strength in adversity. The great majority of Utahns are descended from pioneers who pulled handcarts halfway across America. Utahns came together with ideas and resources and determination to overcome defense losses. We have long since absorbed the more than 5,000 jobs that previous BRAC's and DOD downsizing have cost us. Our losses are just about proportionate to those experienced by defense closures in Texas and California, considering the relatively smaller size of our workforce.

But, I would like to point out that Utahns were working without a net. A net that the Clinton administration has graciously—but without justification, in my opinion—provided to Texas and California in this latest BRAC round.

But, now let's talk about the compromise adopted by the Armed Services Committee in this legislation.

First of all, as my remarks would indicate, I am strongly opposed to this sleight of hand known as privatization in place. I simply do not see that Federal dollars to contractors to perform the same work done by Kelly and McClellan—and which should have been redistributed to Hill, Warner-Robins, and Tinker—is a savings. Instead of consolidating, all that is achieved with this policy is maintained excess capacity. GAO reported that this concept would actually cost $468 million per year.

Instead of five depots with excess capacity, we now have three depots and private contractors at Kelly and McClellan. This effectively locks in excess capacity at the three remaining depots and would sign their eventual death warrant.

Let's be clear about one thing: This conference report does not repudiate privatization in place. It does not consolidate workload. Score a big one for President Clinton and for my Texas and California colleagues.

But, though I would cheerfully chuck this whole concept, I can accept the compromise plan developed by the conferees. The provisions in the conference report at least allow fair competition for the maintenance work and will not stack the deck against Utah and the other similarly affected States.

In my view, Utahns can compete with anyone. Our work force, our technology, our efficient State and local governments, and our cooperative spirit have been staples of the Utah economy.

Some of the fruits of that spirit are the facts that:

Salt Lake City was selected—after one of the toughest competitions you can imagine—to host the Winter Olympic Games in the year 2002;

Business Week has called Utah the software valley of the world;

Utah has the highest educational level in the country, according to the U.S. Bureau of Labor Statistics;

We are ranked second in the Nation in job creation;

We are second in economic growth, which for 1997 is estimated at 6.9 percent. This is well above the 2.5 percent average economic growth rate for all States, according to the U.S. Labor Department;

Despite our small size and being an insular State, 17 percent of the adult population speak a foreign language, many fluently. Utah is the site of the Army's only linguist brigade, a reserve unit that in wartime will bring forward nearly 3,000 accomplished speakers of more than 20 languages. And, I might mention that the city of Provo, UT, beat out New York City and Los Angeles as the site selected by the Army to locate this unit.

These achievements do not entitle my State to anything. There should never be any guarantees—no free passes. But, this exemplary track record does mean Utah has earned the chance to compete fairly, without having to play by rules that do not apply to others.

The Air Force knows the value of Utah well. The BRAC Commissioners

learned it quickly. And the workers from Kelly and McClellan understandably wanted to share it.

Utah's military value is unmatched. Our former colleague, Senator Jake Garn, fostered its development as a defense technology mecca. Former Governor Norm Bangerter added 20,000 aerospace jobs to the State during his tenure, which ended in 1992. Today, Congressman JIM HANSEN, a longtime member of the House National Security Committee, has led the effort to sustain the high quality of Utah's defense installations.

Mr. President, Utah has made a commitment to national defense. I am in no way questioning the motivation of others who have enjoined this debate; but, the level of investment and record of excellence exhibited by Hill, Warner-Robins, and Tinker, is a reason for making sure that the Federal Government conducts a fair competition.

This conference report sets the stage for an acceptable process of fair competition. I expect that the Clinton administration will judiciously carry it out, and I will, of course, be following the implementation of these competitions closely.

We have crafted a compromise that goes beyond mere equity and fairness. Utah, Oklahoma, and Georgia, after all, are directed to give up something they've earned—which is the right to perform the work BRAC stated they should have. That is an indisputable fact.

And, perhaps this is a good time to remind my colleagues who do not believe that they have a dog in this fight that, if the rules can be changed to put Utah, Georgia, and Oklahoma at a competitive disadvantage, they can be changed to put your State at a disadvantage as well. Tampering with the BRAC process is a slippery slope.

Back in July, I questioned Air Force Deputy Secretary Rudy DeLeon regarding several competition procedures. I ask unanimous consent to enter these questions and his responses for the RECORD, Mr. President.

I accept Mr. DeLeon's responses as commitments by the Air Force. I am pleased that these commitments have been incorporated in principle or in explicit language in the depot provisions of the bill.

The only exception regards the protest rights of the bidders. Under the President's original plan, public depot bidders, like Utah's Hill and Oklahoma's Tinker, would have been denied the normal rights of protest available to private bidders. Under the conference agreement, any public depot-private contractor team could pursue a protest through the inherent rights available to the private team member.

In closing, Mr. President, I want to say that I intend to audit, oversee, and examine the details of each competition in the most minute detail. I will insist not only on compliance with the letter of every appropriate competition statute and regulation, but also with the nonstatutory language and other administration commitments found elsewhere in the legislative history of this debate. The danger of compromise is that those who implement it have the ability to spin things their own way.

Members of both the House and Senate Armed Services Committee have invested significant blood and sweat on this issue. I appreciate the extraordinary effort by Senators THURMOND, WARNER, and LEVIN. I also want to acknowledge the assistance of Senator LOTT. Every now and then we needed a referee, and he was a fair one. At the end of the day, I believe we have come up with a compromise that is workable, and I have every expectation that the President will agree.

It has also been a pleasure working with my colleagues from Oklahoma and Georgia, and, of course, my partner from Utah, BOB BENNETT.

Last, but not least, I want to thank my colleague, the senior Utahn in the House, Congressman JIM HANSEN. JIM fought his guts out to make sure that Hill Air Force Base has a fair chance. And, I don't think this issue could have been as successfully resolved without his work in the other body.

Mr. President, I believe we have reached a satisfactory resolution of this thorny issue. I urge all Senators to support it.

Mr. President, I ask unanimous consent questions and answers in the Senate Armed Services Committee confirmation hearing be printed in the RECORD.

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

QUESTION FOR THE RECORD, SENATE ARMED SERVICES COMMITTEE CONFIRMATION HEARING—JULY 17, 1997

*Question A1.* Senator HATCH. Contract term. Why was a 5-year contract with three option years selected? Is this a customary period for such workload contracts? What are the criteria for determining whether 3 plus year extensions to contract performance will be granted?

Answer. Mr. DE LEON. The contract period of performance is a critical decision in the acquisition strategy process and is based on factors peculiar to the particular acquisition. The contract needs to run long enough to attract serious bidders and bids favorable to the government. A contract shorter than 5 years would likely fail to provide sufficient time for bidders to recover their initial investment expenses and realize cost savings. In other depot maintenance and contractor logistics support contracts the Air Force has used five year periods. Over the past 5 years the Air Force has found it cost effective and beneficial to write contracts for 10 or even 15 years, basic contract and options combined. For example, many contractor logistic support contracts, such as JPATS, C–12 and C–21, run 10 or 15 years. Additionally, the Arnold Engineering and Development Center contract is a 5 year basic with a 3 year option. With options, the government always has the flexibility to not exercise the option(s) in order to recompete the work if the incumbent is not performing satisfactorily.

The inclusion of options (three, one-year extensions to contract performance) under an innovative ''award term'' approach is being considered for the workloads at McClellan to provide additional incentives to the winner to deliver cost-effective, reliable products to the customers. In the case of award term, continuation of the contract is awarded for exceptional performance. This type of approach is designed to incentivize the winning competitor to lower costs and provide exceptional performance to the Air Force.

*Question A2.* Senator HATCH. Best Estimated Quantity (BEQ). The BEQ for the KC–135 aircraft is offered at 35–40 annually. What is the current rate of serviceable KC–135s entering depot level maintenance annually? If the current number is smaller, how does the Air Force plan to raise the number to the RFP BEQ?

Answer. Mr. DE LEON. The draft request for proposal (RFP) contains two separate pricing schedules for KC–135 maintenance. The first schedule is based on an annual BEQ of 15 aircraft, and an aggregate BEQ of 75 aircraft over the period of performance. The second potential schedule is based on an annual BEQ of 35 with an aggregate BEQ of 175 aircraft over the period of performance. The final RFP will contain only one of these pricing schedules. The determination of the schedule for the final RFP will be based on the best estimate quantity at that time.

Recent trends show 100 KC–135s inducted for programmed depot maintenance in FY96, 77 expected in FY97, and 83 projected for FY98. These include inductions to all sources (OC–ALC, SM–ALC, and contract). The Air Force is considering the higher quantity to allow for the cost savings derived from economies of scale.

The current total inductions of KC–135 aircraft are well above the contemplated BEQs.

*Question A3.* Senator HATCH. Twenty-five percent cost savings. It is my understanding that the Air Force anticipates a 25-percent cost savings during the first five years of the contract. How was that number calculated?

Answer. Mr. DE LEON. The Air Force believes the best opportunity for savings can be achieved through a fair public/private competition. Since the competitions are not yet completed, the Air Force cannot, at this time, be sure what the savings outcome will be; however, the Air Force anticipates that it will be significant.

*Question A4.* Senator HATCH. Excess capacity costs. GAO estimates that the Air Force cannot achieve cost savings from excess capacity that will remain under the current privatization-in-place concept. The audit agency reports that higher prices can only result. How do you respond to GAO on this matter?

Answer. Mr. DE LEON. The Air Force is not privatizing in place but rather, conducting public/private competitions. Under these competitions, the public and private bids will be evaluated to ensure that any potential consolidation savings and resulting recurring and one-time costs are carefully considered in the decision process. This includes considering capabilities, risks, costs and savings in evaluation of both the public and private bids. Along with public/private competitions, the Air Force will look at eliminating excess capacity using strategies such as transferring workload, partnering with industry, and reducing infrastructure.

*Question A5.* Senator HATCH. Transition costs. My interpretation of the section on transition costs in the December 1996 Public Private Competition documents [hereafter: ''PPC''], and page 32, secs. a-b specifically, tells me that the public bidder must show adjustments for such personnel costs as severance pay, relocation, VERA/VSIP, etc. Yet, I believe these costs are covered by congressionally appropriated funds under BRAC. How does the private bidder account for these costs in its bid submission?

Answer. Mr. DE LEON. The intent of the language on transition costs in the December 1996 PPC documents was to have the public and private bidders provide a list of all of the transition costs included in their proposals. This would allow the cost proposal evaluation team to determine whether all appropriate transition costs were captured and, if not, make the necessary adjustment. For cost comparison purposes, the Air Force did not need to distinguish between BRAC and non-BRAC funded costs since they are both included.

*Question A6.* Senator HATCH. Depot facilitization and upgrade costs. What is the comparable state of the depot facilities at Ogden and Sacramento—more specifically: what improvements have been made to each depot, at what aggregate cost, over the past five years? In addition, please comment on the following related topics:

a. Do both public and private bidders account for personal and real property (equipment and facilities) over the contract term?

b. If the question at sub-sec. 6a is answered in the negative, how does the competition comply with policy (DOD 7000.14R) and cost accounting standards which seem to require identical treatment of depreciation by both classes of bidders?

Answer. Mr. DE LEON. Capital investments in facilities, equipment and other infrastructure have been made in planned modernization strategies by McClellan and Ogden to perform their designated mission workloads. New facilities are acquired and maintained through the MILCON, minor construction, and Real Property Maintenance (RPM) programs. Capital equipment is replaced, added, and upgraded through the Capital Purchase Program (CPP).

For FY90–96 (projected end of year), investments for these two bases include the following:

[In millions of dollars]

| | McClellan | Ogden |
|---|---|---|
| MILCON | 38.75 | 25.9 |
| RPM | 41.3 | 45.8 |
| CPP | 49.3 | 57.8 |

(a) In the case where equipment and facilities are purchased or acquired for the proposed workload and would not otherwise have been purchased or acquired, both public and private bidders will account for such assets over the contract period of performance.

(b) N/A

*Question B1.* Senator HATCH. Rights of protest. Do public and private bidders have identical rights of protest? If not why not?

Answer. Mr. DE LEON. No, public and private parties do not have identical rights, primarily as a result of statutory provisions of law relating to bid protests.

*Question B2.* Senator HATCH. Personal property rights. My interpretation of 32 CFR Part 91.7, para. (h)(5)(l) and (v), and 10 USC 2687 suggests that a successful public bidder may acquire personal property such as equipment, from Kelly or McClellan where such property is required for the operation of a unit, component weapon, or weapon system transferring to the successor public depot as a consequence or outcome of competition or realignment. These rights, I believe, also accrue to the successful public bidder where the property meets the needs of an authorized program and which would otherwise require the government to expend monies to acquire similar equipment if the transfer was not made.

Do you dispute this interpretation?

Answer. Mr. DE LEON. I agree that under 32 CFR Part 91.7 (now 175.7) if personal property at Kelly or McClellan is required for the operation of a depot function transferring from one of those bases to another public depot as a result of the public-private competition, then such property may be transferred to the successor public depot. August 1996 Air Force guidance explicitly provides that ''if another DoD depot wins a depot maintenance competition, or limits of federal statutes require certain depot maintenance workloads remain under governmental control, then the associated personal property will be transferred as required.'' In addition, the regulation provides that personal property may be removed from the installation when ''the property meets known requirements of an authorized program of another federal department or agency that would have to purchase similar items. . . .'' These regulations are fully consistent with the statutory provisions in the GRAC Act, §2905(b)(3)(E), set out as a note to 10 U.S.C. §2687.

*Question C.* Senator HATCH. It is my understanding that the Source Selection Evaluation Board (SSEB) activity has been restricted to the compilation and submission of bids to the Source Selection Advisory Council (SSAC). The Source Selection Authority (SSA), however, will be situated within the Air Force secretariat. I appreciate the foresight demonstrated by the Air Force in restricting the Air Logistics Command acquisition authorities from award making. However, what assurances does Congress have that the SSA will not submit to political influences that could distort a truly merit-based award?

Answer. Mr. DE LEON. The policies and procedures that were developed and published in ''AFMC Procedures for Depot Level Public/Private Competition'' addressed the roles, relationships and responsibilities to ensure a level playing field and a merit-based award. This was further augmented by the Cost Comparability Handbook which provides standardized procedures and techniques to ensure cost comparability when competing depot maintenance workloads. The Source Selection Authority is a career civilian who over the past 28 years has been the source selection authority on many critical programs, including most recently the Space Based Infrared Radar System, Airborne Laser, Joint Directed Attack Munitions. The SSA chaired the source selection advisory council for the Joint Strike Fighter, the Evolved Expendable Launch Vehicle, and the Joint Air to Surface Stand-off Missile. The SSA has an impeccable record of integrity and objectivity.

Mr. BENNETT. I thank my colleague for his summary of the circumstance with relation to Hill Air Force Base. I want to take my 5 minutes and refer to the arguments made on the floor.

We have heard that the bill as currently constituted contains 32 pages of anticompetitive language. I challenge that, Mr. President. I believe it contains 32 pages of rules by which the competition will occur.

Do we refer to rules as anticompetitive when they establish the framework in which a competition will happen? I will take a sports analogy. Is it anticompetitive when there is a referee on the floor that prevents one player from fouling another in a basketball game? If I have a team filled with very rough players, I consider that anticompetitive. But if the purpose of the game is something other than to beat each other up, but to score baskets in the form of the rules of the game, the existence of the referee and, yes, the rule book which runs for more than 32 pages, in fact, enhances competition rather than cuts it down.

Mr. President, 32 pages of oversight language. I must report my own experience with this issue. We have only one set of numbers before us as a Congress as to what happens with privatization in place, and those are the numbers that come from the GAO. The GAO says if you proceed with privatization in place, it will cost the taxpayers over half a billion. That is not right, says the Air Force, nowhere near, we will save money with competition. I said, fine, give me the numbers. ''We don't have any numbers. We just know we will save money.'' I had Sheila Widnall, the Secretary of the Air Force, in my office. I asked for numbers. She refused to give me any and just said, ''We will save money. GAO is wrong.'' If GAO was wrong, give me specifics. No, the Air Force said, we won't give you specifics. Just trust us that they are wrong.

General Babbitt was put forward as the general who would command this activity. I held up his nomination until he came to my office. I said, ''General, you are undoubtedly qualified for this. I will let you go forward. But there is something I want from you before I will let you go forward.'' He said, ''What is that?'' I said, ''I want you to agree to give us the numbers. If indeed you can improve that privatization-in-place will save taxpayers dollars, you ought to be able to prove that with numbers rather than rhetoric. If you have those numbers I want you to be willing to share them with the Congress.'' He looked at me and said, ''Why, of course, Senator, we will be happy to share those numbers.'' I said, ''General, you are the first person in the Air Force ever to agree to do that.''

That is all we are asking for, a little sunshine here, not quite so much rhetoric and not so much ''trust me,'' a little sunshine, a little oversight, a little understanding. So in these 32 pages that have been attacked, there are requirements that the Air Force tell the Congress how much money they are spending, how much money, presumably, they are saving and how they are following the rules, and then have those numbers reviewed by the GAO.

Is this so anticompetitive, if you are saving the taxpayers millions or hundreds of millions of dollars, that you are willing to share the information? I don't think it is anticompetitive at all. I think, again, it is like the rule book in a basketball game that says: These are the rules and there will be a referee to enforce them. The rules are fairly voluminous, but the end result of the rules is that you have a game that works.

We have been told again and again, ''no, we believe in competition.'' I believe in competition. But I believe in competition in the open. I believe in competition where the information is available, particularly to the policymakers in the Congress.

So, Mr. President, I hope that this bill passes. I hope the President signs it because I think we can pass it by a

wide enough margin to send a veto-proof message to the White House, and I hope when it's over, we will then, by virtue of the language that has been added to the bill on the depot issue, as a Congress, be able to see what is done, be able to understand what is done and, if at that time they come back and say we would save the taxpayers this much money, and they get specific with numbers, I am perfectly willing to have them spend that money on privatization in place. But I am not, Mr. President, willing to accept a ''trust me'' attitude, given the history of the Air Force's unwillingness to talk to us on this issue up to this point.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, how much time remains of my 30 minutes?

The PRESIDING OFFICER. Fifteen minutes.

Mr. STEVENS. Mr. President, I want this record to reflect my disappointment with the levels authorized in this bill for the National Guard.

Since the end of the cold war, we have undertaken the most massive restructuring of our military forces since the end of World War II.

The cornerstone of these initiatives has been greater reliance on the National Guard and Reserves to meet both day-to-day and major crisis military requirements.

Sadly, the bill before the Senate retreats from, and does damage to, the expanded role for the Guard.

This year, tens of thousands of Guard and Reserve personnel have been deployed to Bosnia, Haiti, Southwest Asia, Central America, and Korea.

By the account of every regional commander in chief, they have performed these duties with a level of professionalism and excellence indistinguishable from the Active Force. They are simply that good.

Their performance in the field merits the total support of the House and Senate.

The Guard and Reserve comprise 38 percent of the total force. However, funding for these components in this bill equates to only 8 percent of the total funding for the Department of Defense.

The cost of forces in the Guard and Reserve is less per capita—significantly less than the active components.

But 38 percent of the force deserves more than 8 percent of the available funding. The Guard needs modern, new equipment. They need training—particularly flying hours and adequate maintenance money for tanks, trucks, and other vehicles.

They need ammunition and travel money. They need the funding to continue to be fully ready to deploy.

This bill does real damage to the force structure, readiness, and morale of our National Guard.

Fortunately, the Defense appropriations bill passed by the Senate last month does provide the increased funding for the Guard.

The Defense appropriations and military construction bills achieved a real bipartisan consensus in support of the National Guard.

We carefully reviewed the needs identified by the National Guard and Reserves.

We allocated funding to meet their most urgent personnel, readiness, and modernization priorities.

The National Guard and Reserves cannot be asked to take on more missions, more deployments, and more responsibility without the support of Congress. This bill fails that test.

The levels authorized in this bill would require a 5,000 personnel reduction in the Army National Guard.

This bill authorizes $108 million less in the vital Army Guard Operation and maintenance account that was appropriated by the Congress and signed by the President for 1998.

This bill reduces funding for the Air National Guard by almost $14 million.

I regret that on the levels provided for the National Guard there are these differences between the 1998 authorization and appropriations bills. I do not regret the actions we took in the appropriations bill, which provided greater support for the National Guard.

Even that was not enough. Our committee deserves to be criticized also for not having provided even more. But this bill means we can't spend the money we have already appropriated.

There are other differences between our two bills—especially in the procurement and research and development accounts.

Our committee worked hard to pass an appropriations bill early that incorporates the Department's and the Senate's priorities.

We attempted, as much as possible, to follow the authorization bill that passed the Senate. When the Defense authorization bill undercuts these accounts and programs, it causes great concern within the Department of Defense.

They will be asked by the Armed Services Committee not to spend the money as it was intended by the appropriations bill—and DoD cannot spend the money for items in this authorization bill for funds were not appropriated in the bills that were already passed.

The funding could has been allocated more effectively. This does not serve the institution well.

A further blow against the position taken by the Senate in support of the National Guard was the rejection of the increased rank and role for the next chief of the National Guard.

Forty-nine Senators cosponsored this effort on a total bipartisan basis.

Instead, this conference report creates two new advisory positions for the National Guard and Reserves.

The National Guard already has a chief and two very capable directors—it does not need additional advisers.

This legislation is, in fact, a step backward for the National Guard and Reserves, and they do not endorse or support this approach.

I want to assure the Senate, and our friends in the National Guard, that we will be back next year—this matter is not closed, as far as this Senator is concerned.

The men and women of the Armed Forces deserve, and should receive, the pay raise funded in the Defense appropriations bill that is authorized in this legislation. They must have that.

The military construction projects appropriated for 1998 will be stalled unless we pass the bill.

Incidentally, 38 of the projects in the military construction bill, line-itemed by the President, are in this bill. All 38 of them are authorized by this bill, and the House will soon send us a bill to ask the President to reconsider the line-item veto of each of those 38 projects.

So, I am not asking the Senate to defeat the bill. I do urge others to speak up and to commit to readdress these significant Guard and Reserve component issues next year.

It is with great regret, however, that I announce to the Senate I will not vote for this conference report. It will be the first conference report on a Defense authorization bill that I have not voted for in 29 years. I feel very strongly about this. That is why I want to make it a matter of record. I don't intend to support an authorization bill again until we do address the problem of the readiness account and the status of the National Guard in the defense structure.

Mr. FORD. Mr. President, let me begin by congratulating the Senate Armed Services Committee for completing their work on the National Defense Authorization Act conference report for fiscal year 1998. Nevertheless, I'm very disappointed that the conference committee was unable to agree on the amendment by Senator STEVENS, and 49 of his colleagues, to make the Director of the National Guard Bureau a four-star general and a member of the Joint Chiefs of Staff.

When I spoke before the Reserve Forces Policy Board back in September, I began my speech talking about Union general, ''fighting Phil Sheridan.'' Sheridan didn't strike people as having the stature of a war hero. He was a bit on the short side. Yet at the head of the cavalry, he was an invaluable leader, helping General Grant win many key battles during the Civil War. His battlefield successes led Abraham Lincoln to joke that at the beginning of the war he thought a cavalry man had to be 6′4″. ''But now,'' he said, ''I've seen 5′4″ will do ''just fine'' in a pinch.

I tell that story because all too often the National Guard is being dismissed out of hand for being nothing more than ''weekend warriors.'' But after seeing their work in international hot spots like Kuwait, Somalia, Bosnia, and Haiti, it's clear the Guard will do more than ''just fine'' in a pinch.

I think we all agree that as we enter the 21st century the common goal of the U.S. military should be to create and maintain a seamless total force that provides our military leaders with the necessary flexibility and strength to address whatever conflicts that might arise.

The QDR should have been the vehicle to achieve that goal. Unfortunately, it fell far short. And one analyst went so far as to describe it as ''another banal defense of the status quo.''

There are close to one-half million men and women in the National Guard, accounting for about 20 percent of this Nation's Armed Forces. Because of their dual Federal-State mission, National Guardsmen and women are on hand to serve in both the international arena and in our own backyards. Perhaps more than any other soldier, Guardsmen embody our forefathers' vision of the citizen-soldier. That's because the citizen-soldiers of the National Guard find their roots not only in the history of this country, but equally important, in the communities of this country.

The Army National Guard alone provides more than 55 percent of the ground combat forces, 45 percent of the combat support forces, and 25 percent of the Army's combat support units—all while using only 2 percent of the Department of Defense budget.

But if you look at the QDR process you would think the Guard has outlived its usefulness * * * that their cost-effectiveness, their flexibility, their readiness are all figments of this Senator's imagination.

Experts have called QDR a ''cold war relic,'' and I agree with them, especially when it comes to the Army. Back in July, the Senate was forced to add $437 million to the Pentagon's budget request just to meet the minimum spending needs of the Army National Guard.

While both the Marine Corps and the Air Force have successfully integrated their reserve fighting units into their total combat force, the Army continues to fail to include its National Guard combat troops in national military strategy. To this day, none of the Guard's eight combat divisions is in the Nation's war plans, despite the fact that they have undergone the same training as their active duty counterparts.

This contentious relationship got even hotter, last spring when leaders of the National Guard expressed outrage at never being given the opportunity to present their case before the QDR and over the Army's failure to be up-front about how deeply they wanted to cut the Army Guard.

The outrage was well placed. The Washington times was right on target when they wrote back in June that ''the Guard has a greater relevance today than during the cold war—exactly the kind of relevance the Founding Fathers envisioned when they elected to place the preponderance of the Nation's military strength in the State militias.''

As a classic dual use system the Guard is not a relic of the past, rather the wave of the future. That same article said, ''There is no inherent reason the Guard cannot perform adequately across the range of missions. The Marine Corps and Air Force have demonstrated what can be accomplished when reserves are treated as assets, not rivals * * *. In short, the Guard's proficiency is limited only by resources and creativity—by a standing Army that, for reasons of its own, prefers not to acknowledge it.''

This is not a new battle. And the QDR is just another symptom of a dysfunctional relationship that must change.

That's why I believe that after assuring the Reserve forces needs are met in this year's budget. Our biggest priority was to make the Chief of the National Guard Bureau a four-star general and a member of the Joint Chiefs of Staff. I was proud to cosponsor Senator STEVENS amendment to the Defense authorization bill doing just that.

As Senator STEVENS said during debate on the amendment, this change ''will help ensure that the National Guard's needs will be met during the formulation of the Department's budget and not solely by the interventions of Congress * * *. It has taken the intervention of Congress each year to get the Guard the money it needs to perform its job.'' The amendment would have gone a long way towards changing that status.

When you compare the National Guard with the U.S. Coast Guard, the inequity becomes even more clear. There are an average of 10,000 men and women deployed outside the continental United States by the National Guard every day. And working with an annual budget of $10 billion, the National Guard manages a tremendous amount of equipment and runs 3,360 facilities in 3,200 communities touching every State in the Nation.

The Coast Guard, which also has a dual mission, runs an efficient, tight ship. At the head of that ship is a four-star admiral. But what is startling to me is that the Coast Guard is a fraction of the size, with a fraction of the budget of the National Guard.

Look at the Marine Corps. Like the National Guard, they serve as a free standing force, maintained under a parent service. Again, with a budget and a troop strength smaller than the Guard, they are under the leadership of a four-star general, and have a seat on the Joint Chiefs. Those changes were made after the Marine Corps came before Congress arguing that to be heard they needed a general's rank, not a colonel's, when dealing with the other services.

The Pentagon must recognize that the Reserve components are the only contact the majority of Americans have with the military. When they see a neighbor, a child's teacher, or their family doctor on hand when natural disasters strike or representing the United States in the international arena, they have a direct link to the military.

That bond has remained strong for more than 200 years. And despite resistance from the Pentagon, I believe Congress has no intention of seeing that bond damaged through insufficient funds or a lack of resources.

But passage of Senator STEVENS amendment in the Senate was a sign that we're no longer willing to accept the status quo either. We believe it's a critical first step not only toward giving our citizen-soldiers a seat at the decisionmaking table, but toward creating a Total Force.

Unfortunately, Mr. President, the conference committee disagreed with the Senate position of making the National Guard Director a four-star general. Instead the conference ''split the baby'' by establishing what they thought was a new position for the Army Guard and Army Reserve—two new two-star general positions serving as advisors to the Chairman of the Joint Chiefs of Staff.

The problem with this decision is that the National Guard already has such a position within the Joint Chiefs of Staff. This new language won't solve the problem faced by the National Guard. I hope my colleagues on the Senate Armed Services Committee understand that the issue of a four-star position on the Joint Chiefs of Staff is not going to go away.

I'm also disturbed by the conference committee's decision to cut the National Guard by 5,000 spaces without any corresponding cuts in the Active Duty Army or the Army Reserve. This cut for the National Guard isn't right and it isn't consistent with what we've done on the Defense appropriations bill. That bill, which was just signed by the President, fully funded the Army National Guard.

General Sheridan might have been on the short side, but when the smoke cleared at the end of the battle, he sat very tall in his saddle. While detractors might refer disparagingly to our National Guard Forces as weekend warriors, I hope my colleagues will remember that at the end of the day, whether helping families return to their homes after a devastating flood or flying in supplies to war torn countries, they stand just as tall.

Mr. STEVENS. Mr. President, do I have any further time left?

The PRESIDING OFFICER. The Senator has about 14 minutes remaining.

Mr. STEVENS. I yield 5 minutes to Senator COVERDELL.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I thank my colleague from Alaska for yielding time. It is with great pleasure and relief, I must say, that I come to the floor to hail what I believe will be final passage of the 1998 Defense authorization conference report. As many

of my colleagues know, this was not an easy process. This bill, of vital importance to our men and women in uniform, has sparked much controversy over the last several months.

My colleagues may remember my taking the floor, along with several of my colleagues, this summer to denounce what we felt was a politicization of the BRAC process by the President. At the time, I stated that we will not begin a new round of BRAC, as the administration has called for, until the previous round's recommendations have been carried out effectively. To my satisfaction, a new round of BRAC has been averted and we have taken a step in the right direction toward restoring BRAC integrity.

The approach we have taken on military depot work in this bill is a win for our Armed Forces and taxpayers. In this bill, we promote private-public competition, as my colleagues called for, while establishing more objective criteria in making contract awards.

I would like to commend my colleagues on both sides of this issue for working to develop a solution to the impasse we reached. Obviously, as a Senator with a remaining air logistic center, I have a vested stake in the issue. While not a member of the Armed Services Committee, I voiced my opinion strongly with my colleagues from California and Texas and have respected their position. It is unfortunate that we have not been able to reach an ultimate agreement on the issue, but we have come to our disagreement after much debate and consideration on both sides.

I point out to my colleagues, however, that it says a great deal about a piece of legislation when the chairman, ranking member, and majority and minority leaders all agree on the approach we have taken in this bill.

I would be remiss not to mention the tremendous contribution that our chairman, Senator THURMOND, has once again added to this process. He and his staff have worked tirelessly to develop this legislation and to work for a compromise on the depot issue. I also want to thank my colleagues from Utah and Oklahoma—particularly Senator INHOFE, who has worked equally as hard in trying to reach a compromise on the issue. They are all to be commended.

Finally, I understand that there is an important pay raise provision in this bill for our armed services members. This is of great importance because I think we have arrived at a good place, a solid plan. I encourage my colleagues to support it. Further, I call on the President to sign it as quickly as possible. We need to move on with this bill and what I feel is correcting a fundamental flaw in the system.

I yield back my time.

The PRESIDING OFFICER. Who seeks time?

Mr. STEVENS. Mr. President, I reserve the balance of my time.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. GRAMM. Mr. President, I ask our colleagues who want to speak to come over and speak. It becomes a sort of curious game when people want to be heard, but they don't come over, and one side is forced to use up all of its time, or else see the time run off, when we would like to have a debate. I wish those who wanted to debate would come over.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Michigan.

PRIVILEGE OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that privilege of the floor be granted to the following staff member of the Committee on Foreign Relations: Mrs. Gina Abercrombie-Winstanley, a Pearson Fellow detailee from the Department of State, during the pendency of this bill.

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

Mr. LEVIN. Mr. President, one of the arguments that has been made is that if this conference report is enacted that the private industry will be reluctant to bid on the work of the closed depots. In fact, some elements of industry had announced that they intended to bid on the Kelly and McClellan work well before the compromise was even written. Most of the concerns raised by those groups relate either to features of the current law that they don't like, or to features of the compromise that the Department of Defense has accepted as fair and not sought to change.

We cannot just simply give the work to industry without any competition. We must have fair competition. That was the purpose of these provisions in the bill. Those of us who wrote these provisions have no depots at stake, and no issues at stake in our States. In fact, we voted against the provision of the Depot Caucus in the conference because we thought it was one-sided. I voted against a similar provision which was offered by Senators here during our deliberations in the Armed Services Committee. But those of us who have drafted the provision in this final bill have intended and attempted—and we think succeeded—in drafting a provision which will ensure fair and open competition. That is our goal. We don't want to tilt this one way or the other.

We couldn't get the parties to reach an agreement. We waited months for the parties to try to reach an agreement. We tried to negotiate an agreement that everybody would agree to. We couldn't get everybody to agree to any particular language. We never could reach an agreement.

Finally, those of us who had the responsibility of bringing a bill to the floor, and getting a defense bill passed because of all the critical provisions in here for our military people, decided we would draft the best possible provision that we could that would guarantee open and fair competition and would not tilt this one way or the other. We have that responsibility, and we think we carried it out fairly.

One significant part of this compromise is a simple sentence which is aimed at guaranteeing a level playing field for both sides. The sentence states:

> No offeror may be given any preferential consideration for, or in any way be limited to, performing the workload in-place or at any other single location.

That sentence means exactly what it says. No preferential consideration may be given to Kelly and McClellan, and no preferential consideration may be given to the depots that remain open. They have to compete on a level playing field.

That is what this compromise is all about. At one point the argument was made that by prohibiting the Air Force from giving preferential consideration to either side that we might somehow preclude them from considering real differences in cost or risk. I don't accept that argument. We consider legitimate differences in cost and risk in virtually every competition. That is fair consideration—not preferential consideration. It is not preferential treatment to consider differences in cost and risk any more than it is preferential treatment to award a contract to the low bidder.

My staff has confirmed this with top procurement officials at the Department of Defense. Although we did not believe the concern to be well-founded, the conferees decided to remove any question over the interpretation of this language by clarifying in the statement of managers that the consideration of differences in cost or risk associated with the location of performance is not preferential consideration, and the managers' language states that consideration of such differences in cost and risk is not only permitted but it is expected.

In short, we bent over backwards to address concerns about this proposed compromise. This is a fair compromise. It provides a level playing field without preference to either side. And I hope that the Senate will act to put this issue behind us.

We also heard the statement that the requirement for the Department of Defense to ensure that the depots are operated as cost effectively as possible will have the effect of precluding any work from going to the private sector. That statement is not accurate.

Nothing in the depot maintenance provisions requires that all the work go to the depots, as has also been stated. Under these provisions, the Secretary would retain broad discretion to

determine which workloads should be retained in public depots and which should be subject to private-public competition.

First, the sentence in question is nothing more than a clarification of existing law which already requires the Department of Defense to:

. . . maintain a logistics capability, including personnel, equipment, and facilities to ensure . . .

That word is in existing law.

. . . a ready and controlled source of technical competence and resources for contingency situations.

And prohibits the contracting out of any logistics activity identified by the Secretary as necessary to maintain that logistics capability.

Second, this sentence applies only to workloads that the Secretary of Defense determines to be necessary to maintain core logistics capability. Under current law, the Secretary gets to decide what capabilities are core logistics capability. And the Secretary gets to decide what workloads are necessary to maintain those capabilities.

Third, the Secretary of Defense—not the Congress—gets to decide what is cost efficient and how much workload is necessary to ensure cost efficiency. The statement of managers expressly states that this provision does not require the performance of all core logistics workload in public depots.

This is what the statement of managers says:

The provision does not require that maintenance for all weapons systems necessary for the execution of DOD's strategic and contingency plans be performed at public facilities.

In short, it is the Secretary—not the Congress nor the depot caucus. It is the Secretary who gets to decide what functions will be performed in-house under this provision.

On the basis of extensive consultation with the Department of Defense officials, starting last spring, we are convinced that the depot maintenance provisions in the bill are consistent with the Department's current policy and practice on core logistics capability, and will not require the Secretary to bring in-house any work currently performed by private contractors.

In fact, the Department of Defense has informed us that on the basis of the bill's change from 60–40 to 50–50 they expect to be able to contract out slightly more work than they can under current law.

The main argument that is being made here is that somehow or other this bill prevents real competition. I assure our colleagues that this bill not only intends to guarantee fair competition, but is the best effort that we know how to make—those of us that have no stake in the outcome of this debate—this is the best effort that we can make to objectively and fairly come up with provisions which will guarantee and ensure as fair and open a competition as possible.

Far from prohibiting public-private competition, these provisions mandate competition for depot maintenance work, and require that all qualified public and private sector offerors be permitted to compete.

The provisions establish seven simple conditions to ensure that this competition is carried out on a level playing field. Again, I emphasize these provisions were written by Members and staff who are neutral in the fight between the closed bases and the remaining Air Force depots. The sole objective here is to ensure fair competition. And each of the provisions was included for that purpose alone—a level playing field for competition by ensuring that appropriate factors are considered in a balanced manner. The bill expressly prohibits the Department from giving any preferential treatment to either the closed depots or the remaining ALCs.

Mr. LEVIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Michigan has 6 minutes.

Mr. LEVIN. I reserve the remainder of that time.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I inquire of the chairman of the committee how much time he can yield.

Mr. THURMOND. Mr. President, I yield 8 minutes to Senator COATS.

Mr. COATS. Mr. President, I thank the chairman for yielding this time. I rise to urge my colleagues to support the vote coming up here on the Defense Authorization Act. I congratulate Senator THURMOND and Senator LEVIN for their leadership on this issue. We have continued a bipartisan effort in the Senate Armed Services Committee for addressing the key issues facing our national security policy.

It has been a contentious and difficult process this year, but one, nevertheless, that has gone ahead, and we are here today just a few moments away from voting on this and sending it to the President.

It is important to note that we have reached support in the Senate Armed Services Committee; all 18 members of the committee have signed the conference report and, most importantly, we have been able to address some of the most difficult issues in a way that I think, while not perfect and while not the solution to everybody's concerns, clearly moves us in the right direction.

Senator LEVIN and others have talked about the depot provisions. I appreciate how difficult it has been and the very strong views of Senators on both sides of the aisle on these provisions.

Earlier, I opposed the depot provisions which were originally recommended by the readiness panel because they explicitly precluded competition for the resolution of the Kelly and McClellan Air Logistics Centers issue. We went back to work —a number of people spent a great deal of time and effort trying to find a way in which we could develop a substantive set of provisions that would promote competition, and I said that if we could do that, I would support it.

Now, if I were drafting this legislation, I would have gone much further than we have been able to go. I think, clearly, if we can't move further faster on privatization efforts, we are going to continue to face shortfalls in modernization, shortfalls in research and development, and in other vital areas for the military.

This, I believe, is the best we are able to do at this particular time given the polarization on this issue between members on the Depot Caucus and those who were promoting greater competition. We have been able to move the percentages from 60–40 to 50–50. I know that 50–50 is not defined in the way all of us would like, but it is a step in the right direction. Hopefully, it will open the way for further discussion and determination of what core capacity we need to retain within the services and how we can also move toward privatizing maintenance in a way that saves the Department money.

It will also, hopefully, open the door to another round of BRAC closings. There should not be any disagreement that we still have too much infrastructure given the size of our force. It is aging infrastructure. It is costly infrastructure. Unless we can find ways to close that infrastructure, and modernize and streamline the way in which we provide for our national defense, we are going to continually face a shortfall of funds, particularly given the fact that we have a fixed top line, as stated in the budget agreement.

One of the provisions of the depot compromise involves an initiative that was suggested to us by the Business Executives for National Security Tail-to-Tooth Commission, the so-called BENS Commission. It's private partnerships within the public sector. This commission is made up of people from both parties, former Members of the Senate and Cabinet, leaders of industry and retired members of the Joint Chiefs. And their insights, I believe, ought to be given significant attention.

Let me just quote from one of the sections of the bill which incorporated one of their suggestions. Section 359 of the depot provisions is titled, ''Requirement for Use of Competitive Procedures in Contracting for Performance of Depot-Level Maintenance and Repair Workloads Formerly Performed at Closed or Realigned Military Installations.''

And this provision states, and I quote:

Any offeror, whether public or private, may offer to perform the workload at any location or locations selected by the offeror and to team with any other public or private entity to perform that workload at one or more locations.

This provision enables the Department of Defense to leverage the core competencies of our public-sector depots with those of private industry in

building the most effective and the most efficient team for maintaining our military's equipment, and it does so in a way that keeps competitive pressures on both the private and the public sector that will ensure that the Pentagon and the U.S. taxpayer continue to get the best value for their defense dollar.

The Pentagon has indicated that this is a workable approach to resolving the highly charged issues surrounding Kelly and McClellan Air Logistics Centers. I know there is not agreement on that point, but my analysis of this is that it moves us significantly in the right direction. And given the dynamics of the political considerations that we are facing, it is the best we can do this year. We are not going to get a bill without this. I trust the administration will think long and hard before they consider a veto over this provision. I do not believe we are going to be able to go back and adjust it one way or the other in any significant measure without creating a loss of support on one side or the other, depending on which way we go.

So I urge the administration to understand the process that we have been through, where we started and where we now are and take this as a significant incremental step in the necessary effort to move toward privatization.

Mr. President, I would also like to briefly talk about some things that we have done in my role as chairman of the Airland Subcommittee. First, the national Defense authorization supports the Army's Force XXI initiatives which significantly enhances the situational awareness and combat effectiveness of our land forces through information technology. Yet, we need to do much more to get the spectrum of digitization efforts, which were so strongly endorsed by the Pentagon's Quadrennial Defense Review, adequately funded. But at least this is a fair start.

And for the record, I wish to correct a statement reported in press this morning that the first flight of the second Comanche armed reconnaissance helicopter would be delayed because of a 2.75 percent tax levied on acquisition programs in the fiscal year 1998 Defense authorization bill, which we are voting on today. I want to emphasize that this Defense Authorization fully funds the Comanche program at the level requested in the President's Budget, and that it does not include a tax. The tax reported in this article was levied in appropriation, not authorization, legislation.

We have been able to incorporate in this bill a significant enhancement in the military's tactical and operational mobility through increases in tactical trucks, the establishment of multiyear procurement for the family of medium tactical vehicles, and increases in V–22 procurement. We have also added increases for tactical air and missile defense capabilities.

Specifically, however, I want to talk about the F–22. I spoke at length about my concerns with F–22 cost overruns and technology risks during our deliberations over Defense appropriations. This national Defense authorization provides the same F–22 funding levels, but goes the very important further step to put key oversight provisions in place that will help Congress and the Administration keep this program on track.

First, this Defense Authorization includes the Senate's total cost cap provisions which limit the level of engineering and manufacturing development to approximately $18.7 billion and production to $43.3 billion.

Second, the Defense authorization requires an annual review of the F–22 program by the General Accounting Office. This report will address whether the F–22 EMD program is meeting established goals in performance, cost, and schedule; and whether the F–22 program is consistent with the cost caps we have established. The Comptroller General also must certify to Congress that he has had access to sufficient information to make informed judgments on the matters covered by the reports. This seriesof annual reviews will provide us a visibility into the F–22 program which we have not had to date. And it will also provide a means of independent assessment on the spending and technical performance of the program so that this body can effectively continue its long history of oversight on the key F–22 program.

In conclusion, this national Defense authorization makes great strides in supporting the defense strategy of shape, respond, and prepare now. It provides significant increases in our readiness accounts by adding over $750 million to address shortfalls in flying hours, real property maintenance, and ammunition procurement.

It also takes better care of our military servicemembers and their quality of life through a 2.8 percent pay raise and a reformed approach to quarters allowances.

And it accelerates investment to address shortfalls in key mission capabilities such as adding over $700 million for theater and missile defense programs.

Finally, this national Defense authorization provides a reasonable compromise to the depot issue through a fair and open competition which serves the best interests of the military and the American taxpayer.

In short, this bill provides the policy and fiscal provisions representative of the prudent oversight from our Senate authorization process. It provides a framework for setting a course which ensures U.S. military dominance into the 21st Century.

This National Defense Authorization has my full support, and I urge my colleagues to support us when the vote comes forward in just a few moments.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. I commend the able Senator from Indiana for his remarks, which are very helpful, and also commend the Senator for the great work he has done on the Armed Services Committee for many years. We are very proud of the Senator, and we are going to miss him when he leaves the Senate next year. We hope the Senator will reconsider and come back with us.

Mr. COATS. I thank the chairman for his kind remarks.

Mr. THURMOND. Mr. President, I yield the remaining time we have to Senator ROBERTS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, might I inquire as to the amount of time that is remaining?

The PRESIDING OFFICER. The Senator has 4 minutes 50 seconds.

Mr. ROBERTS. I thank the Chair.

Mr. President, I rise today in support of the Defense authorization bill. I wish to thank and pay tribute to the distinguished Senator from Michigan, Mr. LEVIN, and obviously to our chairman, the distinguished Senator from South Carolina, for his long record of support and leadership for our men and women in uniform is almost unequaled in the history of the Senate.

Some of my colleagues are opposing passage of this important bill for reasons I know they are committed to, and they certainly feel they are taking action in the best interests of their constituents. But I feel strongly we must as a body demonstrate unity and support for our military by passing this bill.

Yesterday, we were briefed on the serious events in the Mideast, in particular in Iraq. The day before, several Members of Congress met with the President to discuss the U.S. military commitment of lasting peace in Bosnia. Early next year this body will debate the enlargement of NATO and the implication of extending the military security of NATO. We all watched with great interest the developments on the Korean peninsula. That is a very dangerous place.

We are at peace, but we all understand this is a fragile peace. Congress is charged with the responsibility to raise and support armies, and in this troubled time we cannot forget that is our responsibility.

We have all heard of the morale problems and the difficulty in retaining key leaders in the military. We all understand the long and frequent deployments we ask our men and women to make are taking a terrible toll on their families. We all understand we rely on these dedicated and patriotic Americans to be the instruments of our national policy. We should not hold this bill hostage because of internal differences between Members of this Congress. I feel it would be a terrible signal to send to the men and women of the military that we are so egocentric and so parochial that we are unable to provide a bill to provide a pay raise or quality housing.

Let me highlight some of the important aspects of the bill I feel strongly about.

Active duty pay raise. The bill includes a 2.8 percent pay raise for active duty military members. If the bill is not enacted, the pay raise for active military will be limited to 2.3 percent because of the statutory link between pay raises for the military and pay raises for Federal civilians.

Active duty end strength. The bill, compared to current law, provides lower end-strength levels and increased flexibility for the managing of military personnel strengths. If this bill is not enacted, the military services will be held to the higher fiscal year 1997 end-strength levels that were based on the Bottom Up Review.

Special pay and bonuses. The bill includes authority for significant increases in the special pay and bonus structure designed to respond to critical recruiting and retention problems highlighted by DOD.

If the bill is not enacted, these authorities will not be available to DOD to address these problems. Specific groups that would be affected include—listen to this—aviators, nuclear-qualified officers, dentists, military members on overseas tours, military members receiving family separation allowances and/or hazardous duty assignment pay, and also the military members serving on hardship-duty locations.

Reform of housing and substance allowances. This bill includes significant reforms of the existing structure for housing allowances and subsistence allowances for military members. These reforms are intended to simplify the management of these allowances and to better target the allowances to those individuals and geographic areas where the need is most acute. If the bill is not enacted, the Department of Defense will continue to use the existing allowance structure with all of its demonstrated inefficiencies and also inequities.

Military construction projects? The bill provides authority for the Department of Defense to begin construction on the fiscal year 1998 military construction projects. If the bill is not enacted, that construction cannot begin.

Mr. President, my fellow colleagues, there are many other examples of why this bill must be supported now. Despite the differences we have in our ranks, I think this is a fair and credible bill, the best bill possible. The Members of both Houses worked hard to reach compromise. It was a very difficult task, but when the work was done the Members of both committees—the House side and Senate side—were satisfied with the results. The system worked the way it was designed. Now the Senate should act on the bill. I urge the Senate to pass on the bill.

One thing about a Presidential veto. Tuesday night we were with the President, 40, 50 Members. Senator THURMOND rose to his feet and said that our policy in Bosnia cannot be separated from this bill. It is inseparable. And that if we pass this bill, it will be commensurate with our goals in Bosnia and with our vital national security interests. And he pleaded with the President, eloquently, with fervent passion. He said: Mr. President, do not veto this bill. And I will tell everybody here, the President has not made his mind up. He looked at the Senator and said he would consider his remarks.

The Department of Defense will agree with this bill. I do not think the President will veto it. We need to pass the bill. We need to do what is right, and our first obligation as Members of this Congress is to do everything we can for our national defense.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend Senator ROBERTS for his excellent remarks on this subject. He is a new member of the Armed Services Committee, and he has done a magnificent job. As chairman, I want to let him know that we appreciate all he has done for defense since he has been on that committee.

Mr. ROBERTS. I thank the Chairman.

Mr. THURMOND. Mr. President, how much time do we have left?

The PRESIDING OFFICER. The Senator from Michigan has 6 minutes, the Senator from Alaska has 8 minutes, the Senator from Texas has 8 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that I be allowed at this point to assign 3 of my 6 minutes to Senator THURMOND so we can finish up with 3 minutes each.

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

Mr. THURMOND. Mr. President, I suggest the absence of a quorum and that it be charged equally to each side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. 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. THURMOND. I ask unanimous consent the remaining time not be charged to Senator LEVIN or to me.

Mr. GRAMM. Reserving the right to object, Mr. President, I don't want to object but I am here ready to debate. I am waiting for people who want to defend this bill to come to the floor to speak. What we are doing is we are running off time that I have to debate because people don't want to come over here and debate. If I knew they weren't coming, I could close out, make about 2 or 3 minutes of statements, and we could vote. Our colleagues are ready to vote.

Let me ask unanimous consent that we might conclude this debate, that we might have 3 minutes for each person holding time to conclude, and that we might then have a vote.

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

Mr. INHOFE. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. INHOFE. I was not here when the senior Senator from Texas made his unanimous-consent request. I ask if that would in any way vitiate the time that was given, remaining for the Senator from Alaska, Senator STEVENS?

The PRESIDING OFFICER. It reduces it from 8 minutes to 3 minutes.

Mr. GRAMM. Mr. President, I ask unanimous consent, now that the Senator is here, if he wants to be heard—what I was trying to do was go on and vote if nobody wanted to debate. But if the Senator wants to speak, let me ask unanimous consent that we return to the status quo ante, before my unanimous-consent request, so that the Senator can speak if he chooses to.

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

Mr. INHOFE. Mr. President, it is my understanding that the time remaining for Senator STEVENS has been given to me, which is approximately 7 minutes.

The PRESIDING OFFICER. The Senator has 8 minutes remaining.

Mr. INHOFE. Mr. President, it is unfortunate, since we have a bill that is the most significant bill that we will be dealing with during the course of this year, that it has gotten bogged down into a debate and discussion about depot maintenance. This is very unfortunate. However that has been the case.

Let me just devote a little bit of time to that, because, having listened to the arguments as put forth by the two eloquent Senators from California and the Senators from Texas, I didn't hear any new arguments. But I do think that we need to, once and for all, respond to these arguments. I was hoping to be speaking last because I know what will happen, since I am obviously not speaking last. But let me just go ahead and bring up four arguments that I heard. I think these four are pretty much the total argument of those who want to stop competition in ALC's.

First of all, I heard the quote saying, ''We are telling the DOD that you can't have real competition.'' This bill does allow competition. This allows competition and takes into consideration all direct and indirect costs.

They said that ''The bill was crafted by Members seeking special protection, whose sole purpose is to block private competition.'' I suggest that everyone in this Chamber knows, and certainly everyone on the Senate Armed Services Committee knows, that when we had our language in there that did clearly carry out the intent and the letter of the BRAC recommendations, we felt we were going to lose the bill because the

two Senators from both Texas and California wanted an opportunity to privatize in place. Then we agreed to have open competition.

I was not even in on that. The ones who agreed to that language—that was drafted by members of the committee who were totally neutral on this subject. They didn't have a dog in this fight. But they got together and came up with the agreement that this is the way to do it. Let's take all costs into consideration. We did that. I think the eloquent remarks of Senator LEVIN pointed this out.

They were the ones who put this together so that, yes, even though this is not what the BRAC committee wanted, still it did open up an avenue for privatization-in-place if they took into consideration all the costs. And then they voted and it was 18-to-nothing, all Democrats and all Republicans voted for it.

Closely related to that, I have been quoted as to a statement that I made in Oklahoma. Let me say that is an accurate statement. That is true. I wasn't misquoted. And I was stating it as a businessman. I spent 33 years in the real world and I know, as Senator BENNETT has pointed out several times, that you can't operate and leave three out of five ALC's at 50 percent capacity and have any kind of competitive operation.

So I said very definitely that, in my opinion, those individuals who were interested in competing in McClellan in California and in Kelly in Texas, wanted to compete on a basis where they had a tremendous advantage which is paid for by the taxpayers.

So they did two things. They put two considerations in. First of all, if they want to bid and privatize in place and bid at Kelly or McClellan, they had to pay for a fair value for that facility they are using. In other words, you can't take a $200 million facility and give it to a private contractor for a dollar a year and say now that's fair competition. That is not fair competition.

The second thing we did was say, according to the GAO—and this has been pointed out already by several Members here—that if you leave three air logistics centers operating at 50 percent capacity, the cost annually to the taxpayers is $468 million. So that has to be considered.

Those are the two major changes that were made. I agree I think they did a good job coming up with these. Even though that would still violate the intent of the BRAC system, that at least made that fair.

There is one last thing I will say and then I will put this to rest. I am not going to say anything more about this. I am going to read this one more time, because I think it is really significant.

I came to the U.S. House of Representatives, before I was elected to this body, in 1986. That was a year that a Congressman—I might add, and say to the senior Senator from Texas, he also is a Ph.D. He got his from Oklahoma, you got yours from Texas—he came out with an idea how we can close the excess capacity, the infrastructure, and do it without political interference. So he came up with the idea of the BRAC committee. The BRAC committee was supposed to be free from political interference.

I hope every Member who is watching on their tube right now, anyone who is going to come down here and vote on this, will listen to this. This is what Representative DICK ARMEY, the author of the BRAC process, said on June 23, 1997:

> We had three rounds of base closing, and we are all very proud of the process because politics never intruded into the process. That ended in round four. And all of my colleagues knew at the time, and we know now, that the special conditions for McClellan and Kelly, California and my own State of Texas, where you might think I have a parochial interest, were in a political invention.
>
> We talk about this being privatization. No, it is not. It is a new concept. It is privatization in place, created specifically for these two bases in an election year for no purpose other than politics.

With that, Mr. President, I think we beat up that issue. We have argued and debated this hours and hours on the floor. I know Senators from Texas and California would like to have an opportunity to have more jobs in their States, but that is exactly what the BRAC process was put in place to prevent.

In the remaining time, let me just make a couple of comments. I am the chairman of the Readiness Subcommittee, and I can tell you right now, during this process it was very civil, in our Senate Armed Services Committee, but we didn't agree on everything.

Quite frankly, I agreed with the Senator from Alaska as far as the National Guard was concerned. I did not agree with Senator LEVIN, the ranking minority member, as far as the B–2 was concerned, but we voted on it. I lost and they won. So we went through this very arduous process and successfully came up with a bill.

In the meantime, I have been spending my time as chairman of the Readiness Subcommittee all over America and all over the world going to our various installations. I can tell you right now, we have a very serious problem in defending America. We can't do it.

As pointed out by the Senator from Connecticut, for 13 consecutive years, we have reduced every year our defense budget at a time when most people realize, finally, that we have a greater threat facing America than we have had since World War II. Yet, we are at one-half the force strength that we were in 1991. I am talking about the number of Army divisions, the number of Air Force wings, the number of ships floating out there.

So it is a very critical thing, and it is exacerbated by the fact that we have troops in places like Bosnia. It is very, very expensive. The President said it wouldn't be over $2 billion. It is now looking at closer to $6.5 billion to $8 billion. Where does that come from? It comes from the defense budget.

While this is not a perfect product—can I have 1 more minute from the Senator from South Carolina?

The PRESIDING OFFICER. Does the Senator from South Carolina yield?

Mr. THURMOND. We don't have any more time.

Mr. GRAMM. I ask unanimous consent that the Senator have 1 additional minute.

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

Mr. INHOFE. I thank the senior Senator from Texas.

Mr. President, I will only conclude we do have a very serious problem in talking to the troops out there about tempo. We have these guys operating at about 60 percent higher capacity than they are supposed to be operating. Sure, they can handle it for a while, but the divorce rate is up, the retention rate is down, and we have a serious problem in our underfunding of our military.

I would like to have done a better job than we did in this bill, but this was the best we could do in the spirit of compromise on a bipartisan basis. I strongly support the passage of our Defense authorization bill. Thank you.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able Senator from Oklahoma for his excellent remarks. He is a member of the Armed Services Committee and does a fine job. I want to take this opportunity to thank him for the great service he is rendering on the Armed Services Committee.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we are coming to the end of the debate. I will conclude by making just a couple of points.

I first thank the distinguished chairman of the Armed Services Committee, Senator THURMOND. I am always unhappy when I am not on his side. I don't think I need to tell the Senator from South Carolina about the high esteem in which I hold him.

Let me also say to my dear colleague from Oklahoma that there is nothing personal about this battle. It really comes down to principles and where you stand on those key issues. I don't question that everyone involved in this debate is trying to do the best and that their intentions are good.

Let me conclude with the following points. First of all, a great deal has been made about what the President and what the White House and what the Defense Department have said. So let me let the President and the White House speak for themselves. I sent a letter to the desk and asked that it be printed in the RECORD 9 days ago after this conference report had been written. I just want to read three paragraphs from the letter. I think anybody

who listens to these three paragraphs can be in no doubt as to what the position of the White House and the President is on this bill. I am reading from a letter from the Executive Office of the President dated October 28:

> This bill includes provisions whose intent is to protect public depots by limiting private industries' ability to compete for the depot maintenance of military systems and components. If enacted, these provisions, which run counter to the ongoing efforts by Congress and the administration to use competition to improve DOD business practices, would severely limit the Department's flexibility to increase efficiency and save taxpayer dollars. We need to encourage more competition from private industry, not less. Billions of dollars in potential savings are at issue. These resources should be used to maintain the U.S. fighting edge not to preserve excess infrastructure. If the numerous problems cited above cannot be overcome, the impact on the Department's costs and on our Nation's military capacity would be profound. The President's senior advisers would recommend that he veto the bill.

That is not me talking, that is the Executive Office of the President. I think that defines the issue and where they stand.

Our colleague from Utah talked about a GAO study. We have heard this GAO study discussed over and over and over again in this debate. It is a typical problem of where a study is directed to look at one thing, and then we all talk about it as if it concluded another. Let me read you one sentence from the GAO study and then put this issue, hopefully, to rest forever. The GAO study says:

> The Air Force's planning has not progressed far enough to support a precise comparison of the cost of privatizing depot workloads in place with a cost of transferring the work to other underutilized depots.

So what the GAO study concludes is something with which I completely agree. That is if the choice is between maintaining five depots or three, it is better to maintain three. That is what the GAO study is about. Nobody disputes what it is about. But what it is not about is any conclusion that funds can be saved by consolidating into a depot as compared to having price competition.

So the GAO study is relevant for a point that we all agree on, which is why we are closing two depots. But it is completely irrelevant to the issue of whether we should have price competition.

I hope and believe the President will veto this bill. Then the question is, what do we do about it? Let me conclude on a positive note by making a suggestion as to how we can simply solve the problem.

We all say we are for competition. It reminds me of one of Abraham Lincoln's speeches where he talked about how the Confederates and the Union supporters all prayed to the same God; they both felt they were in the right; they both felt God was on their side, but one of them had to be wrong.

We all say we are for competition, but, obviously, we have great differences as to what that is. Let me remind my colleagues that I offered to try to break this logjam with a definition of competition that would have given a 10-percent premium for depot work. In other words, I offered that if depots could do it for only 10 percent more than the private sector, that we would let them do it. But if the private sector could go do it and save more than 10 percent, that they would do it. So let me remind my colleagues that I have not been unwilling to try to find a solution. But let me propose one that is very simple.

We now have five major accounting firms in America. We used to have six, but two of them consolidated. If the President vetoes this bill and if that veto stands, either we don't vote on it in February when we come back or we sustain it, I propose that we ask each of the five major accounting firms who, in language the people understand, don't have a dog in this fight, to each appoint one of their major partners and let them form a commission. Let them define what a level playing surface is in competition between Government depots and the private sector. Let them look at all costs from retirement to capital. Let the five accounting firms come up with what they believe is a free and fair competition, and then let's agree that whatever they decide is a free and fair competition, whatever they say is a level playing surface, then let's agree to accept it. I, for one, agree to accept it. Whatever the five major accounting firms in the Nation conclude is a fair way to have price competition, I am for it.

My proposal is, if the bill is vetoed, we change it very simply by taking out this anticompetitive language, set up a simple commission made up of the representatives of the five major private accounting firms in America, and let them tell us how to have a fair competition. We will give them 6 months to do it. Whatever they conclude becomes the practice of the Defense Department, and we have this competition.

That is a simple way to solve this problem, and we have been fighting over this issue for 3 long years. I submit that I hope this will happen. The President has said that he will veto the bill; that the bill, as it is now written, despite the best intentions of many, will cost the taxpayers billions of dollars that will not go to weapons, that will not go to maintenance, that will not go to pay and benefits, but instead will go to preserve the status quo and to prevent competition.

We need competition. We all agree we don't have enough money. We can get more use of our money through competition. I urge my colleagues, if you are concerned about these things, to join us in voting ''no.'' I urge the President to deliver on the veto so that we can end this debate and have price competition. I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let us be clear about the letter that was printed in the RECORD. That letter is not a statement of the President. That was what the senior advisers said they would do if certain problems cannot be solved. We think those problems have been solved in this bill. They can be solved in the implementation of this bill.

One of the arguments, just to give you an example, that the opponents of this bill made, is that the provision authorizing teaming agreements between public depots and private contractors is anticompetitive. We asked the Defense Department when they were up in front of us as to whether or not they were anticompetitive. And here I am going to read the specific question of Senator KEMPTHORNE:

> Do you believe that allowing public depots and private enterprise to team together to bid on these workloads is anticompetitive? And, if so, would you explain why.

We have heard this morning, and we heard before that the teaming provision is one of the so-called anticompetitive provisions in this bill. What does the Defense Department have to say about that? Their current Deputy General Counsel, Mr. Peters, who was before the Armed Services Committee the other day, when asked that question by Senator KEMPTHORNE said the following:

> Senator Kempthorne, I do not believe and I do not believe the Department feels that that provision is anticompetitive. We certainly do not feel it is anticompetitive.

This bill has been stymied for months over one provision. We need a defense authorization bill for many, many reasons. There are provisions in here that are critically important to the well-being of the men and women in the military. When the parties who have a direct interest in this dispute could not resolve this dispute in a way satisfactory to all of them, Senator THURMOND and I decided that we would get our staffs working and do the very best we could to have a fair and open competition provision.

That is what we have accomplished. There is not one senior defense official who is on record as saying that this provision does not provide for a fair and open competition. It is not the Defense Department that has gone on record as saying that this is not a workable provision to create a fair and open competition. Not one senior official in the Defense Department has so stated on the record.

May I say, I have had a number of off-the-record conversations with members of the Defense Department which lead me to conclude that this is a very workable provision, indeed.

Mr. President, the President has not said he will veto this bill. I don't believe he has decided what to do. I hope that when he weighs the pros and cons in this bill that he will sign this bill. It is important to the uniformed military. It is important to the security of this Nation.

I want to close by thanking my good friend, Chairman THURMOND, and his staff. He and our staffs have worked together, very, very well together, throughout the consideration of this bill.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, as we close this debate, I take this opportunity to commend Senator LEVIN for the magnificent work he has done on this bill. He is a man of integrity, ability and dedication. It is a great asset to have him on the Senate Armed Services Committee.

Mr. President, there are a few obvious reasons for Americans to focus on the defense of the United States. While there is no longer a superpower threatening to dominate us, threats still abound. Events in Iraq this week demonstrate that America must be prepared to protect her interests at a moment's notice. Other nations that might pose threats includes Iran, North Korea, and Libya.

Mr. President, this bill is important to the young men and women who serve in our military forces. This bill includes pay raises and increases to special incentive pay, including vital aviator bonuses. Provisions in this bill affect every aspect of our national defense, including quality-of-life initiatives, modernization, and readiness. I remind all Senators that all military construction projects require an authorization as well as an appropriation and cannot be executed without this bill.

Mr. President, I want to remind the Senate that all 18 members of the Armed Services Committee support this bill—10 Republicans and 8 Democrats—every one of them support this bill. The House has already passed this by a veto-proof majority of 286 to 123. The leaders of the Defense Department have indicated that they can make this compromise work and that they need this bill passed. It is hard for me to believe that any Senator would oppose and delay the entire Defense authorization bill at a time when American troops are deployed in Bosnia and serious trouble appears to be brewing again in Iraq.

I strongly encourage all Senators to vote for this bill. We must send a strong signal to the White House to demonstrate to the President that this bill, which is so important to our national security, should be signed. We must show the young men and women in uniform serving our Nation around the world that their services are appreciated and that we are backing them up.

Mr. President, I am a strong supporter of the Guard and Reserves. The National Guard of South Carolina is a magnificent guard, and we appreciate what they have done. And in the whole Nation, the National Guard is so valuable. I happen to have served in the Reserves myself for over 36 years. I appreciate the reservists and commend all of them for voluntarily serving their country. They have to carry on their civilian duties, but they do this extra work.

I want to say, too, to the Members of this Senate, that this bill took not days, not weeks, but months. We have spent months on this bill. We have done the best we could. We have a lot of able members on the Armed Services Committee. All of them have worked hard on this bill. It is a compromise bill. I did not have my way on everything. Senator LEVIN did not have his way on everything. No one did. This is a compromise bill.

National security was the driving force of this bill. We could not satisfy every Senator. We did the best we could to accommodate all we could. But national security was our driving force when we considered this bill. Again, I ask all Senators to support this bill for the good of the country and to support this bill for the good of our troops and to support this bill, too, for the public good.

I thank the Chair.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

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

The assistant legislative clerk called the roll.

The result was announced—yeas 90, nays 10, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—90

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

NAYS—10

| | | |
|---|---|---|
| Boxer | Gramm | Stevens |
| Bumpers | Grams | Wellstone |
| Feingold | Hutchison | |
| Feinstein | Kohl | |

The conference report was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico [Mr. DOMENICI], is recognized.

## PROVIDING FOR CORRECTIONS TO BE MADE IN THE ENROLLMENT OF H.R. 1119

Mr. DOMENICI. Mr. President, I send a concurrent resolution to the desk which, under a previous order, is agreed to.

The PRESIDING OFFICER. Under the previous order, the concurrent resolution is agreed to.

The concurrent resolution (S. Con. Res. 64) was agreed to, as follows:

S. CON. RES. 64

*Resolved by the Senate (the House of Representatives concurring),* That in the enrollment of H.R. 1119 an Act to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

In section 3165—

(1) in subsection (b)(1), strike out ''under the jurisdiction'' and all that follows through ''Los Alamos National Laboratory'' and insert in lieu thereof ''under the administrative jurisdiction of the Secretary at or in the vicinity of Los Alamos National Laboratory''; and

(2) in subsection (e), strike out '', the Secretary of the Interior'' and all that follows through the end and insert in lieu thereof ''but not later than 90 days after the submittal of the report under subsection (d)(1)(C), the County and the Pueblo shall submit to the Secretary an agreement between the County and the Pueblo which allocates between the County and the Pueblo and parcels identified for conveyance or transfer under subsection (b).''.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Mr. President, just for the information of all Senators, first, we are working now to see if we can get an agreement to move the DC appropriations bill, and we hope we are in the final stages of working out an agreement on Amtrak.

## INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998—CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to the conference report to accompany the intelligence authorization bill, and the conference report be considered read, and under the following time restraints: Twenty minutes equally divided between the chairman and ranking minority member; 10 minutes under the control of Senator TORRICELLI.

I further ask that following the conclusion or yielding back of time, the conference report be agreed to, and the

motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, and I shall not object, I would like to inquire of the majority leader his intention with respect to the pending business, which prior to this unanimous-consent request was the fast-track legislation. I understand that the conference report is privileged and you are seeking a unanimous-consent request with respect to a time agreement. I shall not object to that. But I want to inquire about the intentions of the majority leader with respect to the fast-track legislation—when we might expect to get to amendments on that.

Mr. LOTT. Mr. President, if I could respond, we have some business we need to go through here with regard to some nominations, also another piece of legislation, the PUHCA legislation, some statements that will be made.

As I mentioned, we are trying to work out something to where we can move to the D.C. bill and Amtrak. It is our intent to return to fast track, so that there will be time for further debate and, I presume, amendments, as we go on into the afternoon and into the night and tomorrow. We are trying to get some of these other bills agreed to and moved today. We will try to do it before we get back into the debate.

We, of course, ask for your cooperation as we try to get consent to move some of these bills.

Mr. DORGAN. Mr. President, further reserving the right to object, the majority certainly will have my cooperation. I share his interest in moving these——

The PRESIDING OFFICER. If the Senator will withhold. The Senate is not in order.

The Senator from North Dakota.

Mr. DORGAN. The majority leader certainly will have my cooperation. I share his interest in making progress on a number of the items he has just mentioned.

I am concerned, however, that we not get into a corner of the legislative time period and discover that some say there is not time to offer amendments on the fast-track legislation. A number of us have amendments that would require some debate, and we want very much to be assured by the majority leader that we will not be precluded from offering those amendments. So as we proceed, I want to have some assurance that that will be the case.

Mr. LOTT. Mr. President, before I respond, can I inquire, are these germane amendments the Senator is entertaining to the fast track?

Mr. DORGAN. Some are germane, some are nongermane. They all relate to fast track and to trade. We are not under a cloture motion, so all the amendments would be in order.

Mr. LOTT. Let me just say that there are Members on both sides of the aisle that have amendments. I know they want an opportunity to offer them. We will return to that bill. There will be an opportunity to offer amendments. But I can't say exactly what time it will be at this point. It very well could be tonight. We will need to work with the Democratic leader and talk about the time and how we are going to handle that.

Mr. DORGAN. Mr. President, I shall not object to the request made by the majority leader. I will seek further inquiry upon request later in the day because we do want to find time for those amendments.

The PRESIDING OFFICER. Is there objection to the majority leader's request?

Without objection, it is so ordered.

The clerk will state the conference report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 858) to authorize appropriations for fiscal year 1998 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, 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 September 16, 1997.)

## UNANIMOUS–CONSENT REQUEST—NOMINATION OF JOSEPH DIAL

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nomination of Joseph Dial, of Texas, to be a Commissioner of the Commodity Futures Trading Commission.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, on behalf of Senators on our side, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, just a note. As we try to clear nominations on the Executive Calendar, there will be a necessity to bring up some of them for a unanimous-consent request or a vote. There will be objections sometimes on both sides of the aisle, but it is so we can make it clear that we are not just delaying some of these. This nomination affects another nomination, and it would be very hard for us to get those cleared, if there are objections. We will continue to move the nominations. We have several that we think we can clear tonight—most of the ambassador positions, and others—and I am working with Senator DASCHLE on that.

## UNANIMOUS–CONSENT REQUEST—S. 621

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to S. 621, the so-called PUHCA reform bill.

Mr. DASCHLE. Mr. President, on behalf of the Senators on this side of the aisle, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, in light of the objection of our colleagues on the Democratic side of the aisle, the Senate will not be able to consider this very important public utility holding company bill prior to the end of the 1st session of the 105th Congress. I regret the objection. We will certainly try again next year to move it when we will call it up, and, if we have to have cloture votes, we will do so. We will certainly consider it when we get into the 2nd session of the 105th Congress.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I ask unanimous consent for 2 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object. I only reserve the right to object so that we can accommodate Senator KERREY, who also seeks recognition for purposes unrelated to the Intelligence Committee bill. If there is no objection to that, I have no objection to the unanimous-consent request of the Senator from Missouri. The request is this: I ask unanimous-consent that Senator KERREY be recognized following Senator BOND.

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

The Senator from Missouri is recognized.

## INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. BOND. Mr. President, I thank the Members on the other side. We all know that, because of matters which we won't continue to debate here, our ISTEA or highway reauthorization measure has not gone forward. We will not be able to resolve the many difficult questions over funding allocations and funding formulas this year.

Several days ago, I said that I was working with the EPW, the chairman, Chairman CHAFEE, Chairman WARNER, Ranking Member BAUCUS, and the members of the committee to permit our highway departments in our States to continue obligating funds, continue transit and safety operations and DOT operations for the next 6 months.

Mr. President, just a brief report. We are now working on a formula which would say to each State that, for the next 6 months, you may obligate up to half of what you had in the past fiscal year for contracts for the coming summer construction season. There will be no changes and no impact on the formula, but there will be complete flexibility. So if you have unpaid, unspent

obligations in one category, you can spend them wherever you need to. We are working with the House. I appreciate the cooperation of all Members, because I believe we all understand that we cannot leave highways and transportation without the ability to go forward in the summer construction season.

I thank the leadership of the Senate. We are working with the House to have a proposal that I believe should be acceptable. It does not involve any funding allocation changes or reestablish any formulas, but it does permit the work to go forward. It is vitally important. I appreciate the time of this body. I invite any comments personally that Senators may have about this vitally important measure.

The PRESIDING OFFICER. Under the previous agreement, the Senator from Nebraska is recognized.

Mr. KERREY. Mr. President, I appreciate very much the bipartisan work to come up with a 6-month extension of the highway bill. It is terribly important for all of our States and terribly important that we have some certainty out there. I appreciate the fact that all of us have kept our voices down for the moment.

## UNANIMOUS-CONSENT REQUEST—H.R. 2676

Mr. KERREY. Mr. President, I ask unanimous consent that the Senate proceed immediately to H.R. 2676, the IRS Restructuring Act of 1997, just received from the House, that the bill be read a third time, and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. ROTH. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KERREY. Mr. President, I yield to the distinguished Senator from Delaware.

Mr. ROTH. Mr. President, I say to my distinguished friend from Nebraska that, as he knows, we are beginning to hold hearings on the important problems of reconstructing the IRS. I think that the House legislation is good legislation. It's a good beginning, but, frankly, it does not address all the problems that were uncovered in the hearings held by the Finance Committee a few weeks ago.

We will proceed very expeditiously with the hearings on this matter. We will seek to respond to all of the problems that were raised in our hearings. We think it is important to strengthen the authority, that there is nothing more important to reorganizing and reforming the IRS than providing for independent oversight.

So, while I think it is a good beginning in that action that was taken by the House, much remains to be done to reform the IRS in a manner that it will provide true service to the American taxpayers.

Mr. KERREY. Mr. President, as long as we are in session, I will come to the floor, and I hope those on the other side of the aisle will look at this bill. The Senate did confirm Charles Rossotti to be the new Commissioner of the IRS. There is a lot in this bill. If you look at it, you would say, my gosh, I'm surprised that we don't already do this. It gives the Commissioner the authority to hire, fire, move people around, and to provide marketplace incentives. It has a public oversight board, as well as increased oversight on our side. It has significant changes in here that give the public more information on the basis of audits.

I appreciate very much the fine work that Chairman ROTH has done in the 3 days of hearings. We took a look at some additional things. But this Commissioner is going to be expected to manage a 110,000-person agency through a very difficult filing season this year, next year, and the year after.

This bill addresses many, if not most, of the problems that have been identified by your citizens at home. I hope that during the next couple of days—this bill began as bipartisan. Congressman PORTMAN, Representative from Ohio, and I; chief sponsors on this side in the Senate, Senator GRASSLEY, and I—I hope my Republican colleagues will take a look at this bill. There is a lot more that can be done. There is no question about that. But there is also no question that when we give Mr. Rossotti this authority you are going to get a dramatic improvement in the efficiency of the operation of the IRS. Hundreds of collection notices are going to go out every day; over 1 million additional notices for audits; and other contacts the IRS is going to make per month with taxpayers. For every day we wait you are going to have to answer citizens at home. ''Why didn't you give the Commissioner the authority? Why didn't you provide the kind of authority needed to be able to manage the agency on behalf of taxpayers?''

I believe delay will cost taxpayers. They are not going to be happy about this delay.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I want to make a couple of comments. One pertains to the IRS proposal. I think Senator KERREY's assessment of the House-passed language is correct. It is good language. But I certainly agree with the chairman of the Finance Committee. We had outstanding hearings conducted in a very fair, bipartisan way that said we should do more. I think Chairman ROTH said we want to do more, demand to do more, and I think we can do better. The House passed a very good bill. We passed a better bill.

I tell my colleagues. We want to continue to work together in a bipartisan fashion to pass really good IRS restructuring reform in this Congress. I hope and expect we will.

## INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. NICKLES. Mr. President, I also want to make a comment concerning Senator BOND, and the outstanding work he has done in the Environment and Public Works Committee to pass the highway bill. We need to pass one this year. The Senator from Missouri has been working with Senator BAUCUS and others in a bipartisan fashion, and I believe it has unanimous support in the Environment and Public Works Committee to pass a reauthorization bill, or at least passing an extension for 6 months to allow the States to continue contracting.

They came up with a way that said, ''Well, we are not going to have one side win on the formula issue, or another side.'' I think it is a good compromise until we pass a 6-year bill, which we tried to do.

I might mention that we had four cloture votes on whether or not we would take up the highway bill, and it was basically filibustered because people wanted to add campaign reform and unrelated issues. That is unfortunate. That is history. Now we have to move on. We only have a few days to do it.

I compliment my colleague from Missouri, and others who have worked with him, and I urge our House colleagues to work together with us to make sure we get this passed. Let's pass this before we leave. I think it is vitally important to the highway programs in every single State in the Nation.

## DOD AUTHORIZATION

Mr. NICKLES. Finally, Mr. President, let me conclude on the DOD authorization bill. We just had a resounding vote of 90 to 10 on the Department of Defense authorization bill on which Senator THURMOND has worked, and many other colleagues have been working on for a long time—a year. They put in a lot of work. They have a good bill. It is a bill the President should sign. I urge the President to sign it.

On the depot issue, which has been very contentious amongst a few States, I think we came up with a fair compromise. I think we came up with a compromise that allows States to compete, and to compete fairly.

So I compliment all Senators involved. I urge the President to sign the Department of Defense authorization bill to allow our military people to receive the cost-of-living adjustment, and to allow authorization to go forward on many very important military projects all across our country.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. NICKLES. I am happy to yield.

INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT

Mr. DORGAN. Mr. President, I simply wanted to stand and say that the Senator from Oklahoma, and especially the Senator from Missouri, who spoke earlier, have made important recommendations.

Yesterday, I believe I read in the Congress Daily the recommendations of the Senator from Missouri on the extension of the highway bill. I think the approach he suggests makes a great deal of good sense. And I hope most Members of Congress will understand in this late hour and rally around an approach that gets this done—allows the contracts to be let, and doesn't provide an interruption in the highway activities in our country. This is very important to this country.

So I commend the Senator from Missouri, the Senator from Montana, and so many others who are working on these issues, and hope all Members of the Senate feel, as we do, that this is something that must get done in the final days of this session.

Mr. BOND. Mr. President, I thank my colleague from North Dakota and my colleague from Oklahoma for their kind comments. Unfortunately, at this time in the session, we probably need to get the concurrence of all of the Members, and not just most of them. It is something I hope that will not be prejudicial to any State.

I thank these Senators, and particularly the leadership of the Environment and Public Works Committee, and the leadership of the Senate for moving forward on a project that must be accomplished before we leave.

I thank the Chair.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1998—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

The PRESIDING OFFICER. Under the previous order, the Senate will now turn to the conference report on intelligence, with 20 minutes equally divided under the control of the Senator from Alabama and the Senator from Nebraska, with the Senator from New Jersey to be recognized for 10 minutes.

Mr. SHELBY. Mr. President, I rise in my capacity as chairman of the Select Committee on Intelligence to support passage of the conference report on S. 858, the Intelligence Authorization Act for Fiscal Year 1998. This important legislation authorizes funds for intelligence programs and related activities of the Central Intelligence Agency, the National Security Agency, and other Government entities.

This conference report also represents the culmination of a lengthy and detailed review by the Intelligence Committee of the plans, policies, and programs contained in the President's budget submission for fiscal year 1998. In this regard, I wish to commend the vice chairman of the committee, Senator KERREY from Nebraska, for his assistance in crafting this important legislation. Senator KERREY played a pivotal role in shaping this legislation, and I am pleased we were able to work together, in a bipartisan manner, to bring this legislation to the floor. It's a good bill; my colleagues should support it; and the President should sign it into law.

Let me also take this opportunity to commend Chairman GOSS, my counterpart on the House Permanent Select Committee on Intelligence, along with Mr. DICKS, the ranking minority member. We have developed what I consider to be a very positive and productive working relationship, which manifested itself in the smooth functioning and cordial atmosphere in which our conference deliberations took place.

Although Senate and House conferees completed action on this legislation 7 weeks ago, a joint decision was made not to file the conference report at that time. This was due to the fact that the conference committee on the Fiscal 1998 National Defense Authorization Act had yet to resolve all open issues. Given that funding for all intelligence programs and activities is, consistent with past practice, included in the intelligence authorization bill, we agreed to withhold bringing our bill to a vote until conference action on the Defense authorization bill was completed and the Defense authorization bill was voted on by the Senate.

The conferees on S. 858 took several important steps to improve this country's ability to collect, analyze, and produce intelligence about America's adversaries. We authorized funds above the President's request because we believe there are areas where additional resources are needed in this post-cold-war period of uncertainty. While the mission of our intelligence gathering organizations has not changed, the areas on which they must focus have become diverse and more challenging.

I am, therefore, particularly pleased that the conferees agreed with the Senate that additional resources should be added for advanced research and technology development and in five areas that I call the ''five C's'': counternarcotics, counterterrorism, counterproliferation, counterintelligence, and covert action.

The conferees did not agree, however, to include Senate section 306, ''Encouragement of Disclosure of Certain Information to Congress,'' in the final conference report. The 20 conferees from the Senate—the 19 members of the Senate Select Committee on Intelligence and Senator STROM THURMOND, the distinguished chairman of the Senate Armed Services Committee—voted unanimously in favor of the provision that would require the President to notify Federal employees and contractors with classified contracts that they are not violating any law, Executive order, regulation, or policy if they disclose information, including classified information, evidencing wrongdoing to the committees of Congress with primary oversight of the Federal department or agency involved. A majority of the House conferees voted against the measure, but they agreed that the issue should be explored in more detail and they committed to producing legislation soon. Both committees will schedule hearings on the subject early next year. The conferees did include a declaration, in lieu of section 306, expressing the sense of Congress that Members of Congress have equal standing with the executive branch to receive classified information to carry out their constitutionally mandated oversight functions.

I am disappointed that we were unable to convince a majority of our House colleagues to support Senate section 306. Given the importance of congressional oversight of intelligence activities, the committee will devote significant attention to this important issue in the near future and I look forward to producing legislation that both Houses can agree on. I also hope that the President will work with the committees in drafting such legislation.

I urge the President to reconsider his threat to veto a provision that would allow individuals within his own administration to come forward to the appropriate committees of Congress with evidence of wrongdoing, rather than leaking it to the press, as seems to be the case today.

Again, Mr. President, I strongly urge my colleagues to support this important piece of legislation.

Mr. KERREY. Mr. President, I rise in my capacity as vice chairman of the Intelligence Committee to urge passage of the intelligence authorization conference report. The House and Senate both produced good bills this year, they fit together quite well, and the conference committee under Chairman SHELBY's leadership worked out a compromise which I recommend to my colleagues. The outcome of the conference favors new technology, focuses on today's and tomorrow's hardest targets, and increases the usefulness of U.S. intelligence to its Government customers and to the public.

The legislation coming out of conference is not perfect, because it drops a provision which the Senate had strongly favored, the provision guaranteeing the right of public employees to share classified information about wrongdoing directly with the appropriate congressional committee. I will return in a moment to the failure to include this provision, and I will have more to say in the future about the necessity of such a provision.

Last month, while the conferees were meeting, the CIA was publicly celebrating the 50th anniversary of its creation. I salute its employees and I join President Clinton in praising their generous patriotism, their willingness to take risks for America, and their great professional skill. Their successes during the cold war, be they in space and

airborne reconnaissance, human intelligence, covert operations, or intelligence analysis, were key to our eventual victory. In the years since the cold war the people of the CIA have continued to make a huge difference in warning our military, helping our leaders make the right policy choices, and keeping the American people safe.

It shouldn't be surprising that the CIA is a misunderstood organization, because it is mostly a secret organization. Its employees are secretive about their duties, their budget is secret, their operations are secret. Further, while the CIA's failures, both real and apparent, will probably find their way into the press, the successes will not—and should not. Add the general disinclination these days to think deeply about foreign threats and you see the problem. But it is in the national interest to confront this problem, and to demonstrate to the public the necessity and the necessary uniqueness of the CIA.

The necessity should be clear. Most countries need an organization, a dedicated service, to collect and analyze information so policymakers can make good decisions and military forces can be warned and prepared. Such a service might also be called upon occasionally to act in a clandestine or covert manner, in a way that the Nation's leaders could plausibly deny. A great nation with global responsibilities requires a highly capable global service. Because the information collection is secret—no reason to use an intelligence service to collect what is publicly available—and because the resulting analysis may also have to be kept secret to protect the secret sources, much of this intelligence service's activity should be secret. The necessity for secrecy seems self-evident, but in a period like present, when the threats to our national life seem remote, it bears repeating. It also bears watching.

Secrecy, while necessary in intelligence, conflicts with the openness required of government operations in a democracy. The oversight roles performed by an attentive public and alert media, oversight roles which would quickly find wrongdoing in a Government agriculture program, are usually unavailable to probe secret intelligence operations. Congress has to take up the slack.

For the first 28 years of CIA's existence, Congress's oversight of secret intelligence was benign, distant, and superficial. For the most part, Congress trusted the CIA and the other agencies to do the right thing. But when we ask Government agencies to operate in secret, to take the most serious risks, to conduct operations which the Government will publicly deny, vigorous congressional oversight is required. In creating the Intelligence Committees of the two Houses in the mid-1970's, Congress devised a method for legislative oversight of secret operations which works well and which has excited the curiosity and imitation of many other countries. It is a system which works hard to insure U.S. intelligence activities are conducted in accordance with U.S. law and American values. It protects the right of Americans not to be spied on by their own Government, it protects the taxpayer's dollars spent on intelligence, and it protects the employees of intelligence agencies from having to carry out an operation which has not been approved by the people's representatives. Despite the nostalgic complaints from those who never served under the current oversight system, congressional oversight has made U.S. intelligence much stronger.

Congressional oversight depends on information. That elementary fact is enshrined in the Lloyd-LaFollette Act of 1912, which makes explicit the right of employees of the executive branch to directly provide information to Congress, and in the more recent Whistleblower Protection Act. Particularly in the murky and potentially lethal world of intelligence, it seems self-evident that an employee who knew of serious wrongdoing might not want to clear with her boss or with her agency's inspector general or even with the Justice Department the fact that she was going to the Intelligence Committee or the Armed Services Committee or another appropriate committee with information about the wrongdoing.

The administration sees it differently. They state the President's control of national security information is vested in him by the Constitution, specifically by his powers in foreign affairs and as commander in chief, and that the provision in the Senate intelligence bill authorizing employees to bring classified reports directly to Congress violates the Constitution. The administration is also concerned that to weaken the President's control of secret information is to increase the chance of security leaks—even though Congress has a much better record than the executive branch in keeping classified information secure. Since a President has the sole authority to classify any information he wants, it is possible that some future administration could classify a report on sexual harassment or bribery or any topic. Congress will be a supplicant for information identifying wrongdoing, not an authorizer and overseer of Government activity.

I must stress that the Clinton administration has given no hint it would ever behave in such a fashion; in fact, the intelligence committees get more information from this administration than from any other in our history. In addition to its many classified notifications to the oversight committees, this administration is declassifying data from earlier eras and also recently announced the dollar amount of the total intelligence budget for the last fiscal year. But ours is a government of laws, not individuals, and we must be prepared for more contentious relations between the branches, and less principled administrations, than we have now.

The Senate provision was, very simply, about Congress' right to Government information and the right of citizens to inform Congress. I am disappointed this provision was removed in conference, but I will join Chairman SHELBY in introducing this provision as separate legislation and I am confident we will prevail. The American system of Government depends on it.

I said congressional oversight has made U.S. intelligence better. It has also made Congress more informed about the intelligence agencies, just as any oversight committee comes to know its agencies well. From my vantage point, these agencies are national treasures, but they have a potentially fatal defect: they are not effectively portraying to the American people the crucial necessity of their work. I know, and my colleagues know, how relevant the intelligence community's work is to America. But the American people, by and large, do not know. The task for the intelligence community is to inform them, to make sure the American people know the role of intelligence in protecting their freedom and their safety.

A second task is for the intelligence agencies to treat the American people as their customers. In other words, the agencies must put priority and resources on their declassification efforts, they must respond faster to freedom of information requests, and they must use and disseminate open source information the public can use to understand their world better and make better decisions. The days when intelligence was exclusively a secret activity for an elite inside the beltway are over, and if intelligence is to retain its claim on the public's resources and rebuild the public's full respect, they ought to be over.

Over the past half-century, our leaders and our military used the best intelligence to keep us free and to help us prevail in the global struggle with communism. The CIA and its sister agencies went to the ends of the earth, the depths of space, and the inner reaches of the human personality, to find that intelligence. We all owe them a great debt. But this is a new, and far more open, world. The intelligence authorization bill provides the resources and the direction for success in that new world. But the enthusiastic support of the American people is not something Congress can authorize—if we could, we would authorize some for ourselves. Only the agencies themselves can accept this challenge, and earn the respectful, even admiring and grateful support of the great majority of its 260 million customers. In my view, Director Tenet and his colleagues are up to the challenge. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KERREY. Mr. President, I ask unanimous consent that when Senator TORRICELLI of New Jersey is finished all time be yielded.

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

The Senator from New Jersey is recognized.

Mr. TORRICELLI. Mr. President, under the original provisions of the Senate authorization bill for intelligence, Senator SHELBY and Senator KERREY contained in the authorization a provision reasserting the right of the Congress to know the truth about activities of the intelligence agencies.

The provision directed the President to tell all Federal employees that they can inform the Congress without fear of reprisal and prosecution of activities in which the intelligence agencies were involved. It was put into a provision. Indeed, the purpose of the provision was whether or not intelligence agencies were involved in improper or illegal activities.

The provision pointed out that Members of Congress have a clear right to know such information, and, indeed, constitutionally, since they are charged with oversight responsibility, cannot meet their constitutional duties without Federal employees knowing that they not only have the right and the responsibility but, indeed, are free to provide this information without retribution.

Tragically, under the direction of some of the President's senior advisers, it was suggested that the President might veto the entire bill unless this provision were removed.

I rise today to compliment Senator SHELBY, Senator KERREY, and the Intelligence Committee, and, indeed, this entire Senate for insisting upon this provision; and, at the same time to say with regret that it has been removed from the legislation.

It is hard to exaggerate the potential impact of the removal of this provision. The secret agency of the Government is overseen by only two congressional committees—both select committees, which meet understandably in secrecy. Those committees are charged with overseeing all of the intelligence agencies of this Government. But they rely upon the fact that the leadership of the intelligence community will come to the committee with truthful testimony and report on its activities. There is no one to rely upon but the leadership of the intelligence community itself. All other committees of the Congress know about the whistle-blower statutes. Federal employees will come forward if there are illegal activities in this Government, or improper activities.

The intelligence committee has no such assurance with regard to intelligence agencies of this Government. The Congress recognized this fact. Senator SHELBY and Senator KERREY recognized this fact. They acted appropriately.

It is with great regret that in voting for this conference report today I must report and note that the provision—that simple protection to allow this Congress to meet its responsibility—is no longer contained in the bill.

I do, however, note and compliment the Intelligence Committee for they have rejected unanimously the executive branch position as unconstitutional and have inserted language in the conference report making clear that the executive branch cannot unilaterally withdraw congressional prerogatives. So, while the original language is no longer contained in the bill, it is also made clear that the Congress is insisting upon its prerogatives.

I hope, Mr. President, that President Clinton will rethink his position, and next year and in future years will return to the question of authorization of the intelligence community. We once again will be in a position to place into legislation clear and effective protections that this Congress will be assured that every employee of the Federal Government will know that they have a right and a responsibility to come to this Congress whenever they believe improper or illegal activities are taking place and that they can do so without fear of retribution.

Mr. President, I support the conference report. But I do regret that the administration has insisted upon the removal of this very worthwhile provision.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

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

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

## RECIPROCAL TRADE AGREEMENTS ACT OF 1997

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration S. 1269, for the purpose of laying down two first-degree amendments only.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 1269) to establish objectives for negotiating and procedures for implementing certain trade agreements.

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. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 1594

(Purpose: To establish an emergency commission to end the trade deficit)

Mr. DORGAN. Mr. President, the Senator from North Dakota calls up amendment No. 1594, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] for himself, Mr. BYRD and Mr. SARBANES, proposes an amendment numbered 1594.

Mr. DORGAN. 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. DORGAN. Mr. President, let me take just 1 minute to describe the amendment. I offer the amendment on behalf of myself, Senator BYRD from West Virginia, and Senator SARBANES from Maryland. I hope that this amendment will be agreed to at some point. It is an amendment that deals with the trade deficit. It would establish an emergency commission to end the trade deficit, a commission that would be comprised of 21 members to study and analyze and evaluate the trade deficit and, over 16 months, make recommendations to the Congress on how to grapple with this vexing trade deficit.

Mr. President, we have had 21 years of consecutive trade deficits, each of the last 3 years the highest trade deficits in the history of this country. Our trade strategy isn't working. We need to change it. The question is how do we change it so that we end these crippling trade deficits. We propose a commission to make recommendations to Congress. I hope it will be successful.

Mr. President, with that I intend to come back to the floor and speak at greater length, but at this point I yield the floor.

Mr. INHOFE. Mr. President, I ask unanimous consent the Dorgan amendment be set aside.

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

AMENDMENT NO. 1602

(Purpose: To establish a research and monitoring program for the national ambient air quality standards for ozone and particulate matter and to reinstate the original standards under the Clean Air Act)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE] proposes an amendment numbered 1602.

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

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

The amendment is as follows:

At the end of the bill, add the following:

**TITLE ____—OZONE AND PARTICULATE MATTER RESEARCH**

**SEC. ___01. SHORT TITLE.**

This title may be cited as the ''Ozone and Particulate Matter Research Act of 1997''.

**SEC. ___02. FINDINGS.**

Congress finds that—

(1) implementation of the national ambient air quality standards published in the Federal Register on July 18, 1997 (62 Fed. Reg. 38856), would damage the international competitiveness of the United States manufacturing industry and effectively subsidize imports, penalize exports, and add to an already large United States trade deficit;

(2) Public Law 101–549 (commonly known as the ''Clean Air Act Amendments of 1990'') (104 Stat. 2399) established a number of measures and programs that address ozone and particulate matter pollution and the precursors to ozone and particulate matter pollution;

(3) as of the date of enactment of this Act, most of the measures and programs are continuing or have yet to be implemented;

(4) the United States has made significant progress in reducing atmospheric levels of ozone and particulate matter since the enactment of Public Law 101–549 and will continue to make significant progress in reducing atmospheric levels of ozone and particulate matter through continued implementation of that Act during the 5-year period beginning on the date of enactment of this Act;

(5)(A) the national ambient air quality standards for ozone that were in effect on July 15, 1997, are explicitly incorporated into part D of title I of the Clean Air Act (42 U.S.C. 7501 et seq.); and

(B) the changes to those standards published in the Federal Register on July 18, 1997 (62 Fed. Reg. 38856), could nullify many of the ozone provisions in Public Law 101–549 and lead to disruptions and delays in the reduction of ozone and the precursors to ozone;

(6) the Administrator of the Environmental Protection Agency and the Clean Air Scientific Advisory Committee have recommended that additional research be conducted to determine any adverse health effects of fine particles (including research on the biological mechanism for adverse health effects, toxicity and dose response levels, and the specification of the size and type of particle that might have adverse health effects); and

(7) available atmospheric data regarding fine particle levels in the United States are inadequate to provide an understanding of any adverse health effects of fine particles or a basis for designating areas under title I of the Clean Air Act (42 U.S.C. 7401 et seq.).

**SEC. ___03. PARTICULATE MATTER RESEARCH PROGRAM.**

(a) INDEPENDENT PANEL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this title as the ''Administrator'') shall request the National Academy of Sciences to convene an independent panel of scientists with expertise in the health effects of air pollution to establish priorities for research on the health effects of particulate matter.

(2) REPORT.—Not later than February 1, 1998, the Administrator shall report to Congress on the recommendations of the independent panel.

(b) RESEARCH PRIORITIES.—At a minimum, the independent panel shall consider—

(1) the sizes and physical-chemical characteristics of the constituents of particulate matter;

(2) the health effects of individual exposure to concentrations of fine particulate matter at ambient levels versus indoor levels;

(3) the identification and evaluation of biological mechanisms for fine particulate matter as related to shortening of lives, acute mortality, and morbidity;

(4) controlled inhalation exposure as a determinant of dose-response relationships; and

(5) long-term health effect evaluations that examine individual exposure to fine particulate matter, other particulate indicators, and other copollutants and airborne allergens.

(c) INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the President shall establish a committee to be known as the ''Particulate Matter Interagency Committee'' (referred to in this title as the ''Interagency Committee'').

(2) PURPOSES.—The Interagency Committee shall—

(A) not later than 180 days after the date of enactment of this Act, develop recommendations for a program to coordinate the activities of Federal agencies engaged in research on human health effects of particulate matter that ensures that the research advances the prioritized agenda of the independent panel; and

(B) monitor, review, and periodically evaluate the program.

(3) COMPOSITION OF INTERAGENCY COMMITTEE.—

(A) MEMBERSHIP.—The Interagency Committee shall be composed of 8 members, of whom—

(i) 1 shall be appointed by the Administrator;

(ii) 1 shall be appointed by the Secretary of Agriculture;

(iii) 1 shall be appointed by the Secretary of Defense;

(iv) 1 shall be appointed by the Secretary of Energy;

(v) 1 shall be appointed by the Secretary of Health and Human Services;

(vi) 1 shall be appointed by the Director of the National Institute of Environmental Health Sciences;

(vii) 1 shall be appointed by the Director of the National Institute of Standards and Technology; and

(viii) 1 shall be appointed by the Director of the Office of Science and Technology Policy.

(B) CHAIRPERSON.—From among the members appointed under clauses (ii) through (viii) of subparagraph (A), the Interagency Committee shall elect a chairperson who shall be responsible for ensuring that the duties of the Interagency Committee are carried out.

(C) STAFF.—Members of the Interagency Committee shall provide appropriate staff to carry out the duties of the Interagency Committee.

(d) REPORT TO INTERAGENCY COMMITTEE.—

(1) IN GENERAL.—The Administrator shall request the National Academy of Sciences to periodically submit to the Interagency Committee, the Clean Air Science Advisory Committee, and Congress a report that evaluates the prioritized research activities under the program described in subsection (c)(2)(A).

(2) EXPENSES.—The Administrator shall be responsible for expenses incurred by the National Academy of Sciences in carrying out paragraph (1).

**SEC. ___04. SCIENCE REVIEW.**

Not earlier than 4 years after the date of enactment of this Act, the Administrator shall—

(1) complete a thorough review of the air quality criteria published under section 108 of the Clean Air Act (42 U.S.C. 7408) for ozone and fine particulate matter and a thorough review of the standards in effect under that Act for ozone and particulate matter; and

(2) determine, in accordance with sections 108 and 109 of that Act (42 U.S.C. 7408, 7409), whether to—

(A) retain the criteria and standards in effect under that Act for ozone and particulate matter;

(B) make revisions in the criteria and standards; or

(C) promulgate new criteria and standards.

**SEC. ___05. PARTICULATE MONITORING PROGRAM.**

(a) IN GENERAL.—The Administrator may require State implementation plans to require ambient air quality monitoring for fine particulate matter pursuant to section 110(a)(2)(B) of the Clean Air Act (42 U.S.C. 7410(a)(2)(B)).

(b) GRANTS.—The Administrator shall make grants to States to carry out monitoring required under subsection (a).

**SEC. ___06. REINSTATEMENT OF STANDARDS.**

(a) IN GENERAL.—The national ambient air quality standards for ozone and particulate matter under section 109 of the Clean Air Act (42 U.S.C. 7409), as in effect on July 15, 1997, are reinstated, and any national ambient air quality standard for ozone or particulate matter that may be promulgated after July 15, 1997, but before completion of the science review under section 4 shall be of no effect.

(b) REVISION OF STANDARDS.—The national ambient air quality standards for ozone and particulate matter reinstated under subsection (a) shall not be revised until completion of the scientific review under section ___04.

**SEC. ___07. ALLERGEN RESEARCH.**

The National Institutes of Health shall carry out a research program to study the health effects of allergens on asthmatics, especially asthmatics in urban inner city areas.

**SEC. ___08. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated for each of fiscal years 1998 through 2002—

(1) $75,000,000 to carry out sections ___01 through ___06; and

(2) $25,000,000 to carry out section ___07.

Mr. INHOFE. Mr. President, I will make the same request that the Senator from North Dakota did. I will be wanting to come back and take up this amendment. I ask at this time it be set aside.

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

## MORNING BUSINESS

Mr. INHOFE. Mr. President, I ask unanimous consent that there be a period of morning business until 5 p.m., with Senators permitted to speak for up to 15 minutes each.

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

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may be permitted to speak for not to exceed 10 minutes.

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

## SENATOR DASCHLE'S 50TH BIRTHDAY

Mr. BYRD. Mr. President, South Dakota is a quiet state. Its cities are neither heralded in poetry like Carl Sandberg's ''big shouldered'' Chicago nor celebrated in song like New York and San Francisco. It is, nonetheless, a state of stunningly varied beauty, showcased in the wildflower-sprinkled

long grass prairie. It still boasts free-ranging herds of bison; and in the wind- and water-carved Badlands that glow with sunset colors under the azure skies. It can be a lonely state, with long ribbons of tarmac linking small towns for years haunted by the brooding presence of nuclear-tipped intercontinental range missiles and blanketed by driving snowstorms in winter. Strong-willed and resilient personalities are required to flourish in South Dakota, and she is blessed with such citizens. One of those strong-willed, resilient South Dakotans ably serves both the State of South Dakota and the United States Senate, where he will soon celebrate both the fourth anniversary of his election as Democratic Leader and the 50th anniversary of his birth in Aberdeen, South Dakota.

Ah, Mr. President—oh, just to be 50 again. I would be calling back almost 30 years in that event.

I am sure that everyone here would agree that Senator TOM DASCHLE is strong-willed and resilient. Indeed, Senator DASCHLE's virtues are common to those who claim the Mount Rushmore State as their home. Like the many ranchers and farmers who live in South Dakota, Senator DASCHLE is a patient, hard-working man who knows that one must toil today so that one may reap the fruits of one's labors tomorrow. And, as befits a man who hails from one of the country's most sparsely populated states, in which a majority of the inhabitants are rurally located, Senator DASCHLE is quiet, self-contained, independent and plain-spoken. Despite his quiet reserve, however, Senator DASCHLE is a warm and friendly man; these qualities well suit the resident of a state whose name derives from the Sioux word for ''friends'' or ''allies.''

I hope that Senator DASCHLE will permit me to indulge in a flight of fantasy by pointing out that he shares many of the geographic and meteorological characteristics of his state. Like a South Dakota blizzard, he is capable of driving the Senate with authority, but like the tall grass prairie, he is also capable of bending with the winds of change, adapting and modifying issues in order to reach a common consensus. Like the famed Black Hills of South Dakota, Senator DASCHLE possesses an implacable reserve; and, as befits the representative of a state which stands geographically at the center of our Union, he has claimed for himself the ideological middle-ground of this body and this country. As I list these many and varied characteristics, it occurs to me that here is truly a fitting embodiment of the state whose changeable climate and diverse geography have resulted in the appellation ''the Land of Infinite Variety.''

From the many and varied characteristics that I have enumerated, I wish to pluck one that best captures the essence of Senator DASCHLE. I refer to his quietness. Quietness is an underrated and sadly uncommon trait, in this chamber and in this nation. Underrated, perhaps, because it is often mistaken for timidity or lack of conviction; we Americans at times place too much faith in the hearty optimism and aggressive self-confidence of the extrovert. But the true optimist, the truly confident person, has no need for bluster or vituperation. Thus the Bible instructs us in Thessalonians 4:11, ''Study to be quiet, and to do your own business.'' And Shakespeare, whose poetry and prose remain a bounteous font of wisdom, also said ''truth hath a quiet breast.'' Indeed, truth does have a quiet breast, and the heart that beats within that breast is no more steady, dependable, diligent, or uncomplaining than is the senior Senator from South Dakota.

For many persons, turning 50—as my friend from South Dakota will do on December 9th—marks an important milestone along the road of life, prompting thoughts about where one is heading and what one has accomplished. I know that Senator DASCHLE will not have to concern himself on the latter score, for his accomplishments are both numerous and widely acknowledged. A champion of veterans, a dedicated friend to farmers, an ally of Indians, and a powerful advocate of providing affordable health care to all Americans, Senator DASCHLE has proved time and time again his willingness to fight for those who are unable to fight for themselves. His courage and persistence in these endeavors may, perhaps, be traced to his service in the U.S. Air Force, which provides further evidence—as if more were needed!—of Senator DASCHLE's dedication to his country.

Clearly, Senator DASCHLE has no reason to concern himself on his upcoming birthday with fears that he has achieved too little. But what of that other concern I alluded to a few minutes ago, the sudden realization common to many fledgling quinquagenarians that they are leaving the comfortable environs of middle age and entering a new, unfamiliar, untested territory? I do not know whether Senator DASCHLE is experiencing such intimations of mortality—if he were, he would doubtless be loath to admit it—but I feel that on this account I may set his mind to rest. Allow me to offer a little of the perspective on aging that is the prerogative of those, like myself, who are more advanced in years.

For when I entered my 50th year, the Senate was a far different place than it is today. Senators were then paid $30,000 a year. Senators Mike Mansfield of Montana and Everett Dirksen of Illinois presided masterfully over their respective parties in the Senate. It was a turbulent time nationally, and that turbulence was mirrored in the Senate. Senator Eugene McCarthy stormed out of one particularly contentious meeting of the Senate Foreign Relations Committee, angered over the President's Vietnam policy. That same year, spectators dropped a flood of anti-Vietnam War literature from the galleries to protest a conflict that had already killed over 10,000 American soldiers; the Senate responded by, for the first time, banning demonstrations within the Capitol, and I joined in that protest against demonstrations in the galleries, as I think Senators who know me would understand that I would.

On a more positive note, that year also saw several important milestones in the history of the Senate. Maine's Margaret Chase Smith became the first woman elected to a leadership position in the Senate when she won a unanimous vote to be Chairman of the Republican Conference. That same year, the first black Senator in years, Edward W. Brooke of Massachusetts, was sworn in. Senator Brooke was not only the first black Senator since Reconstruction; he was also the first from a northern state and the first to be popularly elected to the Senate.

I hope, in suggesting how the Senate has changed since my 50th year, that I have both reminded Senator DASCHLE of his youth and suggested the breadth of change that he will inevitably see in this chamber over the next few decades. For if South Dakotans in their wisdom deem it, Senator DASCHLE may continue to toil in this chamber for many years to come, and I look forward to working with him as he builds upon his achievements. So today, before the Senate adjourns this session, allow me to look ahead to the ninth of December and wish my friend Tom Daschle a very happy 50th birthday.

To TOM personally, may I say:

The hours are like a string of pearls,
The days like diamonds rare,
The moments are the threads of gold,
That bind them for our wear,
So may the years that come to you
Such wealth and good contain
That every moment, hour and day
Be like a golden chain.

Mr. President, I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The senior Senator from South Dakota.

Mr. DASCHLE. Mr. President, I am very honored, very grateful and, I must say, humbled by the generous remarks of the very distinguished Senator from West Virginia, my friend, Senator BYRD. I can't think of a more pleasant way to ease my way into the half-century realization than to listen to the eloquence of this masterful speaker and legislator. I cannot think of a better gift to be given than the respect shown to me by Senator BYRD in the way that he has just expressed.

It has now been my good fortune to serve in the Senate for 10 years. As I continue to serve, my respect for him, the education I receive from him, the opportunities that I have in serving with him continue to excite me and provide what I consider to be some of the greatest experiences that I share in the Senate.

Someone once said that life has no blessing like that of a good friend. If

that is indeed true, then I have been richly blessed by my friends on both sides of the aisle in the U.S. Senate, but among them, there is no friendship for which I have greater pride and for which I treasure more than the friendship that I have been blessed to receive from the distinguished Senator from West Virginia.

So, I thank him for his kind words, for his eloquence, for the respect that he has shown me and also for being such an extraordinary instructor, not only to me, but to all the Members of the Senate as he continues to serve in such a magnificent way as the senior Senator from the State of West Virginia.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Thank you, Mr. President.

## NATIONAL TESTING

Mr. ASHCROFT. Mr. President, I rise to speak of the need to preserve and protect the intense vital involvement of parents in decisionmaking in local schools all across America. If America is to succeed in the next generation, we have to have the capacity to have the kind of schools that meet the needs of our students. We will have to have the ability to experiment from one school district to another. We will have to have State and local governments that can tailor the programs which they have to meet the demands of their unique settings.

Sometimes when we think about achievement, sometimes when we think about success, we think it might be necessary to try and impose the so-called ''wisdom of Washington'' upon the Nation generally. But, I think that temptation ought to quickly fly from us if we would think of what would have happened, for instance, if we decided there needed to be a single uniform type of computer and we had imposed it from Washington saying there would just be one way of doing things. Maybe we would have chosen Apple computers and their way of doing things instead of IBM and their way of doing things. Or maybe we would have chosen a single software company and said that is the only way it could be handled, and we wouldn't have the flourishing and the flowering and the kind of intense opportunity and plurality for the generation of marvelous alternatives that have made America the far and away overwhelming leader in terms of the technology.

I think whenever we feel that temptation to draw to Washington, DC, the decisionmaking and the prerogative of developing for the Nation a single uniform policy which would take the diversity and the creativity out of the system and would cheat America of the vital creativity and opportunity that is expressed when people at the local level are involved, whenever we have that temptation, we should think about how bad it would be in so many areas had we had that kind of policy.

America's ability to flourish as a success reflects the diversity of this country and the ability of different groups of individuals to approach things differently and to do so successfully. Not only does it provide for us an energy which carries us to excellence, it also means that we don't ever have all of our eggs in a single basket. We have the capacity to meet a variety of challenges. We have innovative and creative thinking. We have the capacity to look at things from different points of view.

One of the things that the President sought to bring to the United States—and I think his intention was good—was he wanted to improve education, by bringing to us national testing, testing of students on an individual basis all across America with a uniform test promulgated by bureaucrats in Washington, a single test which would, unfortunately, chart the direction of education all across the country.

When you make a test, you decide that you are testing for something. So if you are going to make up a test that is going to be imposed on the country, you are going to be testing for something and you have to define what you are testing for.

So the development of a test, although it might not seem to be at first blush, is really the development of a curriculum. If you decide what you are going to test for, you have to decide what you are going to teach. Once you decide what you are going to teach, you have established a national curriculum.

Oddly enough, even deciding what you are going to teach probably isn't all that is controlled with the development of a test.

The development of a test probably decides how you are going to teach it, because if you teach English, for instance, with phonics, teach people how letters sound together, and combinations and the like, that is one way of teaching the English language and would be tested differently than teaching the English language with the so-called whole language approach where you just have the recognition of words by rote or memorization.

So when you have something like a national test proposed, you have to understand that you are talking about uniformity, that you are going to impose a single system all across the country, going to make everybody pretty much the same, you are going to deprive the system of the creativity and the vitality and diversity of what a lot of different folks can do when they are working simultaneously on a problem.

Second, you are not only going to have uniformity, but you are going to determine from Washington, DC—if you have a uniform test, you are going to have a uniform curriculum. What to teach and how to teach it then becomes a uniform decision by bureaucrats. Because in order to test accurately, you have to know exactly what you are teaching and, of course, what you are teaching for will depend on how you are teaching.

It troubles me to think that we might take these most fundamental decisions in education and pry them from the prerogative of parents and move them to the educators or bureaucrats of Washington, DC.

As a matter of fact, the bureaucrats, educational bureaucrats, in Washington, DC, do not have a very good record. The bureaucrats in Washington, DC, run a couple school systems. We know that.

As a matter of fact, they run the Department of Defense Dependent School System. A year or two ago they tried to put the so-called whole math into that system. The results were devastating. The median percentile computation scores on the Comprehensive Test of Basic Skills taken by more than 37,000 Department of Defense dependent school students, 1 year after the Defense Department introduced whole math, dropped 14 percent for third graders—this is the median percentile score—dropped 20 percent for fourth graders, 20 percent for fifth graders, 17 percent for sixth graders, and 17 percent for seventh graders. One year's implementation of a fad, of the new whole math, devastated the performance of those students.

I am not sure we want to yield the control of our public schools to the Federal Government so we can have that kind of devastating impact. I sure do not.

Maybe, if you think the Federal Government does things particularly well, you should look at another school system which the Federal Government runs. It is called the District of Columbia School System, where, I think, we have the highest per capita expenditure on students anywhere in the world, and we have some of the lowest achievement levels.

What I am trying to say is, we do not need to forfeit to the Federal bureaucracy in Washington, DC, the decisionmaking in education of what to teach and how to teach it, and we need far less to take parents out of the equation.

Some people might not understand the value of parents in education, but there has been a lot of work in the educational research area about the value of parents in education. A 1980 report in ''Psychology in the Schools'' shows that family involvement improved Chicago elementary schoolchildren's performance in reading comprehension dramatically.

One year after initiating a Chicago citywide program aimed at helping parents create academic support conditions in the home, students in grades one through six ''intensively exposed to the program'' improved .5 to .6 grade equivalents in reading comprehension

on the Iowa Test of Basic Skills over students less intensively involved in the program—a 50- to 60-percent better level of improvement when the parents are deeply involved.

If we are going to take parents out of the equation of what to teach and how to teach and we are going to tell them, do not bother to try to get active in your schools, because if things are not working there, you would have to change the whole country in order to change what happens at your schools, and besides, all the decisions are going to be made at sort of a quasi-national school board in Washington, DC, I do not think we are going to get effective parental involvement. That is why I believe that locally controlled schools are the fundamental thing that we ought to pursue. It is not only true for Chicago schoolchildren, it has been proven over and over again in other cities across the Nation in a variety of studies.

It is important that we have parental involvement. It is important that we have local determination. It is important that we not yield to Washington, DC, the capacity to impose uniform curricula and a uniform teaching methodology all across the country. It would stifle creativity. It would impair achievement in a very, very significant way.

The Republican agenda for education has not been to centralize education in Washington, DC. Our agenda, as expressed in this legislative session, has been to give local schools block grants. It has been to send them the power to do what they know they need to do.

I heard Congressman GOODLING from the House talk about the President's plan to improve education with just one more test. We already have between three and nine standardized tests every year for every student in the country, according to USA Today.

Congressman GOODLING put it this way: ''If you are trying to fatten cattle, they don't get fat by weighing them one more time.'' If you are trying to educate students, they don't get smart just by being tested one more time. Students not only have the regular tests of their instructional regime, they also have these three to nine other tests which are taking instructional time. And they are telling us pretty clearly where we are educationally. We know where there is much to achieve, but weighing the cattle one more time, testing the students one more time, will not make them fatter or smarter.

The truth of the matter is, the solution is to do things like the Republicans have sought to do here, which is to get more capacity into the hands of schools so that it can be devoted to students and teachers, not to the bureaucracy in Washington—a clear contrast.

The bureaucracy in Washington grows under President Clinton's ability to dictate, through the backdoor of testing, a curriculum and a teaching style in uniformity across America. Under the Republican proposals, instead of having a growing bureaucracy, you take the resource which would otherwise be sapped by the bureaucracy in Washington, and you target it on the schools, you give block grants to local schools.

Another Republican initiative, the A-plus accounts, gives parents choices. Instead of taking parents out of the equation by saying we are going to have a national school board that no parent could afford to come and talk to and that would impose a uniform regime all across America, the Republican plan is to empower parents, to give parents choice. Let parents invest resources so that they can send their children to the schools that the parents choose and invest those resources absent the kind of onerous tax burdens that parents normally would have on their investments.

The President's agenda is more programs, more bureaucracies, more of Washington-knows-best. The Republican agenda is a commitment to local schools, local control, local education, the creativity, the pluralism, yes, the diversity and the energy that comes when we have local schools all across America.

There is an effort being made in this year's appropriations measure to harmonize the kind of demands that are being made by the administration and the items that were passed in the Senate with items that were passed in the House. I think it is fundamentally important that we protect local schools. If we are not willing to stand up to protect the local schools, the prerogative of parents to operate in those schools, to be effective there, to get involved meaningfully in the development of curriculum and the development of teaching methodology, I think we will have failed in our duty.

I intend to do whatever I can, as we close this session—and I mean ''whatever I can''—to make sure we arrive at a conclusion which makes it possible for parents to continue to have that kind of beneficial impact.

At the end of this year the President and his bureaucrats seem to be winning. America's children are losing. The block grants, which would have cut the Washington bureaucracy by sending more funds directly to local school districts, were all but abandoned, and I commend the occupant of the Chair for having that idea, which is one of the best ideas that has been offered to help education in this Congress in decades.

Scholarships for needy children in the District of Columbia were filibustered to death. Instead of giving parents the power to help their children in education, we lost on that ground. And the President has indicated that, if we succeed on that ground, he will veto it.

On Tuesday, the Senate voted to kill A-plus accounts to help parents pay for the costs of their children's education. At least the vote was to not allow that to go forward. We could not get cloture. So those who sought to reinforce the position of the President there deprived America of another opportunity for parents to be beneficially involved.

We have lost on the block grants. We lost on the A-plus accounts. We lost on the scholarships for DC students that would empower parents.

A final ballot remains over national testing. It is a cause from which I do not intend to waiver.

I do not think Senators should pack their bags for the recess just yet. There are rights to defend. There are students whose interests are in the balance. I do not think we should sacrifice the next generation's education for a few extra days of rest at the end of this year. I certainly do not intend to do so myself.

National tests would lead to a national curriculum. I think we can all understand that. The President keeps saying that the national testing system he is proposing would be voluntary. He said these will all be voluntary. Do not worry. No school district would be required to be involved in these tests.

That is what he said in Washington, DC. That is what he said in his State of the Union Message. That is what he said recently. Perhaps he thought we were not listening carefully when he was speaking in Lansing, MI, on March 10 of this year, 1997. He put it this way:

> I want to create a climate in which no one can say no, in which it's voluntary but you are ashamed if you don't give your kids the chance to do [these tests].

Here is a President who says this is to be voluntary, but he says he wants to make it so no one can say no. When the President has the ability to control funding, and when he has the opportunity to give grants and otherwise to make favorable or unfavorable decisions about what happens in schools, I doubt seriously whether there will be a real opportunity for these to be voluntary.

William Safire recently warned of the dangers of allowing the administration's testing proposal. And I quote William Safire in his editorial from the New York Times op-ed page entitled ''Flunk that Test.'' He put it this way:

> We're only talking about math and English, say the national standard-bearers, and shucks, it's only voluntary.

I continue to quote Safire.

> Don't believe that; if the nose of the camel gets under the tent, the hump of a national curriculum, slavish teaching to homogenizing tests, and a black market in answers would surely follow.

You know, the evils of a national test have long been understood, not just by Republicans, but by Democrats as well, because they have understood that national testing ultimately dictates national curricula.

Perhaps one of the most eloquent in that respect was Joseph Califano. Joseph Califano was the Secretary of Health, Education and Welfare in the Carter administration. When Joseph Califano was asked about national

tests, he warned the American people. He put it this way:

> Any set of test questions that the federal government prescribed should surely be suspect as a first step toward a national curriculum. . . . In its most extreme form, [Joseph Califano went on to warn] national control of curriculum is a form of national control of ideas.

We could have a long debate about the potential evils of national control of ideas, but it is pretty clear to me that none of us believes that Washington, DC, should control ideas. I think all of us understand that if Washington, DC, controls things, it generally does not do them well. As a matter of fact, what this country has controlled from Washington, DC, has not been exemplary. It has been an example of what to avoid rather than what to embrace.

When you are talking with individuals about the so-called tests which they would impose, you have to wonder whether Washington's imposition of tests would be something like Washington's attempted imposition of the standards for history, which they tried to develop at the end of the last decade and early in the 1990's.

The National Endowment for the Humanities sought to develop a set of history standards telling us what we should know and what we should teach. What was interesting to me is that the standards tended to be far more politically correct than they were historically correct.

When you are thinking about mathematics, I do not think we should think about that which is politically correct or historically correct. We should think about things that are arithmetically correct.

But here is what happened to the national history standards. The national history standards were more interested in those who were politically correct.

The standards slighted or ignored many central figures in U.S. history, particularly white males. To name a few, Robert E. Lee was left out, Thomas Edison and the Wright brothers were left out, Paul Revere was left out, so we could have many, many references to the Ku Klux Klan, so we could have references to heroes from other continents.

The truth of the matter is the U.S. Senate understood what was happening there and voted against those standards. I believe that these standards were rejected unanimously in the Senate. George Will attacked the failed history standards as ''cranky anti-Americanism.'' It didn't surprise the American public. The American public has witnessed the Federal Government go awry, time after time after time on issue after issue after issue.

The proponents of the proposed national tests have indicated that their interest is in the whole math curriculum. As a matter of fact, when we found out what they were talking about with the whole math curriculum we discovered they were talking about a rejection of computation. Computation is 3 times 6 is 18; 3 times 18 is 54; 4 times 18 is 72. They reject that. One whole math proponent was quoted in the Wall Street Journal as having said we can't ask students to say 6 times 7 is 42, put down the 2, carry the 4. They said that is discriminatory. Most students can't do that, they are too dumb. That is ridiculous. Our students are smarter than that. They are not that dumb.

As a matter of fact, the only thing that will dumb down American education is if we have low expectations. I have studies that show when you have low expectations you get low performance. Here you have people designing the tests who want to run away from the ability of American students to compute. They want to supply everyone with a calculator so no one has to know the multiplication table and no one has to do things in his or her head. I think such dumbing down of America's educational performance would be inappropriate.

Most importantly, it is fundamental that we maintain in this great land the ability of moms and dads to be at the focal point of educational policy and development and not bureaucrats in Washington, DC. It is fundamentally important that we maintain local control of education rather than Washington control.

As we are working our way to see whether or not we can have an appropriations bill that maintains this balance, I want to say to the U.S. Senate that we have an obligation to stay here and work until we do protect the rights and opportunities of the next generation for a decent education by making sure that their parents are in charge, that local school boards and States are in charge, and that we don't forfeit the prerogatives of education policy to bureaucrats in Washington, DC, who would impose a kind of mindless ''dumbed down'' national curriculum which would fail to have the diversity and creativity and energy —especially the energy—that comes from local involvement that we need.

I intend to do whatever I can and everything that is possible to make sure that we protect that prerogative. I hope Members of this body and Members of the House will join me in doing so. As we are seeking in these moments to reach an agreement with the White House in this respect, I hope it will be their understanding that a plan to have a uniform stifling environment promulgated from Washington is not a plan for a prosperous America but is a plan which would pull the educational rug out from under the feet of our children and would destroy our capacity to compete in the next generation.

I yield the floor.

Mr. JEFFORDS. I ask unanimous consent I may proceed for 10 minutes as in morning business

The PRESIDING OFFICER (Mr. SMITH of Oregon). Without objection, it is so ordered.

## FIRST STEP ON AN UPHILL ROAD

Mr. JEFFORDS. Mr. President, I rise again today to speak about the state of the District of Columbia public schools, an issue that is extremely important to me. And I am happy to say, that for the first time in the months that I've been bringing this issue to the attention of my colleagues, that there is some good news to report.

Behind me there are two articles from yesterdays papers declaring the news that the advocacy group Parents United has settled its 5-year old lawsuit against the District over school repairs. I want to commend Parents United, Judge Kaye Christian, Gen. Julius Becton, and the many staff who were finally able to come to an agreement. The settlement outlines how repairs for these schools can take place as quickly as possible, with the least interruption of the school year as possible.

On paper, that is a good first step. But in concrete terms, the only thing this deal has done is to stop unnecessary school closings, which are clearly having a detrimental effect on morale and achievement. What about the money and the orderly process for seeing that these repairs get accomplished? Look at Dr. Brimmer here and see what it boils down to: Congress. It boils down to us.

Yes there is included in this settlement a commitment on the part of the control board to allocate money that the city borrows for school repairs, but let me remind my colleagues that unless the city has a sustainable dedicated revenue stream to be used for bonding credit, who knows how much the city will be able to borrow? In years past the city was considered essentially bankrupt, allowing for zero borrowing. How will the school system be able to execute repairs on schedule with an orderly process when they can't project a consistent budget?

Let's look at the money that is needed to get the schools fixed. Based on a GSA report, and the D.C.P.S. 2010 long range facilities master plan—we need a total of $2 billion to get the D.C. schools repaired to code and modernized. The D.C.P.S. plan is a solid one, and it is broken into three phases: stabilization, functionality, and modernization. The total cost is estimated at $200 million a year over 10 years. Will Congress appropriate that kind of money? I think not—and history shows us so.

Look at the money that D.C.P.S. had available—through congressional appropriation and city borrowing—for school infrastructure improvement over the last few years: In 1996—$14.9 million; in 1995—$21.1 million; in 1994—$9.5 million; and in 1993—$8.8 million.

As you can see, Mr. President, this yearly allocation falls far short of $200 million. In fact, the average amount of money the District was able to spend on school repairs, over the last 10 years was $13.4 million. If we keep driveling money to the schools at that rate it

will take the school system 150 years to meet their 10 year plan. How many children will have to suffer if we wait 150 years?

There is a way for Congress to act responsibly. We must give the schools a dedicated revenue stream to bond with so that the $2 billion goal can be met. But at present Congress has its hands tied by its own actions. In 1974 when Congress created home rule we denied Washington the authority to be able to do what every other major city in an interestate area can do—and that is tax it non-resident workers. This is not some new fangled idea.It is what every other city in America can do to make sure its infrastructure and services are viable. I will speak about how Washington can accomplish this and a larger goal in a minute.

But let's return to what happens when the schools don't have the money for repairs. The school year can't start on time. The upside of the severe disruption to the school year that has taken place is this September and October is that the focus of attention to the plight of our Nation's capital school system has never been greater. We have a lot of issues to deal with as national leaders, and bringing the focus to one school system is no easy task. But this is the school system of our Capital City—the school system that should be the flagship for education in our country, not the sinking vessel it has become. And as the leadership that created the control board, and created the emergency school board of trustees, and appropriates the city's funds each year we are responsible for turning this ship around.

Now, let's look for a second at the academic ramifications of a school system in decay. Again, a piece of good news: the District of Columbia Public School system has a new chief academic officer, Arlene Ackerman, and I had the chance to meet with her last week and enjoyed that opportunity very much. Ms. Ackerman has done what any good manager would and prescribed an evaluation to see where the students in her charge are in terms of national standards. I have taken this information, which was released in the Washington Post last Thursday and let's see how that headline reads: ''Tests Indicate Many Students in D.C. Won't be Promoted. . . .''.

Now, I know this is appalling, but let me take you quickly through some of the actual test results in reading and math. These statistics are based on the Stanford 9 Achievement Test that was administered last Spring.

As Arlene Ackerman said in her remarks when releasing these sorry statistics, ''The lives of our children are at stake.'' And let me state, for everyone listening, these children, the children of the Nation's Capital, are our children. Every Member of this body has a responsibility for their well being. And as you can see from these statistics, we are not living up to that responsibility.

Is there a connection between Congress' annual appropriation process, the D.C.P.S. infrastructure emergency and these unfortunate academic test scores? You bet there is. As we saw earlier, every year that Congress appropriates far far less than the schools need for infrastructure is like giving a dying man a drop or two of water. Eventually the systems just wear out. In the process, you get low morale, low academic achievement and outraged parents and students.

Look again at this article. That $487 million is only part of the $200 million a year I mentioned earlier. How are we going to get there? The city needs to have a dedicated revenue stream so that they can bond for infrastructure improvement. Where will that dedicated revenue stream come from?

A nonresident income tax that benefits the tax-payer, the Washington Metropolitan Region and the District schools is the answer. With my proposal, the economy in our ''Golden Crescent''—the area stretching from the District to Annapolis and as far west as Winchester, VA—gets an enormous boost. This bill creates an education and training partnership that would make it possible to fill the estimated 50,000 available jobs in the D.C. metropolitan area that rely on information technology skills. Filling these jobs would boost our regional economy by $3.5 billion annually. More jobs = a stronger tax base = more consumer spending = more home buying, and so forth.

Leaders in the private sector know the direct correlation between those appalling test scores I just showed you and their bottom line. They know the cost in decreased productivity when jobs go begging for lack of skilled employees. They know how much it costs to start recruiting from all over the country and, some cases all over the world.

The private sector I am speaking of resides in northern Virginia and southern Maryland. The payback to the counties in these States, if we fill these jobs and inject our local economy with that $3.5 billion a year will be manifold. Far greater than the outlay the nonresident income tax demands. And in the process we will be able, as a country, to feel pride in every aspect of our Nation's Capital.

I know the pride I feel each time I fly back to Washington, especially at night, and see the beautiful monuments, all lit up. They symbolize this great country and the founding fathers who upheld the integrity and mission this country is built on. But I say to my colleagues, these monuments are made of stone. The living testament to the American system of government is it's children. Flesh and blood and the inheritors of all that our Founding Fathers dreamed of. If we as U.S. Senators cannot make the future a great one for the children of America's capital, then our pride in this city and its monuments is fraudulent. We must find a solution, and I challenge my colleagues to review my proposal or show me a better one.

Mr. President, I yield the floor.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I understand that the pending business will be amendment No. 1602 to S. 1269.

## RECIPROCAL TRADE AGREEMENTS ACT OF 1997

The PRESIDING OFFICER. The clerk will report the bill.

The assistant legislative clerk read as follows:

A bill (S. 1269) to establish objectives for negotiating and procedures for implementing certain trade agreements.

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1602

The PRESIDING OFFICER. Amendment 1602 is the pending question.

Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 1602) was agreed to.

Mr. INHOFE. I move to reconsider the vote and to lay that motion on the table.

The motion to table was agreed to.

Mr. INHOFE. Mr. President, the amendment that we just agreed to is an amendment that addresses the very competitiveness issue that is facing us right now. It is an amendment to the fast-track legislation. What it does, is to delay the implementation of severe changes in the ambient air standards, until such time as the science justifies it. It does impose a 4-year moratorium. I think it is very significant that this be made a part of this legislation.

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.

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

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

## MORNING BUSINESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that we be in a period of morning business until the hour of 5:45.

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

## THE GEORGE BUSH LIBRARY

Mr. GRAMM. Mr. President, this afternoon, at this hour, we are dedicating the George Bush Library and the George Bush School of Government at Texas A&M University, which is in my hometown, and a school that I taught at for 12 years. It is a place that is very close to my heart.

We, today, live in a world that is very different than the world we lived in 10 years ago. The Berlin wall has come down, Eastern Europe has been liberated, the Soviet Union has been transformed, and we have seen more people achieve their freedom than in any victory in any war in the history of mankind.

There are two people on this planet who have had more to do with that than any other people who have lived, and those two people are Ronald Reagan and George Bush.

Today, we honor George Bush with his library. We are proud of his achievements. But it is more than just his achievements, we are proud of George Bush. George Bush is a great man. George Bush is the kind of man you would want your son to grow up to be.

He is in many ways an old-fashioned man—as some would say, maybe fashion that is out of style today. But I don't think so. George Bush is the kind of man who tries and tries—tried as President and in everything in his life to try to figure out what was right—and he tried to figure out then how to do it.

George Bush is a man that has a keen sense of duty. And whether he was a young naval officer risking his life for his country, or serving as President, when George Bush was on watch for America, he was dedicated to the task.

We are honoring him today in College Station. We are dedicating his school and his library. Senator HUTCHISON and I are unable to be there because we are here doing the work of the people and doing our duty.

We wanted to take this opportunity to congratulate President Bush and his family—to congratulate him on his great library; on what it will mean to Texas A&M and our State, and what it means to us.

I just simply wanted to say, Mr. President, to George Bush and to his family that we are all proud of you. We are proud of your Texas, and we love you.

I yield whatever time she might use to Senator HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I want to add my remarks to those of my senior colleague.

We are so proud in Texas that President Bush is opening his library today. We are proud that he chose to do it in Texas because he had other home States that he could have chosen, but that he came to Texas where he had his roots, his business, and raised his family. It means a lot to us.

Also, I think what it is going to add to the intellectual commitment to Texas A&M, the foreign policy commitment to Texas A&M, and to all Americans is going to be great. It is going to be a great contribution for foreign policy debates; for leaders to come together. I think it is going to provide a diversity of views and opinions that will certainly enlighten all of us.

So, we are proud that the opening of the library is today. I know that through the years we will all be very thankful that President Bush has chosen to have a school and a place for people to discuss very important domestic and foreign policy issues. I know that he will provide a fine quality of opportunity for all of us to learn from.

So I appreciate it.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## TEAMING WITH WILDLIFE

Mr. MURKOWSKI. Mr. President, I would like to chat very briefly in morning business concerning a matter that has come before the Senate from time to time that is of great interest to those of us in the Western States. That is the national issue of what is termed ''Teaming With Wildlife.''

The Teaming With Wildlife initiative has grown, and those of us in the West recognize that we are very fortunate in having probably the best area on Earth to fish, hunt, and explore the great outdoors. I know the occupant of the Chair from the State of Oregon, and myself from the State of Alaska, are great boosters of that great outdoors with unsurpassed natural beauty and wildlife, particularly the Western States. I am not suggesting other States don't have the same. But perhaps ours is a little larger and the magnitude is a little greater. But we have extraordinary natural beauty, wildlife, and I particularly look forward every time I am back home in Alaska to enjoy the outdoors.

As chairman of the committee with jurisdiction overseeing our public lands in the Energy and Natural Resources Committee, I am well aware that this bounty we enjoy doesn't come free. It takes huge sums of money to acquire and maintain our legacy of public lands which we enjoy. That is why I support providing additional funds to the States for all outdoor recreation programs, including fish and wildlife conservation.

This brings me to the goals associated with the Teaming With Wildlife proposal, which I support along with many Alaskans, and I know many of my colleagues in this body. But I would like to point out some of the concerns because in the enthusiasm for Teaming With Wildlife some of these things are overlooked. So let me share a few of them with you.

Mr. President, the proposal advanced by the International Association of Fish and Wildlife Agencies would impose a new tax on the American people where that connection between the products being taxed and the use of the tax revenue in some cases is tenuous, to say the least.

Mr. President, for decades hunters and anglers have worked very well in contributing to the management, conservation, and restoration of wildlife habitat and fisheries resources through an excise tax imposed at the manufacturing level. These targeted taxes have been a resounding success for one reason. That reason, Mr. President, is there is a direct link between the items taxed and the use of the tax revenue.

The Pittman-Robertson Act, for example, imposes an excise tax on sporting arms, on handguns, on ammunition and archery equipment. The Wallop-Breaux fund does basically the same thing with fishing equipment and motorboat fuel. Money raised from this generates revenue that goes directly back in enhancing fishing and motoring in our various lakes and waterways. So States use the resulting tax revenue for the purchase and restoration of public wildlife habitat, and wildlife management research. Hunters like myself don't mind at all paying the extra tax on rifles and shells because we know that the revenue will be spent on increasing and improving habitat where we can hunt and recreate.

Yet, the direct link—this is the key, Mr. President—between the items taxed and the use of the resulting tax revenue is broader in the Teaming With Wildlife proposal. That legislative proposal would result in a tax being imposed on virtually everything from backpacks to tents, from hiking boots to sports utility vehicles, from film to binoculars. The revenue would be used by States for a worthwhile purpose, which I support, of wildlife research planning, fishing and wildlife-associated recreation, and research projects.

But the facts are that while many of the items being taxed would be used in the great outdoors to benefit the expanded use of the outdoors, many of these products would not. We looked at a 1995 survey by the Sports Market Research Group that indicates that 69 percent of all backpacks sold—you might think they are going for camping—are used by schoolchildren while 27 percent of all sleeping bags sold are for indoor use. Is that a fair tax to those consumers?

Some suggest a new tax is not needed when an existing program could meet many of the needs for outdoor recreation resources throughout the Nation. Over 30 years ago, we created in Congress the Land and Water Conservation Fund, the LWCF, for the sole purpose of meeting America's needs for outdoor recreation, including the acquisition of property for fish and wildlife conservation purposes. Money in the fund would come from offshore oil and gas royalties—OCS activities off the shores of our various coastal States.

Up to 60 percent of the $900 million annually available is to be passed on to

the States. Unfortunately, the States have not received any money from the Land and Water Conservation Fund for the past 4 years. And many in this body have even forgotten the benefits of the program. What we have done with that money is use it to reach our budget objectives, solely ignoring the purpose of the program. I think we should do more to encourage the States to support offshore oil and gas development in a responsible manner using our science and technology. As evidence is the tremendous development occurring in the Gulf of Mexico off Louisiana, Texas, and other areas. Perhaps we could by guaranteeing States some portion of the revenue from OCS activities. That would instill a sense of belonging and a sense of interest that those States currently don't have.

Further, a portion of the Federal mineral receipts perhaps could be set aside in a dedicated permanent fund and the income generated from the fund could be passed on to the States in the form of matching grants for outdoor recreation. In many State parks in the West, including my State of Alaska, land was purchased with money from the land and water conservation Fund. And much of what Teaming with Wildlife seeks to accomplish should be done with funds generated from such areas. I think offshore oil and gas development would gain us a broader support necessary to pass legislation such as Teaming with Wildlife, and I think we must explore fully using existing funding resources to help meet these laudable goals because I fear that we are going to have a hard time differentiating just what portion is a legitimate tax on this broad area, as I have indicated before that we have identified, including sleeping bags, film, binoculars, hiking boots, and so forth.

I encourage those who are interested to help us as we address responsibly how to fund equitably for this purpose of Teaming with Wildlife that, indeed, addresses those who are active in utilizing the great outdoors and purchase legitimate items that can be legitimately attached without getting into the situation where we are in dispute over the portion and the formula and the use.

So as chairman of the Senate Energy and Natural Resources Committee, I am committed to help bringing the States together to meet the growing demand for fish and wildlife habitat, for outdoor recreation resources, and I certainly encourage all Alaskans to join me in providing input on what we think is a fair and workable method to raise funds for the great outdoors and not overlooking the intention of the land and water conservation fund which has been, I think it is fair to say, observed by the budgeteers as a place to pick up significant funding to meet some of our budget obligations.

So I thank my colleagues for their indulgence and encourage everyone to work in a positive manner to meet the challenges associated with Teaming with Wildlife for a fair and equitable funding mechanism.

I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## NUCLEAR WASTE STORAGE

Mr. MURKOWSKI. Mr. President, seeing no other Senators on the floor, I wish to address my views on the passage of the nuclear waste legislation by the U.S. House of Representatives, which occurred last week.

Mr. President, last week Congress took a very important step toward ending our Nation's 15-year struggle with how to solve our high-level nuclear waste problem. Last week, the House passed H.R. 1270 by an overwhelming, bipartisan 307-to-120 vote. The House bill is a companion to S. 104, the nuclear waste bill passed by the Senate by a 65-to-34 vote last spring.

Like the Senate bill, the House bill would take nuclear waste from 80 sites in 40 States, from the backyards of our constituents all across this land, and move it to one safe, central storage site. The Federal Government has a contractual commitment to take this nuclear waste for safe and central storage by next January.

Will that happen? The answer is clearly ''no,'' even though over $13 billion has been collected from America's ratepayers to pay for the permanent storage of that waste, and even though a Federal court order has reaffirmed the Government's legal obligation to take nuclear waste in January 1998. The same court is now considering what remedy the Government must provide for its failure to meet this obligation. This is the Government's failure, but it is the American taxpayer that is going to bear the burden. The American public paid that $13 billion into the nuclear waste fund and now will have to pay a second time. Estimates of potential damages for the failure of the Department of Energy to meet its obligations range from $40 billion to as high as $80 billion. That is $1,300 per American family.

How important is the nuclear power industry in this country? It contributes around 22 percent of the total power generation in this country. It provides electricity with no emissions, so air quality is not a problem. The problem is what do you do with the waste? You cannot throw it up in the air. It has to come down somewhere. The reality is that no one wants it. The French reprocess their spent fuel and recover the plutonium, put it back in the reactors and burn it. The Japanese are moving in that direction, as well.

We are hopelessly tied to a dilemma: no one wants nuclear waste and we don't have any place to put it. Some of the plants are reaching their maximum capacity. Without the licensing of proper storage and without the Federal Government meeting its obligations to take this waste, we stand to lose a significant portion of our Nation's nuclear generating capacity.

How are we going to make up for this lost generation? Are we going to put more coal fired plants on-line? How does the Clinton administration reconcile this position with their professed concern about emissions? If we lose a portion of our nuclear power generating capability, it is going to have to be replaced with something, and the Clinton administration has not provided us with any answers. Nor has it adequately addressed its contractual responsibility to take this waste.

Mr. President, without the legislation passed by the both the House and the Senate, there is no plan for action except more lawsuits, more employment for the lawyers. As we move to conference, opponents of the bill will continue to sing the same old, tired refrain. They call it ''Mobile Chernobyl,'' emasculating NEPA, running roughshod over our environmental laws. These scare tactics are a coverup, an excuse for no action. That is what we have had so far, no action in 15 years.

They will say the fuel is safely stored where it is. It is stored in temporary facilities next to the reactors that were designed for just that, temporary storage. But if it is safely stored where it is, then why isn't it safe to store it in Nevada at the Nevada test site, near where we have spent over $6 billion to develop a site that is facing, in the near future, licensing and suitability decisions? In fact, there is no question in my mind it must be safer to have one central, monitored site than to have nuclear waste at 80 sites scattered around the country at facilities that have been designed for temporary storage.

Then, of course, they argue that somehow it is unsafe to move nuclear fuel to one central site. But we have shown how we have been safely moving fuel around this country and abroad for many, many years. The French, the Japanese, and the Swedes move it by vessel, they move it by rail, they move it by truck.

They say the transportation casks cannot stand a 30-mile-per-hour crash or survive a diesel fuel fire. These are more emotional arguments that have no foundation. We have shown that the casks have been tested by locomotives going 90 miles an hour crashed into brick walls. They have been submerged in water, bathed in fire. The casks are designed to withstand any type of imaginable impact associated with transportation. We have shown that, while we have had a few minor accidents, there has never been a release of radiation. We have shown how our national laboratories have certified that

the transportation casks can survive any real-world crash. They say the radiation protection standard is unsafe. We have shown how our standard is more protective than the current EPA guidance that allows five times as much, and we will allow EPA to tighten the standards further if need be.

The doomsayers say the Nuclear Waste Technical Review Board says there is no compelling or technical or safety reason to move fuel to a central location. We have shown that a more complete reading of the technical review report and testimony indicates that there is a need for an interim storage and that there is a need for it at Yucca Mountain, if, indeed, Yucca is determined to be suitable for a permanent repository.

They say, ''We can delay the decision.'' We have shown that delay is what got us into this mess in the first place; inactivity. Any time now, the courts will tell us what damages we will face when the Government is in breach of its contract. With each delay, the damages are going to mount. With each delay, the liability of the taxpayer will mount. With each delay, there will be pressure to yield a further delay. That is the way this place works. When we have a problem, we simply delay. The call for delay is a siren song and, ultimately, a trap.

We stand at a crossroads. The job of solving this problem is ours. The time for solving the problem is now. We have made much progress at Yucca Mountain. The 5-mile exploratory tunnel is complete. We can build on this progress. Both the Senate and House bill contain site characterization activities for the permanent repository. But we cannot put all our eggs in the Yucca basket. We need a temporary storage facility now or we are going to be storing spent fuel all across the Nation for decades to come. We can choose whether this Nation needs 80 interim storage sites or just one. Where is that? The arid, remote, Nevada test site where we exploded scores of nuclear bombs during the cold war. It is a safe, remote location. It is monitored, and it is appropriate for an interim site.

If Yucca Mountain is licensed, it will be an easy task to move the spent fuel a short distance to the repository. If Yucca is not licensed and is found to be unsuitable, we will need a centralized interim site anyway, so we will be way ahead of the game. Regardless of what happens at Yucca, this is a responsible step that we should take.

Mr. President, the time is now. This legislation passed the House and the Senate. It is the answer. I urge my colleagues over the recess to reflect on the merits of our obligation to take this waste, to recognize the dependence we have on the nuclear industry, and move to take a responsible position to uphold the contract that has been made by the Government to take this waste in conformance with the terms of the agreement and the $13 billion paid by the ratepayers.

For those who are still in doubt as to the merits of this legislation, I encourage them to recognize that it is irresponsible to object to what has happened in both the House and the Senate without providing an alternative. The development of this legislation has required a great deal of time and effort and a great deal of examination of alternatives. So I hope the critics come up with a workable alternative, as opposed to just criticism of the plan that is currently pending in the Congress of the United States, to meet our obligations to address the high-level nuclear waste issue.

I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

## TED KENNEDY'S 35TH YEAR IN THE SENATE

Mr. DASCHLE. Mr. President, 35 years ago today, the people of Massachusetts made the very wise decision to send EDWARD M. KENNEDY to Congress. For 35 years, TED KENNEDY has fought for their interests—and for the interests of all working people.

It is said that some people seek public office to be someone; others seek it in order to do something. TED KENNEDY is a pre-eminent example of the latter. For 35 years, he has fought unwaveringly to improve the living standards of working families and to make sure that, in America, if you're sick, you can see a doctor—no matter how much money you have, or how little.

He has used his great, booming voice to speak for those who have no voice, and he has never wavered in his principles. TED KENNEDY does not change his politics with the season. He is a man of principle.

At the same time, he is a pragmatist who wants, more than anything, to get things done.

I will never forget how he looked after the balanced budget agreement was signed and the new children's health care program was created. He came into my office. His Irish eyes were smiling. To everyone he passed he said, ''Isn't it wonderful?'' He looked so much like a proud new father—I half-expected him to start handing out cigars.

When he spoke about that victory, he didn't talk about how many votes his plan had gotten. He talked about how many children it would help.

In 35 years, he has never forgotten the reason he is here. It's not about strategy, or abstract policy. It's about people.

The struggle to create the children's health plan also illustrates another of the basic truths about TED KENNEDY. There are those who view my friend as an inflexible liberal. While he would claim the liberal label with pride, TED KENNEDY is one of the most flexible people in this Chamber.

Ask his friend, ORRIN HATCH. People call them the Odd Couple. I'll let my colleagues decide for themselves who is Felix Unger, and who is Oscar Madison.

TED KENNEDY takes his work seriously, but he doesn't take himself too seriously. His staff Christmas parties and his costumes are legendary on the Hill. But not many people off the Hill know that one year he came as Milli—or was it Vanilli?—and last year he and Vicki appeared as 2 of the 101 dalmations.

Sometimes when I am on this floor, I look up to the gallery to see the people who have come here to see this great institution at work. I can always tell when TED KENNEDY has walked on to the floor by the reactions of the people in the gallery. Invariably, people will sit up. Someone will lean over and whisper to the person next to them, ''Look, TED KENNEDY.''

He is, undoubtedly, the best known and most recognized Member of this body. Yet, he remains a modest man. He is a worker among workers.

No one in our caucus works harder. He's often the first one to work in the morning, and the last person to leave at night.

No job is too small for TED KENNEDY.

At the same time, no challenge is too big.

He comes from a family that understands the American dream. And he is determined to keep that dream alive for a new generation of Americans.

Senator KENNEDY's family also understands heartbreak. Carved into the desk in which he sits are the names of his two brothers who sat there before him, John and Robert. Two brothers who were taken from him, and us, because of their commitment to public service.

Many people—perhaps most people—who had suffered such loss might withdraw from public service, in fear or anger. They might conclude, rightly, that their family had given enough.

But not TED KENNEDY.

He has stayed here and he worked.

To some of us, he is an inspiration. To others, he is, frankly, an irritation. But he is the same sort of irritation that the speck of sand is to the oyster. Because of him, we have produced pearls.

We passed the Kennedy–Kassebaum Health Care Portability Act and the Children's Health Care Act.

We raised the minimum wage.

As long as here is here, I know that TED KENNEDY will continue to fight for better health care for all Americans, for educational opportunity, and economic justice.

If history is any guide, he will move this body, and this Nation, forward on all those fronts.

I am proud to call him my colleague and my friend.

I congratulate him today on 35 years of service in the Senate to his State and to his country.

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.

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

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

## FAST-TRACK LEGISLATION

Mr. LEAHY. Mr. President, I agree with President Clinton's goal of creating economic growth through more export opportunities, but I must vote against this legislation to renew fast-track authority because it fails to protect our workers and our environment.

I understand that exports are a key ingredient of Vermont's economic growth. As a small State, we must rely on selling our products beyond the Green Mountains. Exports give Vermonters the opportunity to create good jobs right here in Vermont through rising trade. For instance, Cabot Creamery recently made headlines by selling its Vermont-made cheddar cheese in London, England.

Vermonters are reaping the benefits of more open markets around the world, where we can sell our high quality goods. Since 1992, Vermont exports are up 29 percent, with 70,000 Vermonters now working in export-related jobs. On a per capita basis, Vermont is the largest exporter of goods among the 50 States. We just need to look at the Vermont expansion of Husky, a Canadian company with European plants, to understand the importance of trade in the world economy.

I will continue to work with Vermonters to encourage exporting of our goods and services as a path for prosperity for ourselves, our children, and our grandchildren.

But trade is about more than economic statistics, it is a moral issue as well. Just as the fight to ban landmines worldwide is the right thing to do, free trade must also be fair. Fair trade expands exporting opportunities. But just as importantly, fair trade safeguards our standard of living by supporting our absolute right to a clean environment and sound labor practices.

In earlier times workers' rights and environmental concerns were mostly separated from trade considerations, but that has begun to change. In today's global economy, the interaction between trade and the rights of workers and environmental protections cannot be ignored. One of the reasons I voted for the North American Free Trade Agreement [NAFTA] was because it contained side agreements on labor and environmental issues—the first trade agreement to ever link these issues together.

But, unfortunately, this fast-track authority bill moves away from the critical link between trade and labor and the environment that we fought so hard to forge in NAFTA. Under the terms of this bill, even the modest labor and environmental side agreements under NAFTA would be excluded from fast-track consideration. That is unacceptable.

Like the NAFTA debate, the rhetoric on both sides of this debate is overblown. I do not believe the lack of fast-track authority will cripple future trade negotiations. Since fast-track authority lapsed in 1994, the administration has successfully negotiated hundreds of trade pacts with countries around the world. As the world's only superpower with a market of more than 250 million consumers, the United States will continue to command the economic power to open markets and expand export opportunities with or without the President having fast-track authority.

I do not believe the Congress should lightly hand over its right to amend, even in the consideration of trade agreements. In no other area of legislation does Congress give up its constitutional right to offer amendments. If the Congress has no more recourse on these issues than to vote trade agreements up or down, the key question to ask is: Does this bill give the President the authority to negotiate trade agreements that protect the rights of all our citizens? It does not.

I had hoped that when fast-track legislation reached the Senate floor it would have allowed for expanding export opportunities while protecting our workers and our environment. This bill fails to deliver those necessary protections. As a result, I will vote against it.

## CONGRATULATIONS TO JERRY B. HEDRICK

Mr. ASHCROFT. Mr. President, I rise today to pay tribute to Jerry Hedrick as he retires from 22 years of service to Hoechst Marion Roussel, the largest pharmaceutical company in the State of Missouri. Jerry is known for his expertise in the fields of health care and public policy, and has been a mentor to many persons involved in those fields.

Jerry began his career in 1975 with the pharmaceutical industry as a consultant when he joined Marion Laboratories, a predecessor company to Marion Merrell Dow Inc. and Hoechst Marion Roussel. Through Jerry's outstanding talents and dedication he has distinguished himself in the pharmaceutical industry as the vice president of government affairs for Hoechst Marion Roussel since August 1995.

Upon graduation from college, Jerry worked as a teacher, and he continues to work with young people through his volunteering with the Heart of America Council of the Boy Scouts of America and the Dream Factory, an organization dedicated to granting the wishes of very ill children. I commend Jerry for the outstanding service he provides to his community. As our Nation looks increasingly to individuals to become more active in the work of the community, Jerry's commitment provides an example for others to follow.

Jerry also generously gives his time to the Greater Kansas City Chamber of Commerce, the Midwest Bioethics Center where he is one of the founding trustees, the Advisory Council at Emporia State University, and the American Quarter Horse Association as the Kansas State director.

I have had the opportunity to work with Jerry on several occasions and have always considered him to be a person of knowledge and insight. His dedication to the advancement of health care in America is truly admirable.

I urge the Senate to join me in bidding Jerry Hedrick a fond farewell, and wishing him, his wife, Bev, and his daughter, Ginger, the very best as they move on to face new challenges, opportunities, and rewards.

## THE ''SAVER'' BILL

Mr. BREAUX. Mr. President, as an original cosponsor along with Senator GRASSLEY, I am pleased to strongly support the SAVER bill, Savings Are Vital to Everyone's Retirement Act of 1997. This measure is a bi-partisan effort on the part of my colleague, Senator GRASSLEY, and I to help ensure that all Americans are adequately prepared for retirement. As the ranking member of the Special Committee on Aging, I have learned that there is a critical need to educate Americans on the need to save for their retirement. Mr. President, only one-half of all American workers have pensions. A mere one-third of Americans have ever tried to calculate how much money they need for retirement. And less than one-fifth of the workforce is confident that they have saved enough to live comfortably after they retire. Having become aware of this, Senator GRASSLEY and I have introduced a piece of legislation that takes the first step in educating the public about the need to plan ahead.

Mr. President, as my colleague has just told you, our legislation will create an education project to raise public awareness about personal savings. It directs the U.S. Department of Labor to maintain an ongoing program of education and outreach to the public. The program includes public service announcements, public meetings and the distribution of educational materials. It sets up an Internet site dedicated to promoting individual retirement savings. Americans will be able to log on to the site and complete a worksheet to calculate how much they need to save to adequately supplement their projected Social Security benefits when they retire.

The SAVER bill also directs the Department of Labor to provide information to small businesses on how they

can set up pension programs for their employees. The proposed information includes a plain English description of the common types of retirement savings arrangements available to individuals and employers; a way to calculate estimated retirement savings; and an explanation of how to establish different savings arrangements for workers.

Finally, SAVER calls for a national summit on retirement savings to bring the urgency of our Nation's extremely low saving rate to the top of the public agenda. The event would serve as a catalyst for future policy discussion on how to best increase personal retirement savings as well as accessibility and participation in pension plans. The summit will represent the kind of public-private cooperation that is so crucial to preserving successful retirement programs for future generations of Americans. The Department of Labor will work closely with the American Savings Education Council [ASEC] to bring together delegates from all over the country to develop a broad-based public education program on retirement savings. As Senator GRASSLEY correctly pointed out, ASEC is an organization uniquely equipped to assist us in our efforts. Their input in both the logistical and conceptual organization of this event will help us create a top-notch program. At the summit, participants will identify barriers that prevent many Americans from setting aside enough money for their retirement and barriers that discourage employers—especially small business—from helping their employees accumulate more savings for their retirement.

Mr. President, as we move forward with reforming Social Security and Medicare, we must also provide more Americans with the incentives they need to better prepare for their retirement. Our SAVER bill not only gives Americans the tools they need to determine how much personal savings they need to supplement their Social Security benefits, it also raises awareness of the responsibility individuals have for planning for their future.

Mr. President, I believe that the SAVER bill is the first step that this Congress must take in assisting all Americans in their quest for a comfortable, happy retirement. I urge my colleagues to join us in supporting this measure.

## ONGOING TRADE CASES AND FAST TRACK

Ms. COLLINS. Mr. President, I rise to engage in a colloquy with the senior Senator from Texas. I would like to clarify a statement regarding salmon imports that the Senator made during yesterday's debate on the motion to proceed to the fast track negotiating authority. Would the Senator agree that his comments yesterday were not intended to suggest any connection between the fast track legislation that is before the Senate and any pending trade cases regarding salmon imports from Chile?

Mr. GRAMM. Mr. President, I am pleased to respond to the inquiry from my colleague from Maine. I would fully agree that there is nothing in the fast track legislation that would affect any ongoing trade cases involving salmon, or indeed any other product. My comments were intended to underscore the impact of trade on consumers and in no way should be interpreted as affecting any of the formal processes involved with reviewing the pending salmon cases or suggesting that the fast track legislation would affect any pending salmon trade cases.

Ms. COLLINS. Would the Senator also agree that the passage of fast track authority would in no way countenance the continuation of any practices by the Chilean salmon industry that are in violation of United States trade laws?

Mr. GRAMM. Mr. President, that is also correct. This is a procedural bill regarding negotiations. It does not change any of our existing laws regarding unfair trade practices.

Ms. COLLINS. I thank the Senator for this clarification.

Mr. GRAMM. I am happy to do so and appreciate the inquiry.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, November 5, 1997, the Federal debt stood at $5,433,411,941,085.78 (Five trillion, four hundred thirty-three billion, four hundred eleven million, nine hundred forty-one thousand, eighty-five dollars and seventy-eight cents).

One year ago, November 5, 1996, the Federal debt stood at $5,247,476,000,000 (Five trillion, two hundred forty-seven billion, four hundred seventy-six million).

Five years ago, November 5, 1992, the Federal debt stood at $4,071,603,000,000 (Four trillion, seventy-one billion, six hundred three million).

Ten years ago, November 5, 1987, the Federal debt stood at $2,394,640,000,000 (Two trillion, three hundred ninety-four billion, six hundred forty million).

Fifteen years ago, November 5, 1982, the Federal debt stood at $1,137,627,000,000 (One trillion, one hundred thirty-seven billion, six hundred twenty-seven million) which reflects a debt increase of more than $4 trillion—$4,295,784,941,085.78 (Four trillion, two hundred ninety-five billion, seven hundred eighty-four million, nine hundred forty-one thousand, eighty-five dollars and seventy-eight cents) during the past 15 years.

## GLOBAL LEGAL INFORMATION NETWORK

Mr. THOMAS. Mr. President, I come to the floor today to briefly discuss a program presently being developed by the Library of Congress.

The law librarian of Congress, Dr. Rubens Medina, briefed me this morning on the efforts the law library has undertaken in recent years to put together an international legal database containing the texts of laws of some 35 foreign countries. The data base comprises abstracts of legal material, the full authentic texts of laws and regulations, and a legal thesaurus. It is structured so that the full range of legal material including constitutions, laws and regulations, judicial decisions, parliamentary debates, and legal miscellanea can be added over time as participating countries are able to contribute the material. The material is available over the Internet in its entirety to officials of those countries who agree to participate in making their laws available on the system; in addition, a summary in both English and the language of the country of origin will be available to the general public.

This network, called the Global Legal Information Network or GLIN, will enable Members of Congress and their staffs and the Library staff—as well as our counterparts in participating countries—to access the most current and authentic versions of other countries' laws, something that is increasingly important in this day and age when we deal so frequently with international trade and security issues. Congress should acknowledge and salute this effort by its Library, and be proud that it was created in and enhanced by the legislative branch and that the library is taking the international leadership role on the project.

As additional recognition of the viability and importance of this project, and one that interests me as the chairman of the Subcommittee on East Asian and Pacific Affairs, Dr. Medina informed me that the Secretary of State will be proposing at the forthcoming ministerial meeting of the 18 APEC nations in Vancouver, BC, next month that each APEC country seriously consider joining GLIN and suggesting that an informational meeting on GLIN be held early in 1998.

Mr. President, I am pleased to be involved in some way in this monumental project, one in which the joint efforts of the executive and legislative branches can capitalize on technological achievements to advance international cooperation.

Mr. LEAHY. Mr. President, a Vermonter who is on active duty in the U.S. Army contacted me recently to let me know of his support for a ban on antipersonnel landmines. He wrote from personal experience, and his comments mirrored those I have received from so many other servicemen and women who have seen first-hand the danger these weapons pose to our own troops.

Here is what he wrote:

In the many training exercises in which I have participated, landmines were relatively ineffective in disrupting enemy attacks. Landmines often caused fratricide casualties

among one's own troops. The locations of the training landmines were almost never properly recorded. The modern battlefield is simply too fluid and complex to accurately keep track of all the landmines that are emplaced. Under actual combat conditions, these landmines will represent a certain threat to the lives of U.S. personnel.

Mr. President, compare that to a recent U.S. Army report which concluded that landmines contributed to the high rate of fratricide during recent exercises at Fort Irwin, CA. Air-dropped landmines, the so-called smart mines that the Pentagon claims pose no danger to U.S. troops or civilians, were the biggest single cause of friendly-fire deaths during mock battles. Of the 82 soldiers that were ''killed'' by friendly fire, 45 of them were victims of their own landmines. In one incident, an Army unit drove into its own mines dropped by aircraft, resulting in what would have been 23 deaths in a real war.

Now compare that to our experience in Vietnam, where over 64,000 Americans were killed or injured by landmines. The vast majority of those casualties resulted from U.S. mines, or mines containing U.S. components. In other words, we made the mines and took them over there, and they ended up killing our own people. I wonder how many times history has to repeat itself before we get the message.

A veteran of the Persian Gulf war described the same danger of fratricide. He said:

I spoke to numerous military officers who agreed * * * that they would never employ scatterables (the air-dropped mines) in their area of operations, even if those scatterables were designed to self-destruct after a short period of time. Why? They were simply not prepared to risk the lives of their soldiers on the promise that the technology would work as designed. The fact is that U.S. ground warfare doctrine is 'maneuver' warfare doctrine—highly mobile, able to take advantage of the terrain, exploit the weakness of the enemy on the battlefield. A commander who uses anti-personnel mines—except in the most exigent, Alamo-like situation—is deliberately reducing his or her battlefield advantage of speed and flexibility.

Mr. President, despite this, the Pentagon insists that landmines protect our troops. It is the same old story. Years ago, they said we could not do without biological weapons. They said the same about chemical weapons, which they called the most effective weapon history has ever known. They said if we gave up Okinawa that we would irreparably undermine our security in the Pacific. They fought the nuclear test ban. And now they say that landmines, which have consistently plagued our own forces in battle, protect American lives.

I respect our military leaders and I support a defense second to none. But I am losing patience with the Pentagon's arguments. They simply fly in the face of the evidence. Their latest arguments about the need for antipersonnel mines to defend antitank mines wither under close scrutiny. Unfortunately, too many people, including some in the White House, accept the Pentagon's arguments as gospel, and don't ask the hard questions.

From my off-the-record conversations with Pentagon officials it is obvious to me that the real problem is that they do not want to give up a weapon, regardless of how marginal its utility or how dangerous it is to our own troops, because they are loath to encourage so-called arms control activists from trying to ban other weapons that endanger civilians. I understand their fear, because unlike a century ago when the overwhelming majority of war casualties were soldiers, being a soldier in a war today is far safer than being a civilian. The overwhelming majority of war casualties today are civilians.

That is hardly a reason to stay outside of a treaty that offers the best hope for riding the world of a weapon that is both inhumane and militarily unnecessary. When the Pentagon argues that our ''smart'' mines do not cause the humanitarian problem, I ask them to consider that as long as we stay outside the treaty we are part of the humanitarian problem because there will never be an international ban without the United States. And I ask them to consider the evidence. Given the danger our own mines pose to our troops, we should shop using them for that reason alone.

## SOUTH DAKOTA COMMUNITY FOUNDATION'S 10TH ANNIVERSARY

Mr. DASCHLE. Mr. President, I want to pay tribute to a key institution in my State, the South Dakota Community Foundation [SDCF], which celebrates its 10th anniversary on November 11, 1997. This statewide community foundation is a model of how private funds are raised within communities to support projects that enable those communities to enter the 21st century in a competitive position—people helping themselves.

As with many success stories, the SDCF was launched by a group of people with the vision of raising and investing funds with the goal of creating an environment in which South Dakota communities can revitalize themselves. This vision was embraced by the critical early stage investors providing seed funding, yielding, as we do in our farmland, a rich harvest 10 years later.

I must take my hat off to the vision and drive of then-South Dakota State senator and now SDCF executive director, Bernie Christenson, and the active support by our late Governor, George Mickelson. I regret George is not alive to see the legacy of his actions in 1987, but his spirit lives with us through this foundation and in every one of the communities it helps.

That seed funding for the SDCF came from the 3M Foundation, McKnight Foundation and the South Dakota Legislature. I congratulate the leaders of those 3 institutions. The success of the SDCF is also a testament to former South Dakota native, former 3M CEO, and McKnight Foundation founder, William McKnight. We can all learn from William McKnight about the value of giving back to the community and institutions that helped shape our lives. The State of South Dakota and the 3M Foundation each contributed $2 million, and the McKnight Foundation committed up to $3 million in a challenge grant. Less than 13 months later, Bernie and George had raised $3 million to meet that first challenge; the foundation was off and running with a $10 million fund.

Ten years after its creation, the South Dakota Community Foundation has reached the $20 million mark and administers these funds through a wide range of unrestricted, designated and donor-advised funds. This has been accomplished over the years through the leadership, commitment, and hard work of Bernie Christenson, an administrative assistant, and countless board members, including the current board president, Paul Christen.

I am pleased that the Northwest Area Foundation has joined its neighboring twin cities-based foundations, 3M and McKnight, in providing funds to the South Dakota Community Foundation. In a letter sent last year to northwest area president, Karl Stauber, I strongly urged support for the SDCF plan to challenge communities to join SDCF in raising capital to endow small community loan funds that would be used to help existing businesses expand and to assist entrepreneurs in starting new businesses, with the goal of long-term community revitalization. Bernie and my staff coordinated a short tour of South Dakota communities and projects for Karl late last year. It is important for foundations as well as federal agencies to get out from behind the desk and see close up the commitment and innovation flourishing in our communities. Just before closing down the foundation grantmaking for a year of strategic planning, Northwest Area Foundation committed its support to this project and 10 communities have now stepped up to the challenge and matched the foundation funds with their own.

I am reminded of a letter President Franklin D. Roosevelt sent to South Dakota Governor Harlan Bushfield in 1939 on the occasion of South Dakota's 50th anniversary of its entry into the Union.

President Roosevelt said, ''The 50 years that have elapsed since South Dakota became a State have witnessed the end of one period of pioneering and the ushering in of another.''

Mr. President, nearly 60 years after Franklin Roosevelt wrote that letter, we in the Northern Great Plains are in a transition toward yet another era, confronted now by tremendous global economic forces and declining Federal support for key economic development activities and institutions.

These public/private partnerships exemplified by the South Dakota Community Foundation—lean but effective in its management, guided by local development officials, and supported by individual, corporate, and foundation investors—are critical institutions in helping the Northern Great Plains make this transition.

I pledge to lend my active support and encouragement to the South Dakota Community Foundation so we can return to Brookings, SD in another 10 years and celebrate continued community vitality.

## LADIES AUXILIARY TO THE VETERANS OF FOREIGN WARS POST 2966

Mr. DASCHLE. Mr. President, it is a distinct honor for me to congratulate the ladies auxiliary to the Veterans of Foreign Wars Post 2966 in Scotland, SD. On Saturday, members of the ladies auxiliary will be celebrating their 50th anniversary. This year marks five decades of outstanding service and support by the auxiliary to the Veterans of Foreign Wars and to the Scotland community.

The ladies auxiliary to the Veterans of Foreign Wars Post 2966 received its charter on January 3, 1947. A group of 16 women were among the organization's charter members. I ask that their names be included in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

As my colleagues know, the stated mission of the ladies auxiliary to any Veterans of Foreign Wars post is to promote patriotism and to maintain and extend freedom and equal rights to all Americans. For the past 50 years, the members of the ladies auxiliary in Scotland have been fulfilling that mission, and they have distinguished themselves with outstanding service to veterans and the community.

Some of the most important work these women have done over the years includes service and support to our veterans. Members of the ladies auxiliary pride themselves on doing a great deal of volunteer work in veterans hospitals and in nursing homes, as well as fundraising for cancer research.

I would also like to point out that members of the ladies auxiliary of the Veterans of Foreign Wars Post 2966 reach out to young people and other nonveterans in the Scotland community. For instance, they conduct educational youth programs to promote patriotism. They also serve as much-needed role models to young people and provide examples to us all about what it means to serve one's country.

Mr. President, the members of the ladies auxiliary to the Veterans of Foreign Wars Post 2966 deserve to be commended for their 50 years of patriotism and service. As we prepare to celebrate Veterans Day next week, I know I speak on behalf of all South Dakotans when I extend my sincere thanks and appreciation to them for their continued commitment and dedication to veterans and to the Scotland community.

EXHIBIT 1

Joyce Hosterman, Blanche Nelson, Gladys Keating, Lytha Barth, Angie Pillar, Iona Retzer, Emma Brown, Vi Kostlan, Bernice (Farmer) Cvrk, Emma Collinge, Elna (Nelles) Gemar, Leondina Orth, Ruth Hirsch, Della Wold, Martha Baker, Mae Brown.

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

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

## MESSAGES FROM THE HOUSE

At 3:13 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2195. An act to provide for certain measures to increase monitoring of products that are made with forced labor.

H.R. 2676. An act to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes.

## ENROLLED BILLS SIGNED

At 6:06 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1119. An act to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 2160. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1998, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

## MEASURES REFERRED

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

H.R. 2195. An act to provide for certain measures to increase monitoring of products that are made with forced labor; to the Committee on Finance.

H.R. 2676. An act to amend the Internal Revenue Code of 1986 to restructure and reform the Internal Revenue Service, and for other purposes; to the Committee on Finance.

## 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–3279. A communication from the Acting Assistant Secretary of Defense (Command, Control, Communications, and Intelligence), transmitting, pursuant to law, a report relative to the White House Communications Agency; to the Committee on Armed Services.

EC–3280. A communication from the Assistant Secretary of the Navy (Installation and Environment), transmitting, pursuant to law, a report relative to outsourcing; to the Committee on Armed Services.

EC–3281. A communication from the Acting Assistant Secretary of Defense (Health Affairs) and the Assistant Secretary of Defense (Reserve Affairs), transmitting jointly, pursuant to law, a report relative to medical and dental care; to the Committee on Armed Services.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1193. A bill to amend chapter 443 of title 49, United States Code, to extend the authorization of the aviation insurance program, and for other purposes (Rept. No. 105–140).

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

H.R. 282. A bill to designate the United States Post Office building located at 153 East 110th Street, New York, New York, as the ''Oscar Garcia Rivera Post Office Building''.

By Mr. THOMPSON, from the Committee on Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 497. A bill to repeal the Federal charter of Group Hospitalization and Medical Services, Inc., and for other purposes.

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

H.R. 681. A bill to designate the United States Post Office building located at 313 East Broadway in Glendale, California, as the ''Carlos J. Moorhead Post Office Building''.

H.R. 1316. A bill to amend chapter 87 of title 5, United States Code, with respect to the order of precedence to be applied in the payment of life insurance benefits.

H.R. 2129. A bill to designate the United States Post Office located at 150 North 3rd Street in Steubenville, Ohio, as the ''Douglas Applegate Post Office''.

H.R. 2564. A bill to designate the United States Post Office located at 450 North Centre Street in Pottsville, Pennsylvania, as the ''Peter J. McCloskey Postal Facility''.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 2610. A bill to amend the National Narcotics Leadership Act of 1988 to extend the authorization for the Office of National

Drug Control Policy until September 30, 1999, to expand the responsibilities and powers of the Director of the Office of National Drug Control Policy, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 93. A resolution designating the week beginning November 23, 1997, and the week beginning on November 22, 1998, as ''National Family Week'', and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 191. A bill to throttle criminal use of guns.

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 336. A bill to convert certain excepted service positions in the United States Fire Administration to competitive service positions, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 508. A bill to provide for the relief of Mai Hoa ''Jasmin'' Salehi.

S. 857. A bill for the relief of Roma Salobrit.

By Mr. HATCH, from the Committee on the Judiciary, with amendments:

S. 1304. A bill for the relief of Belinda McGregor.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1336. A bill for the relief of Roy Desmond Moser.

S. 1337. A bill for the relief of John Andre Chalot.

S. 1371. A bill to establish felony violations for the failure to pay legal child support obligations, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

Betty Eileen King, of Maryland, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.

(The above nomination was reported with the recommendation that she be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

Seth Waxman, of the District of Columbia, to be Solicitor General of the United States.

Stanley Marcus, of Florida, to be United States Circuit Judge for the Eleventh Circuit.

Ann L. Aiken, of Oregon, to be United States District Judge for the District of Oregon.

Rodney W. Sippel, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri.

Jerome B. Friedman, of Virginia, to be United States District Judge for the Eastern District of Virginia.

Charles R. Breyer, of California, to be United States District Judge for the Northern District of California.

Frank C. Damrell, Jr., of California, to be United States District Judge for the Eastern District of California.

Martin J. Jenkins, of California, to be United States District Judge for the Northern District of California.

A. Richard Caputo, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

G. Patrick Murphy, of Illinois, to be United States District Judge for the Southern District of Illinois.

Michael P. McCuskey, of Illinois, to be United States District Judge for the Central District of Illinois.

Frederica A. Massiah-Jackson, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Bruce C. Kauffman, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Lynn S. Adelman, of Wisconsin, to be United States District Judge for the Eastern District of Wisconsin.

Norman K. Moon, of Virginia, to be United States District Judge for the Western District of Virginia.

James William Blagg, of Texas, to be United States District Judge for the Western District of Texas for the term of four years.

G. Douglas Jones, of Alabama, to be United States District Judge for the Northern District of Alabama for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

## 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. ABRAHAM:

S. 1382. A bill to reform the naturalization process, to clarify the procedures for investigating the criminal background of individuals submitting applications in connection with certain benefits under the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 1383. A bill to provide a 6-month extension of safety programs under ISTEA; to the Committee on Commerce, Science, and Transportation.

By Mr. DASCHLE:

S. 1384. A bill to amend title 5, United States Code, to make the Federal Employees Health Benefits Program available to the general public, and for other purposes; to the Committee on Governmental Affairs.

By Mr. WELLSTONE:

S. 1385. A bill to amend title 38, United States Code, to expand the list of diseases presumed to be service connected with respect to radiation-exposed veterans; to the Committee on Veterans Affairs.

By Mr. LEVIN:

S. 1386. A bill to facilitate the remediation of contaminated sediments in the waters of the United States; to the Committee on Environment and Public Works.

By Mr. KYL (for himself and Mrs. HUTCHISON):

S. 1387. A bill to authorize additional appropriations for the Department of Defense for ballistic missile defenses and other measures to counter the emerging threat posed to the United States and its allies in the Middle East and Persian Gulf region by the development and deployment of ballistic missiles by Iran; to the Committee on Armed Services.

By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 1388. A bill to provide relief from unfair interest and penalties on refunds retroactively ordered by the Federal Energy Regulatory Commission; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. BURNS):

S. 1389. A bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for prostate cancer research through the voluntary purchase of certain specially issued United States postage stamps; to the Committee on Governmental Affairs.

By Mr. D'AMATO:

S. 1390. A bill to provide redress for inadequate restitution of assets seized by the United States Government during World War II which belonged to victims of the Holocaust, and for other purposes; to the Committee on Foreign Relations.

By Mr. DODD (for himself, Mr. WARNER, Mr. BENNETT, Mr. GRAMS, Mr. JEFFORDS, Mr. BINGAMAN, and Mr. LEAHY):

S. 1391. A bill to authorize the President to permit the sale and export of food, medicines, and medical equipment to Cuba; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWNBACK:

S. 1392. A bill to provide for offsetting tax cuts whenever there is an elimination of a discretionary spending program; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. JOHNSON, and Mr. CONRAD):

S. 1393. A bill to amend the Internal Revenue Code of 1986 to provide for the permanent extension of the incentives for alcohol used as a fuel; to the Committee on Finance.

By Mr. BROWNBACK:

S. 1394. A bill to establish procedures to ensure a balanced Federal budget by fiscal year 2002 and to create a tax cut reserve fund to protect revenues generated by economic growth; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. SARBANES:

S. 1395. A bill to amend the Higher Education Act of 1965 to provide for the establishment of the Thurgood Marshall Legal Educational Opportunity Program; to the Committee on Labor and Human Resources.

By Mr. JOHNSON:

S. 1396. A bill to amend the Child Nutrition Act of 1966 to expand the School Breakfast Program in elementary schools; to the Committee on Agriculture, Nutrition, and Forestry.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Ms. MOSELEY-BRAUN):

S. Res. 144. A resolution to express support for an interpretive site near Wood River, Illinois, as the point of departure of the Lewis and Clark Expedition; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. ABRAHAM, Mr. ALLARD, Mr. BAUCUS, Mr. BENNETT, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. CHAFEE,

Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. D'AMATO, Mr. DASCHLE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. HATCH, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. REID, Mr. ROCKEFELLER, Mr. SMITH of Oregon, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN):

S. Res. 145. A resolution designating the month of November 1997 as ''National American Indian Heritage Month''; to the Committee on the Judiciary.

By Mr. DOMENICI:

S. Con. Res. 64. A concurrent resolution providing for corrections to be made in the enrollment of H.R. 1119; considered and agreed to.

By Ms. SNOWE (for herself and Ms. MIKULSKI):

S. Con. Res. 65. A concurrent resolution calling for a United States effort to end restriction on the freedoms and human rights of the enclaved people in the occupied area of Cyprus; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ABRAHAM:

S. 1382. A bill to reform the naturalization process, to clarify the procedures for investigating the criminal background of individuals submitting applications in connection with certain benefits under the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

THE NATURALIZATION REFORM ACT OF 1997

Mr. ABRAHAM. Mr. President, today I am pleased to introduce the Naturalization Reform Act of 1997. This bill addresses some of the serious failings in the Immigration and Naturalization Service's conduct of the naturalization process that have come to light during the past 2 years. This legislation does not attempt a comprehensive reform of the naturalization process, a topic that likely should be a subject of serious consideration but regarding which much additional work is needed. Rather, it includes a few targeted measures designed to address critical issues that have emerged, particularly concerning the granting of citizenship to criminal aliens and the INS' conduct of criminal background checks. Given that these issues have been the subject of extensive oversight in both Houses of Congress, it is important that we work together on this. In that vein, I have developed this legislation with my counterpart on the House side, Representative LAMAR SMITH, the chairman of the House Immigration Subcommittee. Today, he is introducing identical legislation in the House.

Let me state at the outset that citizenship is the most precious gift and honor that our Nation can bestow. I have spoken many times before—both in the Immigration Subcommittee and elsewhere—about my own grandparents' experience of immigrating to America. Their citizenship papers give me a particular pride, and I know what citizenship papers mean to my own family and for millions of others across America. The vast majority of citizenship applicants are law-abiding legal immigrants who have every right and desire to become full-fledged American citizens.

Nonetheless, serious concerns about the naturalization process have been raised this session, particularly concerning the Immigration and Naturalization Service's provision of citizenship papers to some undeserving criminal aliens. Some initial reports did overestimate the number of aliens who were improperly naturalized in 1995 and 1996 despite being statutorily ineligible for naturalization based on criminal convictions. Regardless of the number, however, it is still a concern to me that any obviously ineligible criminal aliens were naturalized. Moreover, it remains of grave concern that the INS was naturalizing large numbers of applicants without having completed their criminal background checks, which have been central to the way the INS conducts its inquiry into an applicant's good moral character. Even if an applicant did not have a conviction making that applicant statutorily ineligible, one would think that the good moral character determination might very well have turned out differently if the INS had had information concerning an applicant's arrests or other criminal background information. The mere fact that the INS was moving forward in this manner in itself raises concerns about how the INS is carrying out its statutory responsibilities.

Many of these problems are not new, and it is disappointing that they have gone unresolved for so long. Reports from the Justice Department and from the General Accounting Office over the past 10 years have repeatedly found significant faults with the fingerprint check process, which the INS uses to conduct its criminal background checks. For instance, a 1988 Department of Justice audit found that, in 47 percent of naturalization files reviewed at random, there was no record that a fingerprint check had been requested or no record of when fingerprints were mailed to the FBI. In a 1989 report, the Department of Justice audit staff discovered an almost complete absence of evidence that background checks and fingerprint checks were conducted in naturalization cases. A 1994 report of the inspector general's office found that the INS did not verify that fingerprints submitted with an application actually belonged to the applicant; that report also documented that the Service failed to ensure that fingerprint checks were completed by the FBI. A 1994 GAO report disclosed similar findings.

Despite such observations and disclosures, the INS continued to permit applicants to submit their own fingerprints without verifying whether the prints belonged to the applicant, and fingerprint cards submitted to the FBI often contained incomplete or inaccurate information. The INS also continued to permit naturalizations to go forward after 60 days following the submission of fingerprints to the FBI, regardless of whether a definitive response had been received from the FBI on the fingerprint check.

In 1996, weaknesses in the criminal history validation process received renewed attention in the midst of the President's Citizenship USA program, a roughly 1-year effort to speed the pace of naturalizations significantly. Those weaknesses were exacerbated as pressure grew to increase naturalizations. As a result of various severe problems that came to light, a number of investigations, audits, and reviews into the naturalization process are now taking place.

The Department of Justice's Justice Management Division, in conjunction with KPMG Peat Marwick and with some participation from the General Accounting Office, has been conducting an ongoing review of the roughly 1.4 million cases of aliens naturalized under Citizenship USA. Preliminary results indicate that INS failed to complete criminal background checks on some 180,000 immigrants who were naturalized between August 1995 and September 1996, and that more than 71,500 applicants who did undergo background checks had criminal records and were naturalized anyway. It is true that a much smaller number had convictions for offenses for which there is a statutory bar to naturalization. As I have noted, however, it remains of great concern that such a large number were processed improperly, regardless of what the particular results were.

In response to weaknesses identified by those reviews, on November 29 of last year, the INS finally announced major changes to its criminal background verification procedures in an effort to respond to some of the serious and ongoing problems in that area. The Service did so through a policy memo announcing new ''Naturalization Quality Procedures.'' That memo went out—or was supposed to go out—from the Commissioner to all INS regional, district, and local offices. That specific and detailed memo, which was to be effective immediately, provided that no naturalizations were to go forward without a response on the fingerprint check from the FBI and unless the new policies and procedures were in place.

Unfortunately, we learned this year that the administration's policy failed to go into effect as mandated by the Commissioner. On April 17, KPMG Peat Marwick issued a report based on its review of the INS' management and implementation of the new criminal record verification guidelines. Building

on the work of others in Congress, including my predecessor as subcommittee chairman, I chaired a hearing earlier this year that examined the criminal record verification process for citizenship applicants and that particularly focussed on the findings of Peat Marwick's review of the implementation of that policy. Peat Marwick rated only 1 INS office of the 23 it reviewed as ''compliant'' with the new procedures. Of the 22 others, 15 were found ''noncompliant,'' and 7 ''marginally compliant.'' One District Office and two Citizenship USA sites could not produce the particular policy memo they were supposed to be implementing. Numerous offices were sending fingerprint cards to the wrong FBI address, fingerprint cards were completed incorrectly, and worksheets that were required to be dated and initialed showed no evidence of key tasks being completed. These results are simply astonishing in the wake of the attention that the flaws in the previous system received both in the Congress and in the press. Such troubling deficiencies in even the most basic implementation of the new policy have emerged that immediate action must be taken to ensure that no citizenship application is processed without the required fingerprint checks and that the INS properly considers and evaluates any criminal record that is revealed. Those deficiencies also suggest we need to take a long-term look at the entire naturalization process and indeed at the structure of the INS.

The legislation I am introducing today is limited to targeted measures aimed at addressing in the short term some critical problems in the naturalization process, particularly with regard to criminal background checks. The bill would revise the INS' processing of criminal background checks in a number of ways. It provides that, in conducting criminal background checks on any applicant for naturalization or for a number of other significant immigration benefits, the INS may not accept for processing or transmit to the FBI any fingerprint card or any other means used to transmit fingerprints unless the applicant's fingerprints have been taken by an office of the INS or by a law enforcement agency. Such offices or agencies would be permitted to collect a fee from the applicant for the service of taking and transmitting the fingerprints.

The bill further provides that if an applicant is physically unable to provide legible fingerprints, for example, because the applicant may be elderly or disabled, the requirement that the INS submit fingerprints to the FBI shall not apply and the FBI shall instead conduct a record check based on the applicant's name and other identifying information.

Under the legislation, no naturalization application, or application for the other important immigration benefits specified in the legislation, like the adjustment of status to lawful permanent residence, could be approved until the INS receives from the FBI a definitive response concerning whether the applicant has a criminal record and receives the content of any criminal history that the applicant may have.

Interviews would also now be statutorily required before applicants may be naturalized or may adjust their status to lawful permanent residence. In the case of any applicant for naturalization, the interview must cover any criminal background of the applicant, other than minor traffic violations, and must review any misrepresentations made on the naturalization application.

In order to provide for an orderly transition, and to insure that the naturalization backlog does not increase, the bill provides for an effective date of October 1, 1998.

The bill also addresses the good moral character requirement for naturalization. Under current law, an applicant for naturalization must demonstrate good moral character for the 5 years preceding the application for naturalization. The INS has given good moral character the most narrow definition possible under the statute, and has restricted its good moral character inquiry to whether an applicant has been convicted of a criminal offense that statutorily bars a finding of good moral character. In my view, the 5 year period is too short. Our legislation extends that period to 10 years. I also hope that the INS will, through regulation, examine many more factors than it currently does in assessing good moral character.

This legislation also begins to approach the question of citizenship testing. Hearings beginning to look into this issue have been held in the House and were held last Congress by my predecessor. While we need to know more before we can definitively decide how to approach citizenship testing, we can take some measures to address fraud problems. With respect to nongovernmental outside testing entities that are authorized by INS to do citizenship testing, the bill safeguards the integrity of the testing process in a number of ways. It requires the INS to conduct regular inspections of testing sites, prevents outside testing entities from delegating their testing authority to any other companies, and allows the Attorney General to require retests when the testing process is impaired by cheating, fraud, or negligence. The bill requires GAO to do a comprehensive study and report to Congress on the overall integrity of the outside testing process so that we can decide if other reforms are necessary.

The bill also includes a provision specifying that any alien approved for naturalization would not be able to receive his or her naturalization certificate until the alien turns in the alien's green card or submits an affidavit describing how the green card was lost, stolen, or destroyed. To further discourage the misuse, sale, or fraudulent transfer of green cards, the legislation requires any alien whose green card is lost, stolen or destroyed to report it to the INS promptly or pay a $50 fine for failing to do so.

To address the INS' continued management difficulties in the naturalization area, the legislation puts into place quality assurance procedures and will improve oversight for the naturalization process. In particular, the legislation requires the Attorney General to establish a process, which is to include internal or other audit procedures, to review the ongoing compliance by each office of the Service that is involved in the naturalization process with all naturalization processes and procedures. Then, within 30 days after the end of each of the next 4 fiscal years, the Attorney General is to submit a report to the Senate and House Judiciary Committees concerning the INS' compliance with naturalization processes and procedures during the preceding years.

Again, this legislation is designed to address some immediate problems requiring our attention. I look forward to continuing to work with my colleagues on the Senate Immigration Subcommittee, and with our colleagues in the House and others, on this legislation and on addressing the longer-term problems the INS is facing in the naturalization area.

I ask unanimous consent that the entire text of the bill be placed in the RECORD.

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

S. 1382

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Naturalization Reform Act of 1997''.

**SEC. 2. BAR TO NATURALIZATION FOR ALIENS DEPORTABLE FOR CRIMES.**

(a) IN GENERAL.—Section 316(a) of the Immigration and Nationality Act (8 U.S.C. 1427(a)) is amended—

(1) in paragraph (2), by striking ''and'' at the end;

(2) in paragraph (3), by striking ''States.'' and inserting ''States, and''; and

(3) by adding at the end the following: ''(4) on the date of the application, is not deportable under paragraph (1) (other than subparagraph (A)), (2), (3), or (6) of section 237(a), subparagraph (A), (B), or (D) of paragraph (4) of such section, or paragraph (1)(A) of such section (but only to the extent that such paragraph relates to inadmissibility under paragraph (2), (6), (8), or (9) of section 212(a), subparagraph (A), (B), or (E) of section 212(a)(3), or subparagraph (A), (C), (D), or (E) of section 212(a)(10)).''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 1998, and shall apply to applications for naturalization submitted on or after such date.

**SEC. 3. EXTENSION TO 10 YEARS OF GOOD MORAL CHARACTER PERIOD FOR NATURALIZATION.**

(a) IN GENERAL.—Section 316(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1427(a)(3)) is amended by striking ''during all the periods referred to in this subsection''

and inserting ''during the ten years immediately preceding the date of filing of the application''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998, and shall apply to applications for naturalization submitted on or after such date.

**SEC. 4. INVESTIGATION OF CRIMINAL BACKGROUND OF CERTAIN ALIENS AND PERSONS SPONSORING ALIENS FOR ENTRY.**

(a) IN GENERAL.—Title I of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by adding at the end the following:

''INVESTIGATION OF CRIMINAL BACKGROUND OF AN ALIEN APPLYING FOR CERTAIN BENEFITS AND CERTAIN PETITIONERS FOR CLASSIFICATION OF AN ALIEN

''SEC. 106. (a) IN GENERAL.—With respect to a person described in a subparagraph of subsection (c)(1) who is petitioning, or applying to, the Attorney General to grant the benefit or take the action described in such subparagraph (and with respect to an individual described in subparagraph (E) of such subsection whose residence is the home of such a person), the Attorney General may not grant the benefit or take the action, unless, during the pendency of the person's petition or application, the following has been completed:

''(1) An employee of the Service, or a Federal, State, or local criminal law enforcement agency, after verifying the person's identity, has prepared a complete and legible set of fingerprints of the person.

''(2) The Commissioner has requested the Director of the Federal Bureau of Investigation to conduct a criminal history background check on the person for the appropriate purpose described in subsection (c)(2), and the Commissioner has submitted the fingerprints to the Director, along with any supplementary information required by the Director to complete the check.

''(3) The Director of the Federal Bureau of Investigation, using the fingerprints and information provided by the Commissioner, has conducted the check, and has provided the Commissioner with a response describing the person's criminal history, as reflected in records maintained by the Federal Bureau of Investigation.

''(4) The Commissioner has conducted an investigation of the person's criminal history, including all criminal offenses listed in the Director's response, all criminal offenses listed in informational databases maintained by the Service, and all other criminal offenses of which the Commissioner has knowledge, for the appropriate purpose described in subsection (c)(2).

''(5) In a case where the investigation under paragraph (4) of an applicant for naturalization reveals criminal history that bears upon the applicant's eligibility for naturalization, and the employee designated under section 335 to conduct the examination under such section has determined that the application should be granted, such determination has been reviewed by at least one Service officer whose duties include performing such reviews.

''(b) EXCEPTION.—Notwithstanding subsection (a), when the Attorney General certifies to the Director of the Federal Bureau of Investigation that a person described in subsection (c)(1) is physically unable to provide legible fingerprints—

''(1) the requirement that the Commissioner submit fingerprints to the Director shall not apply; and

''(2) the Director shall conduct a criminal history background check based on the person's name and any other method of positive identification other than fingerprints used by the Federal Bureau of Investigation for criminal history background checks.

''(c) PERSONS SUBJECT TO, AND PURPOSES FOR, BACKGROUND CHECKS.—

''(1) PERSONS AND PETITIONS DESCRIBED.—The persons (and applications and petitions) described in this paragraph are as follows:

''(A) An alien 14 through 79 years of age applying for adjustment of status to that of an alien lawfully admitted for permanent residence.

''(B) An alien 14 through 75 years of age applying for naturalization as a citizen of the United States.

''(C) An alien 14 years of age or older applying for asylum, or treatment as a spouse or child accompanying an asylee.

''(D) An alien 14 years of age or older applying for temporary protected status under section 244.

''(E) A person who has filed a petition to accord a child defined in section 101(b)(1)(F) classification as an immediate relative under section 201(b)(2)(A)(i), and any additional individual, over the age of 18, whose principal or only residence is the home of such person.

''(F) A person who has submitted a guarantee of legal custody and financial responsibility under paragraphs (2)(B) and (4) of section 204(f) in connection with a petition to accord an alien, who is the subject of the guarantee, classification under section 201(b), 203(a)(1), or 203(a)(3).

''(2) PURPOSES FOR CHECKS DESCRIBED.—

''(A) ALIENS APPLYING FOR BENEFITS.—With respect to the aliens, and the applications, described in subparagraphs (A) through (D) of paragraph (1), the requirements of subsection (a) shall be applied (subject to subsection (b)) for the purpose of determining whether the alien has a criminal history that bears upon the alien's eligibility for the benefit for which the alien applied.

''(B) ORPHAN PETITIONS.—With respect to a person described in paragraph (1)(E), the requirements of subsection (a) shall be applied (subject to subsection (b)) for the purpose of determining whether the person has a criminal history that bears upon whether proper care will be furnished the child described in such paragraph.

''(C) AMERASIAN PETITIONS.—With respect to a person described in paragraph (1)(F), the requirements of subsection (a) shall be applied (subject to subsection (b)) for the purpose of determining whether the person is of good moral character.

''(d) FEE.—The Attorney General may charge a person described in subsection (c)(1) a fee to cover the actual cost of the criminal background check process under this section.

''(e) CONSTRUCTION.—This section shall not be construed to affect or impair the ability of the Attorney General to require a criminal history background check as a condition for obtaining any benefit under this Act (including a classification under section 204) that is not described in subsection (c)(1).''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 105 the following:

''Sec. 106. Investigation of criminal background of an alien applying for certain benefits and certain petitioners for classification of an alien.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, and shall apply to applications for a benefit under the Immigration and Nationality Act (including petitions to accord a classification under section 204 of such Act) submitted on or after such date.

**SEC. 5. INTERVIEW FOR ADJUSTMENT OF STATUS.**

(a) IN GENERAL.—The Immigration and Nationality Act is amended by inserting after section 245A the following:

''INTERVIEW FOR ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

''SEC. 245B. Before the status of an alien may be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, the alien shall appear before an employee of the Service, who shall conduct a personal interview of the alien for the purpose of verifying that the alien is eligible for such adjustment.''.

(b) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 245A the following:

''Sec. 245B. Interview for adjustment of status to that of person admitted for permanent residence.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, and shall apply to applications for adjustment of status submitted on or after such date.

**SEC. 6. INTERVIEW FOR NATURALIZATION.**

(a) IN GENERAL.—Section 332 of the Immigration and Nationality Act (8 U.S.C. 1443) is amended by adding at the end the following:

''(i) The examination under subsection (a) shall include a personal interview of the applicant, conducted by an employee of the Service who—

''(1) shall require the applicant to demonstrate the ability to speak and understand words in ordinary usage in the English language, in accordance with section 312(a)(1), unless the applicant is exempt from the requirements of such section pursuant to section 312(b);

''(2) shall require the applicant to describe any criminal law violations, other than minor traffic violations, for which the applicant has ever been arrested, charged, convicted, fined, or imprisoned, or which the applicant has committed but for which the applicant has not been arrested, charged, convicted, fined, or imprisoned; and

''(3) shall verify each statement or representation made by the applicant in the written application for naturalization, and in any documents submitted in support of the application, and shall examine the applicant to determine whether the applicant has willfully made any false statements or misrepresentations, or committed any fraud, for the purpose of obtaining United States citizenship.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998, and shall apply to applications for naturalization submitted on or after such date.

**SEC. 7. CITIZENSHIP TESTING BY OUTSIDE TESTING ENTITIES.**

(a) IN GENERAL.—

(1) TESTING BY PERSONS OTHER THAN ATTORNEY GENERAL.—Section 312 of the Immigration and Nationality Act (8 U.S.C. 1423) is amended by adding at the end the following:

''(c)(1) An applicant for naturalization may satisfy the reading and writing requirements of subsection (a)(1), and the knowledge and understanding requirements of subsection (a)(2), by passing a test approved by the Attorney General and administered by a person, other than the Attorney General, who, not later than the date of the enactment of the Naturalization Reform Act of 1997, is authorized by the Attorney General to administer such a test.

''(2) The Attorney General shall revoke the authorization granted to a person to administer tests referred to in paragraph (1), unless—

''(A) the person has not subcontracted, franchised, or otherwise delegated the person's testing authority to any other person; and

''(B) at any time after the person has been authorized by the Attorney General to administer such tests and has administered them for at least 6 months during the period beginning on the date of the enactment of the Naturalization Reform Act of 1997, the person and the Attorney General are able to demonstrate that—

''(i) in not less than 5 of the 6 preceding months, the Attorney General has conducted unannounced inspections of at least 10 percent of the testing sites operated by the person in each such month;

''(ii) during each such site inspection, the Attorney General has checked the integrity and security of the testing process and has memorialized the findings from the inspection in a written report and, after the inspection, has provided copies of the report to the person; and

''(iii) after reviewing each such inspection report, the Attorney General—

''(I) has determined and certified that the person continues to maintain the overall integrity and security of the person's testing program, and has remedied any serious flaws discovered by the inspections; and

''(II) has provided a copy of the certification to the person.

''(3) The Attorney General shall require an applicant for naturalization who has passed a test administered under this subsection to retake and repass such a test in circumstances where the Attorney General has reasonable grounds to believe that the administration of the test was impaired by fraud, misrepresentation, or other misconduct or negligence that jeopardizes the reliability of the test results.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 1998, and shall apply to applications for naturalization submitted on or after such date.

(b) STUDY ON INTEGRITY OF TESTING PROCESS.—

(1) REPORT.—Not later than the date that is 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall prepare and transmit to the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate the report described in paragraph (2).

(2) CONTENTS.—The report referred to in paragraph (1) shall describe the results of a comprehensive study conducted by the Comptroller General of the United States to determine the extent to which tests administered by persons other than the Attorney General, by which an applicant for naturalization may satisfy the reading and writing requirements of subsection (a)(1), and the knowledge and understanding requirements of subsection (a)(2), of section 312 of the Immigration and Nationality Act, are impaired by fraud, misrepresentation, or other misconduct or negligence that jeopardizes the reliability of the test results.

**SEC. 8. REQUIREMENTS WITH RESPECT TO RESIDENT ALIEN CARDS.**

(a) CIVIL PENALTY FOR FAILURE TO REPORT LOSS, THEFT, OR DESTRUCTION OF RESIDENT ALIEN CARD.—

(1) IN GENERAL.—The Immigration and Nationality Act is amended by inserting after section 274D the following:

''CIVIL PENALTY FOR FAILURE TO REPORT LOSS, THEFT, OR DESTRUCTION OF RESIDENT ALIEN CARD

''SEC. 274E. Any alien who has been issued by the Attorney General an alien registration receipt card indicating the alien's status as an alien lawfully admitted for permanent residence, and who fails to report to the Attorney General the loss, theft, or destruction of the card by the date that is 7 days after the date the alien discovers such loss, theft, or destruction, shall pay a civil penalty to the Commissioner of $50 per violation.''.

(2) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 274D the following new item:

''Sec. 274E. Civil penalty for failure to report loss, theft, or destruction of resident alien card.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1998, and shall apply to alien registration receipt cards that are lost, stolen, or destroyed on or after such date.

(b) SURRENDER OF RESIDENT ALIEN CARD UPON NATURALIZATION.—

(1) IN GENERAL.—Section 338 of the Immigration and Nationality Act (8 U.S.C. 1449) is amended—

(A) by inserting ''(a)'' before ''A person''; and

(B) by adding at the end the following:

''(b)(1) Notwithstanding subsection (a), the Attorney General may not deliver a certificate of naturalization to any person to whom the Attorney General previously had issued an alien registration receipt card indicating the person's status as an alien lawfully admitted for permanent residence, unless—

''(A) the person has surrendered the card to the Attorney General; or

''(B) the person has submitted an affidavit to the Attorney General stating that the card was lost, stolen, or destroyed, and describing any facts known to the alien with respect to the circumstances of such loss, theft, or destruction, and a period of not less than 30 days has elapsed since such submission, during which period the Attorney General may conduct an investigation of such loss, theft, or destruction.

''(2) The Attorney General may charge a person described in paragraph (1)(B) a fee to cover the cost of an investigation described in such paragraph.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on October 1, 1998, and shall apply to certificates of naturalization delivered on or after such date.

**SEC. 9. REVOCATION OF NATURALIZATION.**

(a) CLARIFICATION OF MATERIALITY REQUIREMENT.—Section 340(a) of the Immigration and Nationality Act (8 U.S.C. 1451(a)) is amended—

(1) by striking ''(a)'' and inserting ''(a)(1)''; and

(2) by adding at the end the following:

''(2) For purposes of this section, a fact with respect to a naturalized person may not be considered immaterial solely because the fact, had it been known to the Attorney General before the person was naturalized, would not, by itself, have required the Attorney General to deny the person's application for naturalization.''.

(b) REBUTTABLE PRESUMPTION OF WILLFULNESS.—Section 340 of the Immigration and Nationality Act (8 U.S.C. 1451) is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) though (i), respectively; and

(2) by inserting after subsection (c) the following:

''(d) In any proceeding under this section in which the United States proves that an order admitting a person to citizenship was procured by the person's concealment or misrepresentation of a material fact, such proof shall be considered prima facie evidence that the person acted willfully with respect to the concealment or misrepresentation, and, in the absence of countervailing evidence, such proof shall be sufficient to authorize the revocation and setting aside of the order and the cancellation of the certificate of naturalization.''.

(c) LIMITATION ON ADMINISTRATIVE REVOCATIONS.—Section 340 of the Immigration and Nationality Act (8 U.S.C. 1451), as amended by subsection (b), is further amended—

(1) in subsection (i), by striking ''Nothing'' and inserting ''Subject to subsection (j), nothing''; and

(2) by inserting after subsection (i) the following:

''(j) The Attorney General shall commence any proceeding administratively to correct, reopen, alter, modify, or vacate an order naturalizing a person not later than 5 years after the effective date of the order.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1998, and shall apply to any order naturalizing a person with an effective date that is on or after October 1, 1998.

**SEC. 10. QUALITY ASSURANCE AND IMPROVED OVERSIGHT FOR NATURALIZATION.**

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall establish a process (including internal audit procedures, other audit procedures, or both) to review the ongoing compliance with all laws, policies, and procedures affecting naturalization by each office of the Immigration and Naturalization Service that has duties with respect to naturalization.

(b) REPORTS.—Not later than 30 days after the termination of each of fiscal years 1998, 1999, 2000, and 2001, the Attorney General shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives concerning the compliance by the Commissioner of Immigration and Naturalization and the Immigration and Naturalization Service with all laws, policies, and procedures affecting naturalization during such terminated fiscal year.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act, and shall cease to be effective upon the submission, under subsection (b), of the report with respect to fiscal year 2001.

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By Mr. MCCAIN (for himself and Mr. HOLLINGS):

S. 1383. A bill to provide a 6-month extension of safety programs under ISTEA; to the Committee on Commerce, Science, and Transportation.

ISTEA LEGISLATION

Mr. MCCAIN. Mr. President, it is clear that a multiyear reauthorization of ISTEA will not be possible during this session. Due to the expiration of ISTEA authorizations, I am very concerned that vital safety programs under the jurisdiction of the Committee on Commerce, Science, and Transportation are at risk. Senator HOLLINGS and I are introducing legislation that would provide funds to continue the operation of those important safety programs.

According to the Department of Transportation [DOT], the highway safety grant programs do not have any unobligated balances available, from prior authorizations, to draw on if ISTEA is not extended to bridge the gap between now and when a long-term reauthorization bill is passed. The programs at risk include the State and

Community Safety Grant Program under section 402, the section 410 grant program to encourage counter measures to impaired driving, and the National Driver Register [NDR].

The contract to run the National Driver Register is presently running on funds obligated in fiscal year 1997 but that contract and the funding expires in March. When that contract expires the program will have to be shut down and the staff dismissed.

DOT indicates most States only have funding to operate safety programs for the next 2 or 3 months. I understand that some States have already started shutting down some of their highway safety programs.

Funds are also needed to pay the salaries of the more than 3,000 State motor carrier enforcement personnel. With the expiration of ISTEA, there is no Federal funding currently available to pay the salaries of these individuals whose expenses are exclusively financed through the Motor Carrier Safety Assistance Program [MCSAP]. The Department of Transportation testified this week that the elimination of vital MCSAP funding could impede the ability of States to perform commercial vehicle and driver inspections. A short-term extension of MCSAP funding will help ensure that unsafe vehicles and drivers are prevented from traveling on our Nation's highways.

I know that no one in this body wants to see a situation where highway safety is degraded in any way. I look forward to working with my colleagues to address these important issues of highway safety to ensure that we meet our obligations.

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By Mr. DASCHLE:

S. 1384. A bill to amend title 5, United States Code, to make the Federal Employees Health Benefits Program available to the general public, and for other purposes; to the Committee on Governmental Affairs.

THE ACCESSIBLE HEALTH COVERAGE ACT

Mr. DASCHLE. Mr. President, when comprehensive health reform failed in 1994, we were left with the legacy of a major unmet challenge—providing secure health care coverage to millions of uninsured Americans. Despite the inability of Congress to enact comprehensive health reform, many of my colleagues and I continue to work to achieve that goal, albeit incrementally. The Kennedy–Kassebaum bill was part of that effort, as were the provisions of the recent budget agreement that made $24 billion available to states to cover uninsured children.

As part of this ongoing effort, last week I introduced legislation that would restore rights and protections to early retirees who are abruptly dropped from their employer's health plan. Today I am introducing legislation to help individuals who do not have employer-sponsored coverage and who, because of a previous or current health condition, are unable to obtain private non-group health insurance.

While today many people without employer-sponsored insurance can purchase health coverage in the individual insurance market, those with health problems —conditions as common as asthma or migraine headaches and as controllable as hypertension or allergies—may not be able to find an insurer willing to cover them at any price. As many as 4 million Americans fall into this abyss, known by the insurance industry as the ''medically uninsurable.''

Many Americans felt that we had solved that problem when we enacted the Kennedy–Kassebaum bill. I have received phone calls and letters from men and women in South Dakota and around the country who thought that enactment of the Kennedy/Kassebaum legislation meant they could not be denied private health insurance. Unfortunately, that is not the case. While the Kennedy/Kassebaum bill makes it easier for some groups to maintain their coverage if they switch jobs or become unemployed, it does not improve health insurance affordability or access to coverage for individuals who have not been part of the employer-sponsored insurance system. Kennedy–Kassebaum does not require insurers to cover self-employed individuals unless they were previously enrolled under a group health plan. Moreover, insurance companies still can deny coverage to workers whose employers do not provide employee health benefits. The reality is that if you do not have employer-sponsored insurance and have, or have had, any of a number of health problems, you're probably out of luck.

Too many insurance companies continue to cherry-pick the healthiest of us and leave unprotected those most in need of insurance. This is not only regrettable for those left without coverage, it is shortsighted. Uninsured individuals often end up needing expensive emergency room care and extended inpatient convalescence because they were unable to afford the early, relatively inexpensive care necessary to prevent these serious problems. The unnecessary costs associated with the treatment of preventable diseases are passed on to the insured population through higher hospital charges and insurance premiums. The uninsured suffer needless health problems, while the insured pay more for everyone's health care. Ironically, insurers then point to these higher premiums when they try to justify their exclusionary underwriting practices, compounding the problem.

This is the unfortunate legacy of our inability to enact comprehensive reform and it is why we need to continue to pursue every means available to provide reasonably priced health insurance to all Americans, even if we have to do it one step at a time.

The legislation I am introducing today would allow individuals who have been denied coverage for medical reasons to purchase private coverage through the Federal Employees Health Benefits Plan. While FEHBP insurers could charge high-risk individuals up to 150 percent of the premium paid by federal employees—to account for differences in the risk of insuring the two populations—these previously uninsured individuals would have access to insurance and in every other respect would be treated the same as federal employees.

The bill is structured to prevent any cost shifting to Federal employees. The two populations would be accounted for separately, while eligible non-Federal individuals would be able to enroll in the program without jumping through elaborate administrative hoops.

To allay the concerns of those who may fear the creation of a new entitlement, despite the fact that we're talking about private coverage paid for by private citizens, the FEHBP buy-in will sunset after 10 years. I'm confident that what we'll learn from this demonstration is that private insurers can cover high-risk individuals without disrupting the private insurance market.

One thing is certain. The status quo isn't working. When health insurance is reserved for only the healthy, the system is not working efficiently for any of us.

We must stop perpetuating a system that relegates certain individuals to permanently uninsured status if they are unlucky enough to become sick at a time when coverage was not in their name or was beyond their financial reach.

This bill empowers a disenfranchised group of individuals to purchase private health insurance. They are willing to pay a fair price for it—all they need is an insurer who will offer it. Through FEHBP this legislation provides that opportunity.

This legislation is not a comprehensive solution to our health insurance challenges. Filling this gap won't bring health care costs under long-term control; it won't eliminate the billions of dollars lost to waste, fraud and abuse; and it won't create a system that uniformly reflects consumers' values regarding disease prevention, high quality care, privacy and access to treatment. Ultimately, we still need a critical and comprehensive reevaluation and reform of the two-tiered, patchwork health care financing and delivery system we've erected over the years. However, this bill represents one long overdue step, and I hope Congress will enact it in the near future.

There is no excuse for sitting on our heels while the health insurance system excludes the very people who need coverage most. If filling gaps is the only way we can move forward at this time to help early retirees and individuals with health problems gain access to coverage, then let's get on with it and begin to fill in those gaps.

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. 1384

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Accessible Health Coverage Act''.

**SEC. 2. PROVISIONS TO MAKE FEHBP AVAILABLE TO THE GENERAL PUBLIC.**

(a) IN GENERAL.—Chapter 89 of title 5, United States Code, is amended by adding at the end the following:

**''§ 8915. Individual access to coverage**

''(a) IN GENERAL.—A contract may not be made or a plan approved unless the carrier agrees to offer to eligible individuals, throughout each term for which the contract or approval remains effective, the same benefits (subject to the same maximums, limitations, exclusions, and other similar terms or conditions) as would be offered under such contract or plan to employees and annuitants and their family members.

''(b) ELIGIBLE INDIVIDUALS.—An individual shall be eligible to enroll under a plan or contract under this chapter if such individual—

''(1) is not eligible to be enrolled in a group health plan (as such term is defined in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg-91(a));

''(2) provides the Office with documentation that such individual has been denied individual health insurance coverage (as such term is defined in section 2791(b)(5) of the Public Health Service Act (42 U.S.C. 300gg-91(b)(5));

''(3) during the 6-month period prior to the date on which such individual attempts to enroll under such plan or contract, was not eligible for coverage through a State high-risk health insurance pool or coverage through a health insurer of last resort;

''(4) is not eligible for medical assistance under title XIX of the Social Security Act (42 U.S.C. 1396 et. seq.); and

''(5) meets such other requirements as the Office, by regulation, may impose.

''(c) ENROLLMENT.—The Office shall provide for the implementation of procedures to provide for an annual open enrollment period during which individuals may enroll with a plan or contract for coverage under this section.

''(d) PREMIUMS.—

''(1) IN GENERAL.—Premiums for coverage under this section shall be established in conformance with such requirements as the Office shall by regulation prescribe, including provisions to ensure conformance with generally accepted standards and practices associated with community rating.

''(2) LIMITATION.—With respect to coverage under a health plan or contract under this section, the Office, in establishing premiums under paragraph (1), shall ensure that the monthly premium for coverage under this section does not exceed 200 percent of the monthly premium otherwise applicable for the coverage of employees and annuitants and their family members under such health plan or contract under this chapter.

''(e) ADJUSTMENT IN AGENCY CONTRIBUTIONS.—

''(1) ANNUAL REPORTING.—Each carrier shall maintain separate records with respect to individuals covered under this section and employees and annuitants (and their family members) otherwise covered under this chapter, and shall annually report to the Office the amount which the carrier paid (including claims and administrative costs) with respect to coverage provided to individuals under this section.

''(2) DETERMINATION BY OFFICE.—If, based on the reports received under paragraph (1), the Office determines that the average cost of providing coverage to individuals under this section exceeds 200 percent of the premiums paid by such individuals for such coverage, the Office shall increase the biweekly Government contribution for coverage otherwise provided under this chapter by an amount equal to such excess amount.

''(f) CONTRIBUTIONS AND BENEFITS.—

''(1) IN GENERAL.—In no event shall the enactment of this section result in—

''(A) any increase in the level of individual contributions by employees or annuitants as required under section 8906 or under any other provision of this chapter, including copayments or deductibles;

''(B) the payment by the Government of any premiums associated with coverage under this section except for the increase described in subsection (e)(2);

''(C) any decrease in the types of benefits offered under this chapter; or

''(D) any other change that would adversely affect the coverage afforded under this chapter to employees and annuitants and their family members.

''(2) LIMITATION.—Coverage under this section shall be provided on an individual, not a family basis.

''(g) INDIVIDUALS ELIGIBLE FOR MEDICARE.—Benefits under this section shall, with respect to an individual who is entitled to benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et. seq.), be offered (for use in coordination with those Social Security benefits) to the same extent and in the same manner as if coverage were under the preceding provisions of this chapter, rather than under this section.

''(h) EXCLUSION OF CERTAIN CARRIERS.—

''(1) IN GENERAL.—A carrier may file an application with the Office setting forth reasons why such carrier, or a plan provided by such carrier, should be excluded from the requirements of this section.

''(2) CONSIDERATION OF FACTORS.—In reviewing an application under paragraph (1), the Office may consider such factors as—

''(A) any bona fide enrollment restrictions which would make the application of this section inappropriate, including those common to plans which are limited to individuals having a past or current employment relationship with a particular agency or other authority of the Government;

''(B) whether compliance with this section would jeopardize the financial solvency of the plan or carrier, or otherwise compromise its ability to offer health benefits under the preceding provisions of this chapter; and

''(C) the anticipated duration of the requested exclusion, and what efforts the plan or carrier proposes to take in order to be able to comply with this section.

''(i) APPLICATION OF SECTION.—Except as the Office may by regulation prescribe, any reference to this chapter (or any requirement of this chapter), made in any provision of law, shall not be considered to include this section (or any requirement of this section).

''(j) TERMINATION.—This section shall terminate on the date that is 10 years after the date of enactment of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 89 of title 5, United States Code, is amended by adding at the end the following:

''8915. Individual access to coverage.''.

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By Mr. WELLSTONE:

S. 1385. A bill to amend title 38, United States Code, to expand the list of diseases presumed to be service connected with respect to radiation-exposed veterans; to the Committee on Veterans Affairs.

THE JUSTICE FOR ATOMIC VETERANS ACT OF 1997

Mr. WELLSTONE. Mr. President, today, I am introducing a bill that will help atomic veterans—veterans who were exposed to ionizing radiation while serving on active duty. Atomic veterans are not only America's most neglected veterans, but they have been deceived and treated shabbily for more than 50 years by the Government they served so selflessly and unquestioningly.

Mr. President, it is hardly accidental that I chose to entitle this bill the ''Justice for Atomic Veterans Act of 1997.'' Atomic veterans have been seeking justice almost since the first atomic bomb was dropped on Hiroshima. The U.S. Government has a long overdue debt to them and I urge my colleagues to join me in ensuring that this debt is paid at long last.

With the full cooperation of my distinguished colleagues Senators BOND and MIKULSKI, the Senate in July passed an amendment to the VA–HUD appropriations bill which serves as the basis for this bill. That amendment, which was in the legislation that the President signed recently, provided for CBO to estimate the cost of legislation that would add 10 radiogenic diseases to the list of presumptively service-connected diseases for which atomic veterans may be compensated by the VA. The amendment also requires the Senate Veterans' Affairs Committee to hold hearings on expanding the list of radiogenic diseases that are presumptively service-connected within 60 days of enactment. To facilitate consideration by the Veterans' Affairs Committee and to secure the support of my colleagues, I'm introducing this bill.

Mr. President, before I get into the substance of my bill, I want to discuss why I decided to introduce it. First and foremost, I must stress that much of what I know about atomic veterans I've learned from members and families of the Forgotten 216th. The Forgotten 216th refers to the 216th Chemical Service Company of the U.S. Army, which participated in Operation Tumbler Snapper—a series of eight atmospheric nuclear weapons tests in the Nevada desert in 1952. About half of the members of the 216th were Minnesotans. Almost 4 years ago, they contacted me after then-Secretary of Energy O'Leary announced that the U.S. Government had conducted radiation experiments on its own citizens. I will never forget my first meeting with members of the Forgotten 216th. It was quite an emotional experience for them as well as for me. For the first time in public, they revealed what went on during the Nevada tests they participated in over 40 years ago, as well as the tragedies and trauma they, their families, and former buddies had experienced since then.

Since that first dramatic meeting, I've met often with the brave and patriotic members of the Forgotten 216th and their families. They have been and are my mentors. I'm very proud of

these extraordinary Minnesotans who have fought hard against great odds for just treatment for atomic veterans and their families.

Because I believe that their experiences and problems typify that of atomic veterans nationwide, I want to tell my colleagues more about the Forgotten 216th. After you hear their story, I'm confident you'll agree with me that it is imperative that all of us work to ensure the Forgotten 216th and other veterans like them are never forgotten again.

Mr. President, when they took part in Operation Tumbler Snapper 45 years ago, they believed their Government's assurances that it would keep them out of harm's way, but they have come to believe they were used a guina pigs without concern for their safety.

Many members of the 216th were sent to measure fallout at or near ground zero immediately after a nuclear blast, exposing them to so much radiation that their Geiger counters went off the scale while they inhaled and ingested radioactive particles. They were given minimal or no protection, sometimes even lacking film badges to measure radiation exposure and provided with no information on the perils they faced. Furthermore, they were sworn to secrecy about their participation in nuclear tests, sometimes denied access to their own service medical records, and provided no medical followup to ensure they'd suffered no ill effects as a result of their exposure to radiation.

Tragically, many members of the 216th have already died, often of cancer. Moreover, many of their children and even grandchildren have been born with serious and rare disorders, even after they'd had healthy children prior to exposure to radiation. Their claims for VA compensation were denied, often because they were alleged to have been exposed to radiation doses too low to cause disabling illnesses. Since they'd inhaled radioactive dust near Ground Zero shortly after nuclear blasts, they were and are justifiably skeptical about claims that their exposures were insufficient to cause radiogenic diseases. Can anyone really be surprised that these men now refer to themselves as the forgotten 216th?

Mr. President, I would not like to turn to the substance of my bill. I want to stress at the outset that this legislation is directly responsive to one of the recommendations of the Final Report of the President's Advisory Committee on Human Radiation Experiments issued in October 1995. The Report urged the Congress to address five concerns of atomic veterans and their families ''promptly.'' My bill directly addresses two of these concerns, which the report described as follows:

> The listing of diseases for which relief is automatically provided—the presumptive diseases provided for in the 1988 law—is incomplete and inadequate.
>
> The standard of proof for those without presumptive disease is impossible to meet and, given the questionable condition of the exposure records retained by the government, inappropriate.

The VA maintains two lists of radiogenic diseases, a presumptive list established under Public Law 101–321 as amended by Public Law 102–578 and now consisting of 15 radiogenic diseases, and a nonpresumptive list established under Public Law 98–542 which includes 10 diseases not on the presumptive list. My bill would add these 10 diseases to the presumptive list, making all diseases currently recognized by the VA as radiogenic presumptively service-connected. The radiogenic diseases that would be added to the presumptive list are: lung cancer; bone cancer; skin cancer; colon cancer; posterior subcapsular cataracts; nonmalignant thyroid nodular disease; ovarian cancer; parathyroid adenoma; tumors of the brain and central nervous system; and rectal cancer.

Why the need for these changes? To being with veterans must jump through hoops to demonstrate they are eligible for compensation for nonpresumptive diseases and, after they have done so the chances that the VA will approve their claims are minimal.

Mr. President, to illustrate what I mean, permit me to cite some VA statistics. As of April 1, 1996, out of the hundreds of thousands of atomic veterans there are, there have been a total of 18,515 radiation claim cases, with service-connection granted in 1,886 cases. According to VA statistics current as of December 1, 1995, only 463 involve the granting of presumptive service-connection. If we were to exclude the 463 veterans who were granted presumptive service-connection, atomic veterans had an incredibly low claims approval rate of less than 8 percent. It needs to be stressed, moreover, that of this low percentage, an indeterminate number may have had their claims granted for diseases unrelated to radiation exposure.

Why so few claims approvals? One key reason is that VA regulations are overly stringent for service-connection for nonpresumptive radiogenic diseases. Dose requirements pose a particularly difficult, if not insuperable, hurdle. While it is almost impossible to come up with accurate dose reconstructions because decades have elapsed since the nuclear detonations and adequate records don't exist, veterans are frequently denied compensation because their radiation exposure levels are deemed to be too low.

In this connection, let me cite the findings of the President's Advisory Committee on Human Radiation Experiments: ''the Government did not create or maintain adequate records regarding the exposure of all participants in [nuclear weapons tests and] the identity and test locales of all participants.'' This finding obviously calls into question the capability of the Government to come up with accurate dose reconstructions on which approval of claims for VA compensation for atomic veterans frequently depend.

Mr. President, is there any reason that atomic veterans should be penalized for the U.S. Government's failure to maintain records that are fundamental in determining the merit of their VA claims? Of course, their isn't. If the Government can not even be counted on to come up with the ''identity and test locales of all participants,'' what can it be counted on to do? Certainly not on giving atomic veterans a fair shake. Certainly not anything resembling the ''benefit of the doubt'' that the VA is required to accord them.

For these and other reasons it is vital that the Senate pass legislation to ensure that these patriotic and long-suffering veterans receive the justice that has been denied them for so many years. Justice is what my bill is all about. It will ensure that atomic veterans no longer have to depend on a benefit of the doubt they rarely receive. How can they receive the benefit of the doubt when the Government records on which the whole edifice of VA claims adjudication rests are flawed or nonexistent? When dose reconstruction on which their claims depend is unreliable? When the health effects of exposure to purportedly low-level radiation are unknown or still the subject of scientific controversy 52 years after the first nuclear blast at Alamogordo, NM?

By now it should be obvious to all of my colleagues that the current system of adjudicating atomic veterans' claims makes little sense and is discriminatory. Like many of you I believe that 'if it ain't broke don't fix it.'' Well this system is obviously broke and we need to fix it now. Both the fairest and quickest way of doing so is by adding the 10 radiogenic diseases now only on the nonpresumptive list to the presumptive list as my bill proposes.

Mr. President, since January 1994, I have had many meetings with the men of the Forgotten 216th and atomic veterans from around the country. I want to assure you that they remain patriotic Americans who are proud to have served this country. I have no doubt whatever they would gladly answer the call of duty again if their country was to call on them. A half century of neglect by the Government that put them in harm's way without even telling them so, has in no way dimmed their love of country. These are remarkable Americans and at long last they need to be treated like the remarkable Americans they are. Even though they have waited for over 50 years, they still retain the hope that they will receive the compensation and recognition they deserve.

The fight of atomic veterans for justice has been long, hard, and frustrating, but these patriotic, dedicated, and deserving veterans have persevered. I urge my colleagues from both sides of the aisle to join that struggle by supporting the Justice for Atomic Veterans Act. Let me assure each of you it's a struggle worth waging and a struggle we can win.

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. 1385

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Justice for Atomic Veterans Act of 1997''.

**SEC. 2. EXPANSION OF LIST OF DISEASES PRESUMED TO BE SERVICE CONNECTED FOR RADIATION-EXPOSED VETERANS.**

Section 1112(c)(2) of title 38, United States Code, is amended by adding at the end the following:

''(P) Lung cancer.
''(Q) Bone cancer.
''(R) Skin cancer.
''(S) Colon cancer.
''(T) Posterior subcapsular cataracts.
''(U) Non-malignant thyroid nodular disease.
''(V) Ovarian cancer.
''(W) Parathyroid adenoma.
''(X) Tumors of the brain and central nervous system.
''(Y) Rectal cancer.''.

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By Mr. LEVIN:

S. 1386. A bill to facilitate the remediation of contaminated sediments in the waters of the United States; to the Committee on Environment and Public Works.

HAZARDOUS SUBSTANCE SUPERFUND LEGISLATION

Mr. LEVIN. Mr. President, 5 years ago Congress directed EPA, in consultation with NOAA and the Army Corps, to conduct a comprehensive survey of data regarding aquatic sediment quality in the United States. Sometime within the next few weeks, this long overdue report will be submitted to Congress. Because of the widespread contamination that EPA, working with the Army Corps and NOAA, has found, this report should sound an alarm for all of us. While we have made great progress on preventing pollution from many sources, we have severely neglected the problem of contaminated sediments. This contamination is a legacy of decades of hoping that pollution would flow down the drain or off the land and out of sight never to bother us again. But, now we know where a significant portion of it is and it's not going anywhere soon until we do something about it.

The report, ''The Incidence and Severity of Sediment Contamination in Surface Waters of the United States,'' identifies approximately 96 areas of probable concern [APC's]. In these watershed areas, sampling indicates there is a significant possibility of adverse aquatic wildlife or human health effects due to contaminated sediments. These APC's can be found throughout the country including Boston Harbor, the Detroit River, Green Bay, along the Mississippi, Puget Sound, San Francisco Bay, Seal Beach, Mobile Bay to the Middle Savannah, to name a few. This concentration of sites is surprising when one considers that of the 2,111 watersheds recognized by the U.S. Geological Survey, there is no sediment quality information on about 90 percent of them or about 1,900 watersheds.

Mr. President, this report has to be used with caution because it is only a first step. There is obviously insufficient information to make sweeping claims about the extent of contamination in sediments across the country, though EPA plans to develop the report into a national sediment inventory, a continually updated centralized assemblage of sediment quality measurements and state-of-the-art assessment techniques. However, ''based on the evaluation [in the report], sediment contamination exists at levels indicating a probability of adverse effects in all regions and states of the country.'' We must be cautious too about leaping directly from evidence of contamination to evidence of adverse effects due to that contamination. Unfortunately, Federal Government agencies have been slow to agree upon and provide sediment quality guidelines to inform States and the public about contamination that could cause adverse human health effects. This sluggishness has prevented development of the true picture of the potential risks contaminated sediments pose.

In the Great Lakes, we have been concentrating our efforts on contaminated sediments for some time. We realized some time ago that our industrial legacy would need attention. That is why I authored the Great Lakes Critical Programs Act of 1990, which formalized the process of developing remedial action plans [RAP's] in areas of concern [AOC] in the Great Lakes, where beneficial uses are impaired. These AOC's are not too dissimilar to the APC's described in the sediment report, because contaminated sediments are a significant component of the environmental and public health risk associated with AOC's. Unfortunately, despite all of the efforts by local and State governments to prepare RAP's, very little Federal money has gone into their development and even less into implementing them to clean up the waste and prevent further contamination. That needs to change.

The Federal Government has to commit more of its resources to helping States and local governments clean up the industrial legacy that lurks beneath the water's surface in harbors and rivers across the Nation. To date, Federal agencies have been too reluctant to carefully examine the risks that these contaminated sediments pose for fear of the costs of cleanup and because the technologies necessary have not been adequately developed. But, as we have learned in the Great Lakes, these contaminated sediments are the source of much of the continuing pollution of our surface waters, as they recirculate pollutants into the water bodies that are then taken up by fish, birds, humans, and other living organisms. So, if our goal is to have fishable and swimmable waters again, we need to use every took that we can to begin addressing the cleanup.

I am introducing legislation today to authorize the use of Superfund money to expedite remediation of contaminated sediment sites across the Nation. Many of the most persistent, bioaccumulative toxics found in contaminated sediments are derived from the same chemical feedstocks taxed to fill the Hazardous Substance Superfund, so it is most appropriate that those moneys be used to clean up sediments.

The bill allows the EPA Administrator to use the Superfund to remediate contaminated sediments, but limits the amount to no more than $300 million annually. In expending funds, EPA is to give priority consideration to sediment sites which do or could adversely affect human health or the environment. Further, there is a preference given for sites in watersheds where the local governments are actively engaged in trying to prevent further contamination of the sediment and are willing to contribute 25 percent or more of the costs of remediation.

Under the bill, EPA would have to do a better job of integrating its Water and Superfund programs' approach to contaminated sediments. Specifically, the hazardous ranking system used in Superfund to estimate the potential risks associated with a conventional terrestrial site will be revisited to determine if it adequately assesses risks associated with aquatic contaminated sediments. And, EPA would be required to promulgate final numerical sediment quality criteria for the 10 toxic, persistent, or bioaccumulative substances most likely to adversely affect human health and the environment by 2001.

In addition, EPA would have to identify the 20 contaminated sediment sites that are most likely to adversely affect human health and the environment and have not been the subject of Federal or State response actions. And, to address the lack of data on contaminated sediments at Superfund sites, EPA would have to report on their occurrence and associated risk.

Mr. President, I consider this to be a fairly modest bill. It does not set aside a specific percentage of the Superfund that must be spent on contaminated sediment cleanup, through I think that might also be helpful. And, it does not place great demands on Federal agencies, States or local governments. What it does do, however, is seek to bring resources and attention to bear on a very pressing problem. This problem has been clearly illustrated in EPA's report and it is a tenacious one that will not get any smaller. Unfortunately, our current system lets contaminated sediments fall between the regulatory and environmental policy cracks in the pier. And, there it will stay on our harbor and river bottoms, polluting fish, water, and vegetation until we act.

I urge my colleagues from all parts of the country to consider cosponsoring this legislation, but particularly want to encourage the attention of Senators from coastal areas or from States with environmentally sensitive and industrialized watersheds. I believe that the approach taken in this bill is a necessary first step toward cleaning up contaminated sediments and I will be working to incorporate this into whatever Superfund reauthorization bill comes before the Senate.

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. 1386

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

**SECTION 1. REMEDIATION OF CONTAMINATED SEDIMENTS.**

(a) IN GENERAL.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

**''SEC. 127. REMEDIATION OF CONTAMINATED SEDIMENTS.**

''(a) SEDIMENT QUALITY CRITERIA.—

''(1) ESTABLISHMENT.—Not later than January 1, 2001, after consultation with the States and Indian tribes, the Administrator shall establish final numerical sediment quality criteria for the 10 toxic, persistent, or bioaccumulative substances that the Administrator determines are most likely to adversely affect human health and the environment.

''(2) REVIEW.—Every 3 years after the date on which criteria are established under paragraph (1)—

''(A) the Administrator shall review the list of substances compiled under paragraph (1);

''(B) after consultation with the States and Indian tribes, add or remove substances from the list based on the risks of adverse effects to human health and the environment (including the risks of adverse developmental, reproductive, and transgenerational effects); and

''(C) not later than 3 years after the date on which a substance is added to the list under subparagraph (B), establish final numerical sediment quality criteria for the substance.

''(b) REVISION OF HAZARD RANKING SYSTEM.—

''(1) IN GENERAL.—Not later than 30 months after the date of enactment of this section, the Administrator shall revise the hazard ranking system referred to in section 105(a)(8)(A) to ensure that the hazard ranking system more accurately assesses the risks to human health and the environment from aquatic sites with contaminated sediments (as that term is applied for the purposes of section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7))).

''(2) SCOPE OF ASSESSMENT.—To ensure more accurate assessments of health and environmental risks at aquatic sites with contaminated sediments, the assessment referred to in paragraph (1) shall not—

''(A) include consideration of the costs of carrying out response actions; or

''(B) require identification of the source of a release.

''(3) TRANSITION PROVISION.—The hazard ranking system in effect on the date of enactment of this section shall continue in effect until the effective date of the revised hazard ranking system required by this subsection.

''(c) EXPENDITURE OF FUNDS FOR RESPONSE ACTIONS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, for each fiscal year, the Administrator may expend up to $300,000,000 of funds appropriated out of the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 for the purposes of carrying out response actions and other corrective actions at facilities containing contaminated sediments (as that term is applied for the purposes of section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7))).

''(2) PRIORITIES.—In expending funds under paragraph (1), the Administrator shall give priority to facilities, a release from which has adversely affected or could adversely affect human health or the environment, in the following order:

''(A) A facility in a watershed with respect to which—

''(i) a program has been or is being implemented that has significantly reduced or is significantly reducing or preventing the deposition into sediment of a persistent and bioaccumulative toxic substance from the watershed; and

''(ii) a State or local government having jurisdiction over a portion of the watershed contributes 25 percent or more of the response costs.

''(B) A facility in a watershed with respect to which only subparagraph (A)(i) applies.

''(C) A facility in a watershed with respect to which only subparagraph (A)(ii) applies.

''(D) A facility in a watershed with respect to which subparagraph (A) does not apply.

''(d) HAZARD RANKING SYSTEM SCORING PACKAGE.—

''(1) IDENTIFICATION OF FACILITIES.—From the comprehensive national survey of data regarding aquatic sediment quality conducted under section 503(a) of the Water Resources Development Act of 1992 (33 U.S.C. 1271(a)), the Administrator shall identify the 20 facilities containing contaminated sediments (as that term is applied for the purposes of section 118(c)(7) of the Federal Water Pollution Control Act (33 U.S.C. 1268(c)(7))) that are most likely to adversely affect human health and the environment and that have not been the subject of any Federal or State response action or other corrective action.

''(2) SCORING PACKAGE.—After identifying the facilities under paragraph (1), the Administrator, not later than 3 years after the date of enactment of this section, shall—

''(A) prepare a comprehensive scoring package under the hazard ranking system referred to in section 105(a)(8)(A) for each facility, unless a State or remedial action planning committee objects to the conduct of the assessment necessary for the scoring in an area or watershed under the jurisdiction of the State or committee; and

''(B) report to Congress the results of each scoring package prepared under subparagraph (A).''.

(b) CRITERIA FOR DETERMINING PRIORITIES AMONG RELEASES.—Section 105(a)(8)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(A)) is amended by inserting before the semicolon at the end the following: '', except that criteria and priorities under this paragraph shall not be based on the extent to which the President is able to identify 1 or more potentially responsible parties or 1 or more specific sources of a release''.

(c) INCLUSION IN REPORT ON MONITORING OF AQUATIC SEDIMENT QUALITY.—Section 503(b)(2) of the Water Resources Development Act of 1992 (33 U.S.C. 1271(b)(2)) is amended by adding at the end the following: ''Each report shall include information on all facilities containing contaminated sediments that are listed on the National Priorities List under section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(B)).''.

(d) REPORT ON HAZARD RANKING SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report assessing the extent to which the hazard ranking system referred to in section 105(a)(8)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605(a)(8)(A)) (as revised in 1990) has achieved the objectives specified in paragraphs (1) and (2) of section 105(c) of that Act (42 U.S.C. 9605(c)).

(2) CONTENTS.—The report shall include a comprehensive assessment of the number and type of aquatic facilities that have been scored under the hazard ranking system (as revised in 1990) and the level of risk that the facilities pose to human health and the environment.

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By Mr. KYL (for himself and Mrs. HUTCHISON):

S. 1387. A bill to authorize additional appropriations for the Department of Defense for ballistic missile defenses and other measures to counter the emerging threat posed to the United States and its allies in the Middle East and Persian Gulf region by the development and deployment of ballistic missiles by Iran; to the Committee on Armed Services.

THE IRAN MISSILE PROTECTION ACT OF 1997

Mr. KYL. Mr. President, today, I rise to introduce the Iran Missile Protection Act of 1997, the so-called, IMPACT 97 legislation, a similar version of which CURT WELDON introduced in the House of Representatives last week.

The IMPACT 97 legislation is aptly named because it is intended to have a real impact on the growing threat from Iranian ballistic missiles. Recent revelations that Iran has nearly completed development of two new ballistic missiles—made possible with Russian assistance—that will allow it to strike targets as far away as Central Europe has convinced me that United States theater missile defenses must be accelerated in order to counter the emerging Iranian threat.

According to published reports, a long-range Iranian missile, Shahab 4, could be fielded in as little as 3 years. A shorter range missile, Shahab 3, which will be capable of reaching Israel, could be operational in 12 to 18 months. Both missiles could be armed with chemical or biological warheads. These reports are the latest in a string of increasingly troubling disclosures that have surfaced since the Los Angeles Times first reported in February that Russia was providing missile technology and assistance to Iran.

A bipartisan group of Senators and Representatives have been working on various legislative approaches to address the Iranian threat. For example,

Representative JANE HARMAN and I introduced a concurrent resolution expressing the sense of Congress that the administration should impose sanctions against Russian entities transferring ballistic missile technology to Iran. The annual foreign aid bill, currently in conference, contains a provision strictly conditioning the release of aid to Russia on certification by the President that Moscow has stopped the transfer of nuclear and missile technology to Iran. And, Senator LOTT and Representative GILMAN have also introduced legislation that would require that sanctions be imposed against any entity caught transferring goods to support Iran's ballistic missile program.

In addition to the legislative approach, the administration has been engaged in a series of diplomatic exchanges with the Russians. According to press accounts, Vice President GORE has raised the issue with Prime Minister Chernomyrdin during their meetings in February and July. President Clinton has raised the matter with President Yeltsin at the Helsinki summit in March and the P–8 summit in June. The administration has also appointed Ambassador Frank Wisner as its special envoy to discuss with Russian officials the allegations made regarding transfers of technology to Iran. This is a very serious issue which the Clinton administration has clearly acknowledged.

While we hope that the diplomatic efforts will bear fruit, it is entirely possible that it will not. In that event, the United States and our allies must be prepared to defend and protect ourselves from the possibility that Iran will use ballistic missiles armed with chemical, biological, or nuclear warheads. It is that possibility—some might say eventuality—that IMPACT 97 is intended to address.

Neither the United States nor Israel will have missile defenses capable of countering the threat from the Shahab 3 or Shahab 4 missile before those systems are deployed. IMPACT 97 authorizes the accelerated development of some key theater defense systems, as well as the procurement of additional batteries of interceptors capable of providing protection against the Iranian missiles.

Specifically, IMPACT 97 would authorize an additional: $65 million to accelerate development of Navy Upper Tier; $100 million to purchase a second THAAD UOES system; $15 million to improve interoperability of the THAAD radar with other missile defense systems; 110 million to purchase additional Arrow Missiles and for production enhancement to accelerate deployment; $15 million to accelerate development of a remote launch capability for PAC–3 using a THAAD radar to enlarge the area the system can defend; $25 million for PAC–3 production enhancements to accelerate deployment of the system; $35 million to purchase two Cobra Gemini radars to improve missile tracking; and $20 million for development of the Joint Composite Tracking Network to improve command and control and interoperability of missile defense systems.

I believe that the potential threat from these Iranian ballistic missiles is so grave that we cannot afford to wait until they are deployed to respond with defenses. I have personally discussed this legislation with members of the Department of Defense, and my staff has been in regular contact with other officials there to help ensure that the best bill possible is presented for consideration. In the end, the Department has decided not to support this legislation, however, I have reasonable confidence that the programs identified, and the funding provided, is an accurate reflection of where BMDO would spend the additional funds, if provided. Secretary Cohen has indicated in a letter to me that he does not recommend that additional resources be applied to the theater missile defense programs. Unfortunately, the current deployment schedule for the TMD programs is inadequate, and I have to respectfully disagree with Secretary Cohen about his assessment that the programs are progressing as fast as they can. This legislation will ensure that the United States and its allies can counter the growing threat from Iran's ballistic missile program.

I hope that the Armed Services Committee will be able to act on this legislation promptly and that the full Senate can debate IMPACT 97 early next year.

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By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. 1388. A bill to provide relief from unfair interest and penalties on refunds retroactively ordered by the Federal Energy Regulatory Commission; to the Committee on Energy and Natural Resources.

THE KANSAS NATURAL GAS INDUSTRY ACT

Mr. ROBERTS. Mr. President, today I am introducing legislation that speaks directly to the issue of fairness in public policy.

The Kansas natural gas industry operates on the slimmest of margins. It is still subject to the heavy regulatory ambitions of the Federal Government. It employs 24,000 individuals, operates in 89 of 105 Kansas counties, and in 1996 paid $132 million in mineral and property taxes in the State. Mr. President, the natural gas industry is a major industry, an important industry, and a beneficial industry to the citizens and local governments of Kansas. Unfortunately, as happens too often, a regulatory body of the Federal Government is about to cripple another valuable industry.

At issue is the failure of the Federal Energy Regulatory Commission to use discretionary authority and mitigate damages to the Kansas natural gas industry resulting from a retroactive and punitive order. Since 1974, first sellers of natural gas in Kansas have been allowed to recover the cost of a State ad valorem tax. First the Federal Power Commission and, later the Federal Energy Regulatory Commission, held the Kansas ad valorem tax was eligible for recovery as a reimbursable tax under the Federal price ceilings established by the Federal Power Commission and later under section 110 of the Natural Gas Policy Act. In 1983, an interstate pipeline company petitioned the Commission to overturn treatment of the Kansas ad valorem tax as recoverable. In 1986 and 1987, the Commission responded to this petition by stating the Kansas tax clearly qualified as recoverable. In 1988 the D.C. Circuit court reviewed these prior rulings and, believing the Commission had failed to adequately explain its orders, remanded the issue to the Commission. In 1993, five years after the court remand, the Commission reversed 19 years of regulatory treatment of the Kansas ad valorem tax and ordered refunds retroactive to the year 1988 based on the date of the District of Columbia Circuit's remand order. Kansas gas producers paid the ordered refunds for the period after 1988, both principal and interest. Unfortunately, in 1996 the D.C. Circuit reversed the Commission's decision and required refunds back to 1983, based on the Federal Register notice of the 1983 interstate pipeline company's petition to the Commission. In essence, what had been legal for 19 years was retroactively declared illegal, to the serious financial detriment of not only the Kansas natural gas industry, but local and state government budgets that rely on this industry's economic base. The burden on the industry was made even heavier by the assessment of interest on the period 1983 to 1988.

Mr. President, today I introduce legislation to alleviate the unjust and punitive financial burden placed upon this Kansas industry by the Commission. This legislation does not address the legality of the Commission or the court rulings. The subject of this legislation, the interest penalty on the principal between the years 1983 to 1988 with such interest accumulated to the present, was never considered by the D.C. Circuit. This is an issue of equity and of the proper exercise of discretion and authority by the Commission in association with an order retroactively declaring a practice ruled legal for 19 years illegal.

While the industry and the State of Kansas still are in the process of assessing the cost of this Federal action, there is no question the cost will be huge and threatens to bankrupt many small producers. Relieving the industry of severe interest penalties is appropriate.

Congress entrusts oversight and administration of law to regulatory bodies. When that regulatory body fails to properly administer a law, or when it exercises authority in an egregious, inequitable manner inconsistent with congressional intent, Congress has the

responsibility to intervene. Notwithstanding the D.C. Circuit's decision in this case, the actions of the Commission are unacceptable. If ever a case demonstrated the need for oversight of administrative bodies and corrective action, this is the case.

The natural gas industry and the administrative bodies in Kansas government had every right to follow established regulatory guidance in treatment of the Kansas ad valorem tax. Indeed, since 1974, Kansas producers had been permitted to recover this tax. In 1978, with passage of the Natural Gas Policy Act, Congress explicitly used the term ad valorem tax in report language to clarify the intent of section 110. Further, upon another challenge in 1983, the Commission reaffirmed and ruled favorably on the Kansas ad valorem tax as recoverable several times. Clearly a precedent was established and, over a fourteen year period, not once did Kansas gas producers have any reason to suspect or question the Commission's rulings.

Mr. President, this is an issue of fairness, of equity, of this Congress' oversight responsibilities. Regulated industries have every right—indeed a responsibility—to follow and rely upon established Commission regulatory guidelines based on statutorily granted authority. I rise today to reaffirm the proper Federal-State relationship and a state's right to rely on regulatory decisions in establishing and administering the natural resource policies of the State.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 1388

*Be it enacted by the Senate and House of Representatives of the United States in Congress assembled,* That the Natural Gas Policy Act of 1978, as amended, is amended by adding the following new section:

''SEC. 603. In the event any refunds of any rates and charges made, demanded, or received for reimbursement of State ad valorem taxes in connection with the sale of natural gas prior to 1989 are ordered to be made by the Commission, the refunds shall be ordered to be made without interest or penalty of any kind.''.

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By Ms. SNOWE (for herself and Mr. BURNS):

S. 1389. A bill to amend title 39, United States Code, to allow postal patrons to contribute to funding for prostate cancer research through the voluntary purchase of certain specially issued U.S. postage stamps; to the Committee on Governmental Affairs.

THE PROSTATE CANCER RESEARCH STAMP ACT

Ms. SNOWE. Mr. President, I rise today to introduce legislation that would authorize the U.S. Postal Service to issue a special stamp to raise funds for prostate cancer research. It is time to fortify the battle against prostate cancer by educating the public about this disease, emphasizing the importance of annual screening, and bolstering our research efforts in order to find a cure.

In the wake of National Prostate Cancer Awareness week, September, 22–29, men and women from my home State of Maine are sharing their stories about this devastating disease and are calling for more prostate cancer research. Prostate cancer is the most common form of cancer in American men. The American Cancer Society estimates that 334,500 cases of prostate cancer will be diagnosed in 1997. Tragically, 41,000 of these men will die from the disease—a number fast approaching the annual breast cancer death toll of 44,300. Between 1989 and 1993, the prostate cancer incidence rate increased by 50 percent. Despite this dramatic surge in incidence, prostate cancer receives only a modest fraction, 3.7 percent, of the funding resources allocated to cancer. In fiscal year 1997, prostate cancer research funding was $96.2 million, which is very low considering the number of lives this dreaded disease will rob each year.

Advances made over the past 10 years to detect and treat prostate cancer have been significant, considering the fact that the digital rectal examination [DRE]—the primary tool for detecting prostate cancer which has been used for over 100 years—cannot detect small tumors or those on the side of the gland where approximately 40 percent of prostate cancers are located. Physicians have increased their use of the prostate-specific antigen, P.A. blood test which detects both aggressive and latent prostate cancers. The National Cancer Institute is conducting a multicenter trial to test whether or not early detection of prostate cancer by the DRE and P.A. will reduce prostate cancer mortality. Moreover, NCI's Prostate, Lung, Colon and Ovary Cancer Screening Trial [PLCO], which began in 1993, will eventually enroll 74,000 men over its 16 year duration. The trial will determine the relationships between P.A. levels, risk for prostate cancer, and the actual presence and size of prostate cancer in individual men. These advances will help lay a solid foundation for prostate cancer research into the 21st century.

These developments are pivotal steps in the right direction. However, if we are going to eradicate this disease, much work needs to be done. We must continue the search for new techniques and methods of treatment. We must be relentless in emphasizing the importance of education and awareness. But most of all, we must find a cure. The lives of our fathers, sons, brothers, and friends depend on this effort.

The Prostate Cancer Research Stamp Act would authorize a special first class stamp to be priced at up to 8 cents above the cost of normal first class postage. The stamp would be voluntarily purchased by postal patrons and the additional money raised by the sale of the stamp would be earmarked for prostate cancer research at the National Cancer Institutes. Perhaps most importantly, this special stamp would help bring the disease out into the open. By raising awareness, men of all ages will be reminded to educate themselves about early detection, screening, prevention and treatment of prostate cancer simply by visiting the post office.

The ravages of prostate cancer—like all other cancers—are devastating to the lives of all family members. A stamp designed to garner additional research funds would not only help the hundreds of thousands of men who suffer from prostate cancer, but would also remind men to seek regular screening. It is going to take a collective effort to find a cure. But if we all play a small role, the investment in this valuable research will pay off and we will be one step closer to winning the battle against prostate cancer.

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By Mr. D'AMATO:

S. 1390. A bill to provide redress for inadequate restitution of assets seized by the U.S. Government during World War II which belonged to victims of the Holocaust, and for other purposes; to the Committee on Foreign Relations.

THE HOLOCAUST VICTIMS REDRESS ACT

Mr. D'AMATO. Mr. President, I rise today to introduce the Holocaust Victims Redress Act.

We all know that the Second World War was one of the darkest periods in the history of mankind. Nazi Germany used its vast resources, technology, and extensive transportation system for the sole purpose of the persecution and annihilation of a single people, simply because of their religion. This inhumanity was unheard of in history.

Starvation, disease, slavery, random executions, children separated from their parents, husbands separated from their wives, the murder of infants, the rate of women; these were the everyday tortures inflicted on the Jews of Europe by their Nazi aggressors. By the end of the war, the bulk of the Jewish population, 6 million men, women and children had been killed. And those displaced and demoralized few who survived this ordeal were left to pick up the pieces of their lives and start anew.

Today, we all know what the Swiss bankers did with the Jewish assets entrusted to them. Yet, during that period, the United States Government seized $198 million in German assets and froze an estimated $1.2 billion more in Swiss assets located in the United States, later returned to Switzerland in 1946, after the signing of the Washington accords. The unfortunate fact is that among the capital confiscated by our Government were funds belonging to Holocaust victims, frozen to prevent them from falling into the hands of the Third Reich.

Realizing that there were victims of the Holocaust who may not have had any legal heirs, Congress, after the war, authorized the transfer of $3 million from those assets to organizations providing relief and rehabilitation to

Holocaust survivors. However, only one-sixth of that amount was ever paid to the Jewish Restitution Successor Organization, dedicated to the task of caring for the survivors. In June of this year, Under Secretary of State Stuart Eizenstat, in testimony before the House Banking Committee, urged Congress to reconsider the $500,000 settlement made with survivors of the Holocaust, who had assets in U.S. banks, saying they have a compelling moral claim to the unpaid portion of the estimated $3 million that was originally authorized for compensation.

The Holocaust Victims Redress Act seeks to right these wrongs, providing some amount of justice to survivors of the Holocaust while they are still alive, doing so in the following ways:

As I stated earlier, only one-sixth of the amount authorized by Congress was actually paid to the Jewish Restitution Successor Organization of New York. This bill would authorize the appropriation of funds equal to the present value of the unpaid difference.

It would seek to strike an agreement among the signatories of the Paris Agreement on Reparations whereby all, or a substantial portion, of the gold held by the Tripartite Commission for the Restitution of Monetary Gold would be contributed to charitable organizations to assist elderly survivors of the Holocaust.

Furthermore, it expresses the sense of Congress that all governments should act in good faith and facilitate efforts to return private and public properties, looted by the Nazis, to their rightful owners in accordance with the Hague Convention of 1907.

I would like to congratulate my colleagues, Representatives JIM LEACH of Iowa and BENJAMIN GILMAN of New York, chairmen of the House Banking and House International Affairs Committees respectively, for their work to introduce this bill in the House. It is a good bill. It is the right and just thing to do. It offers at least a modicum of justice to a rapidly diminishing population which has long suffered the wounds of hatred and bigotry inflicted by the Nazis. This legislation has the support of the administration, as demonstrated by Under Secretary of State Stuart Eizenstat. I strongly urge the bill's speedy adoption.

Mr. President, I ask for unanimous consent that the text of the bill, along with letters from Under Secretary of State Stuart Eizenstat and the Anti-Defamation League in support of the legislation, be printed in the RECORD.

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

S. 1390

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Holocaust Victims Redress Act''.

**TITLE I—HEIRLESS ASSETS**

**SEC. 101. FINDINGS AND PURPOSES.**

(a) FINDINGS.—The Congress finds as follows:

(1) Among the $198,000,000 in German assets located in the United States and seized by the United States Government in World War II were believed to be bank accounts, trusts, securities, or other assets belonging to Jewish victims of the Holocaust.

(2) Among an estimated $1,200,000,000 in assets of Swiss nationals and institutions which were frozen by the United States Government during World War II (including over $400,000,000 in bank deposits) were assets whose beneficial owners were believed to include victims of the Holocaust.

(3) In the aftermath of the war, the Congress recognized that some of the victims of the Holocaust whose assets were among those seized or frozen during the war might not have any legal heirs, and legislation was enacted to authorize the transfer of up to $3,000,000 of such assets to organizations dedicated to providing relief and rehabilitation for survivors of the Holocaust.

(4) Although the Congress and the Administration authorized the transfer of such amount to the relief organizations referred to in paragraph (3), the enormous administrative difficulties and cost involved in proving legal ownership of such assets, directly or beneficially, by victims of the Holocaust, and proving the existence or absence of heirs of such victims, led the Congress in 1962 to agree to a lump-sum settlement and to provide $500,000 for the Jewish Restitution Successor Organization of New York, such sum amounting to 1⁄6th of the authorized maximum level of ''heirless'' assets to be transferred.

(5) In June of 1997, a representative of the Secretary of State, in testimony before the Congress, urged the reconsideration of the limited $500,000 settlement.

(6) While a precisely accurate accounting of ''heirless'' assets may be impossible, good conscience warrants the recognition that the victims of the Holocaust have a compelling moral claim to the unrestituted portion of assets referred to in paragraph (3).

(7) Furthermore, leadership by the United States in meeting obligations to Holocaust victims would strengthen—

(A) the efforts of the United States to press for the speedy distribution of the remaining nearly 6 metric tons of gold still held by the Tripartite Commission for the Restitution of Monetary Gold (the body established by France, Great Britain, and the United States at the end of World War II to return gold looted by Nazi Germany to the central banks of countries occupied by Germany during the war); and

(B) the appeals by the United States to the 15 nations claiming a portion of such gold to contribute a substantial portion of any such distribution to Holocaust survivors in recognition of the recently documented fact that the gold held by the Commission includes gold stolen from individual victims of the Holocaust.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide a measure of justice to survivors of the Holocaust all around the world while they are still alive.

(2) To authorize the appropriation of an amount which is at least equal to the present value of the difference between the amount which was authorized to be transferred to successor organizations to compensate for assets in the United States of heirless victims of the Holocaust and the amount actually paid in 1962 to the Jewish Restitution Successor Organization of New York for that purpose.

(3) To facilitate efforts by the United States to seek an agreement whereby nations with claims against gold held by the Tripartite Commission for the Restitution of Monetary Gold would contribute all, or a substantial portion, of that gold to charitable organizations to assist survivors of the Holocaust.

**SEC. 102. DISTRIBUTIONS BY THE TRIPARTITE GOLD COMMISSION.**

(a) DIRECTIONS TO THE PRESIDENT.—The President shall direct the commissioner representing the United States on the Tripartite Commission for the Restitution of Monetary Gold, established pursuant to Part III of the Paris Agreement on Reparation, to seek and vote for a timely agreement under which all signatories to the Paris Agreement on Reparation, with claims against the monetary gold pool in the jurisdiction of such Commission, contribute all, or a substantial portion, of such gold to charitable organizations to assist survivors of the Holocaust.

(b) AUTHORITY TO OBLIGATE THE UNITED STATES.—

(1) IN GENERAL.—From funds otherwise unobligated in the Treasury of the United States, the President is authorized to obligate an amount not to exceed $30,000,000 for distribution in accordance with subsections (a) and (b).

(2) CONFORMANCE WITH BUDGET ACT REQUIREMENT.—Any budget authority contained in paragraph (1) shall be effective only to such extent and in such amounts as are provided in advance in appropriation Acts.

**SEC. 103. FULFILLMENT OF OBLIGATION OF THE UNITED STATES.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the President such sums as may be necessary for fiscal years 1998, 1999, and 2000, not to exceed a total of $25,000,000 for all such fiscal years, for distribution to organizations as may be specified in any agreement concluded pursuant to section 102, only if the organizations meet the needs of Holocaust survivors in the United States.

(b) ARCHIVAL RESEARCH.—There are authorized to be appropriated to the President $5,000,000 for archival research and translation services to assist in the restitution of assets looted or extorted from victims of the Holocaust and such other activities that would further Holocaust remembrance and education.

**TITLE II—WORKS OF ART**

**SEC. 201. FINDINGS.**

Congress finds as follows:

(1) Established pre-World War II principles of international law, as enunciated in Articles 47 and 56 of the Regulations annexed to the 1907 Hague Convention (IV) Respecting the Laws and Customs of War on Land, prohibited pillage and the seizure of works of art.

(2) In the years since World War II, international sanctions against confiscation of works of art have been amplified through such conventions as the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which forbids the illegal export of art work and calls for its earliest possible restitution to its rightful owner.

(3) In defiance of the 1907 Hague Convention, the Nazis extorted and looted art from individuals and institutions in countries it occupied during World War II and used such booty to help finance their war of aggression.

(4) The Nazis' policy of looting art was a critical element and incentive in their campaign of genocide against individuals of Jewish and other religious and cultural heritage and, in this context, the Holocaust, while standing as a civil war against defined individuals and civilized values, must be considered a fundamental aspect of the world war unleashed on the continent.

(5) Hence, the same international legal principles applied among states should be applied to art and other assets stolen from victims of the Holocaust.

(6) In the aftermath of the war, art and other assets were transferred from territory previously controlled by the Nazis to the Union of Soviet Socialist Republics, much of which has not been returned to rightful owners.

**SEC. 202. SENSE OF THE CONGRESS REGARDING RESTITUTION OF PRIVATE PROPERTY, SUCH AS WORKS OF ART.**

It is the sense of the Congress that consistent with the 1907 Hague Convention, all governments should undertake good faith efforts to facilitate the return of private and public property, such as works of art, to the rightful owners in cases where assets were confiscated from the claimant during the period of Nazi rule and there is reasonable proof that the claimant is the rightful owner.

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U.S. DEPARTMENT OF STATE,
*Washington, DC, November 4, 1997.*

Hon. ALPHONSE M. D'AMATO,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR D'AMATO: I want to bring you up to date on our efforts to establish a ''Nazi Persecutee Relief Fund'' from the remaining Tripartite Commission Gold (TGC) gold pool. As you know, the TGC was charged after the war with gathering the gold looted by the Nazis and with returning it to the central banks from which it had been taken. Most of the gold in the fund had been returned to the 15 claimant countries long ago, but about 1.6% of the pool remains undistributed. This now amounts to about $60 to $70 million at current values.

Our TGC partners, the British and French, like us, very much want to close out the fund. Mindful of the origin of some of the gold, they have joined with us in proposing to the claimant states that the remaining gold be transferred to this new special Holocaust victims fund. Reactions from the claimant countries have been generally positive, and we are hopeful that such a fund might be announced by the end of the year. The idea if that each of the claimant countries would voluntarily turn over all or part of its share to the new fund. Other countries, including neutral countries that had received Nazi gold during the war, would also be invited to contribute, as would other states that have an interest in, or played a role in the collection and disposition of the tainted gold. A TGC working group met in Brussels in late September to discuss how such a fund might be established. A follow-up meeting will be held shortly.

We would very much like the United States to participate in this fund with it own contribution of up to $25 million. The legislation that you and Congressman Leach have introduced is very supportive of this objective. It is very important that we be able to assist both American and other needy victims of the Nazi Holocaust. Such a contribution would be fully consistent with our leadership role and provide a powerful incentive for the TGC claimant countries, wartime neutrals, and others, also to contribute.

The legislation is being reviewed by our experts and their comments will be provided to you shortly. I hope that we can work together to achieve the establishment of this fund, and our contribution to it.

Very truly yours,

STUART A. BIZENSTAT,
*Ambassador.*

ANTI-DEFAMATION LEAGUE,
*New York, NY, November 5, 1997.*

Hon. ALFONSE D'AMATO,
*Chairman, Senate Banking Committee, U.S. Senate, Washington, DC.*

DEAR ALFONSE: We commend your leadership in seeking to investigate and expose the large-scale plundering of Jewish assets during the Holocaust and the depth of the involvement of banks and governments in helping finance the Nazi war machine.

As aging survivors wait out arduous investigations and negotiations, we must act quickly to enable them to live out their remaining years with as much dignity and sense of healing as possible.

The Holocaust Victims Redress Act would offer much needed support to some victims and strengthen our nation's hand in appealing to other nations to commit resources to help survivors.

We are grateful for your efforts to awaken the conscience of the American people and your resolve to do justice for remaining Holocaust victims. If the U.S. hopes to credibly compel all nations to act, we must act expeditiously and take responsibility for any inadequacies in our own post-war behavior.

Sincerely,

HOWARD P. BERKOWITZ,
*National Chairman.*
ABRAHAM H. FOXMAN,
*National Director.*

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By Mr. DODD (for himself, Mr. WARNER, Mr. BENNETT, Mr. GRAMS, Mr. JEFFORDS, Mr. BINGAMAN, and Mr. LEAHY):

S. 1391. A bill to authorize the President to permit the sale and export of food, medicines, and medical equipment to Cuba; to the Committee on Banking, Housing, and Urban Affairs.

THE CUBAN WOMEN AND CHILDREN HUMANITARIAN RELIEF ACT

Mr. DODD. Mr. President, today I join with my colleagues, Senators WARNER, BENNETT, JEFFORDS, GRAMS, BINGAMAN, and LEAHY in introducing the Cuban Women and Children Humanitarian Relief Act—a bill to authorize the President to permit the sale of food, medicine, and medical equipment to the Cuban people.

Provisions of this bill include a summary of the impact that the United States embargo on food and medicine has had on the public health in Cuba; a statement of United States policy with respect to the sale of food and medicine; authority for the President to permit the sale of food, medicine, and medical supplies to Cuba; congressional notification requirements; and a report to Congress assessing the impact of the bill 2 years after enactment.

Mr. President, the intent of the legislation is very straight forward, namely to clear away all of the legal implements that impede the President's ability to permit American exports of food, medicines, and medical supplies to Cuba. As a matter of policy, I do not believe that United States sanctions should include prohibitions on the sale of what are essentially humanitarian items—products that are critical to the health and well being of the more than 10 million people who inhabit the Island of Cuba.

Most Americans are probably unaware that United States policy generally prohibits American food and drug companies from selling food, medicines, and medical supplies to Cuba. Even those who are aware of this aspect of United States policy, probably assume that this isn't a serious problem, since Cuban authorities can simply buy these products elsewhere. That is not the case.

Earlier this year, the American Association for World Health [AAWH] issued a report—Denial of Food and Medicine: The Impact of the U.S. Embargo on Health & Nutrition in Cuba—setting forth its observations from a year long study of the implications of the United States embargo on health care delivery and food security in Cuba. The AAWH ''determined that the United States embargo of Cuba has dramatically harmed the health and nutrition of large numbers of ordinary Cuban citizens.'' The team of nine medical experts who undertook this effort on behalf of AAWH identified four major health problems affected by the embargo: malnutrition, water quality, medicines and equipment, and medical information.

First, with respect to malnutrition—the prohibition on the sale of United States food to Cuba has had serious consequences on the nutritional standards in Cuba, particularly for pregnant women. These nutritional deficiencies have, among other things, led to an increased incidence of low birth-weight babies.

With respect to water quality, the lack of parts and appropriate chemicals has compromised the Cuban water supply system and resulted in increased illness and deaths from waterborne diseases.

We all know that United States medical and pharmaceutical companies are at the forefront of the development and production of a vast majority of all new drugs and medical equipment that enter world markets. The by-product of that situation is that current United States restrictions virtually preclude the Cuban medical system from utilizing the most effective and advanced medicines and medical treatments in caring for the Cuban people. Finally, the embargo indirectly inhibits the exchange of critical medical information between the United States and Cuba.

In no way should this legislation be seen as an endorsement of the current regime in Cuba. The existing policies of that government are clearly responsible for the serious economic crisis confronting that country. United States policy should be focused on promoting a peaceful transition to democracy in Cuba—the tide of history flows in that direction.

Many human rights activists within Cuba have been strongly critical of United States food and medicine restrictions. Elizardo Sanchez Santacruz, director of the Cuban Commission for Human Rights and National Reconciliation, and a prominent critic of the Cuban Government, has made clear his views on the current policy. ''America

should lift its embargo on the sales of food and medicine to Cuba, a prohibition that violates international law and hurts the people, not the regime. Denying medicine to innocent citizens is an odd way of demonstrating support for human rights.''

I share that view. I believe the Clinton administration should take steps to mitigate the harmful impact of United States policy on the health of the Cuban people—particularly so with respect to the health of children, the elderly, and the infirm—by permitting United States exporters to sell food and medicine to that country. That is what this bill once enacted will enable the President to do.

Mr. President, I ask unanimous consent that the full 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. 1391

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

**SECTION 1. SHORT TITLE.**

This Act shall be known as the ''Cuban Women and Children Humanitarian Relief Act''.

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) the outright ban on the sale of American foodstuffs to Cuba has contributed to serious nutritional deficits, particularly among pregnant women, leading to low birth-weight babies;

(2) the embargo on trade with Cuba is severely restricting Cuba's access to water treatment chemicals and spare parts for its water supply, causing reductions in the supply of safe drinking water and the increased incidence of water-borne diseases;

(3) the most specialized medical supplies are in short supply or entirely absent from some Cuban clinics as a result of the United States embargo;

(4) although informational materials have been exempt from the United States trade embargo since 1988, in practice very little medical information is exchanged between the United States and Cuba due to travel restrictions, currency regulations, and shipping difficulties; and

(5) current embargoes against Iran, Libya, and Iraq do not ban the sale of food to those countries or restrict medical commerce.

**SEC. 3. STATEMENT OF POLICY.**

It should be the policy of the United States to permit the sale and export of food, medicines, and medical equipment to the Cuban people.

**SEC. 4. AUTHORITY.**

Notwithstanding any other provision of law, the President is authorized to permit the sale and export of food, medicines, and medical equipment to Cuba by any person subject to the jurisdiction of the United States.

**SEC. 5. NOTIFICATION OF CONGRESS AND THE PUBLIC.**

The President shall notify Congress of any decision to exercise the authority of section 4 and shall, at the time the decision is made, cause such decision to be published in the Federal Register, together with such regulations as the President determines may be necessary to ensure that food, medicines, and medical equipment sold to Cuba under this Act will primarily be consumed or otherwise utilized by the people of Cuba.

**SEC. 6. REPORT TO CONGRESS.**

Two years after the date that the President first exercises the authority of section 4, the President shall submit a report to the Speaker of the House of Representatives and the President of the Senate containing an assessment of the level, composition, and end users of any food, medicine, or medical equipment sold to Cuba during the previous two years by any person subject to the jurisdiction of the United States.

Mr. JEFFORDS. Mr. President, I rise today in support of the Cuban Women and Children Humanitarian Relief Act. The objective of this legislation, quite simply, is to remove some of the more objectionable aspects of the standing United States trade embargo on Cuba, especially those that imperil the health of women, children, and other vulnerable groups. The bill would remove existing restrictions on the sale to Cuba of American food, medicines, and health supplies. Under current law, it is all but impossible for American companies to sell these items to Cuba.

Mr. President, I have long held reservations about the effectiveness of our trade embargo on Cuba. After all, we have maintained a trade blockade on Cuba for 37 years and have little to show for it in terms of moving the Cuban Government in the direction of freedom or peaceful coexistence.

However, this bill is not about how best to pressure the Castro government. Nor is it intended in any way to signal a change in overall United States policy toward Cuba. What this bill is about is making sure that children and other vulnerable groups do not bear the brunt of the trade embargo. The impact of the embargo on these groups has become more severe since passage of the Cuban Democracy Act of 1992, which tightened the restrictions on food and medical shipments to Cuba.

The respected American Association for World Health concluded that these new, tougher trade sanctions have caused ''a significant rise in suffering—and even deaths—in Cuba.'' In particular, the AAWH found that the embargo on food and medicines has led to malnutrition, reduced water quality, and the unavailability or short supply of routine medical supplies.

I do not believe that the American people intended that the trade embargo against Cuba lead to such demonstrable human suffering. Whether one supports the overall embargo or not, surely we can agree that the pain that this policy inflicts should not be borne by children.

All of which is not to absolve Fidel Castro of much of the blame for the deteriorating state of health in Cuba. The OAS's Inter-American Commission on Human Rights has noted that many of the medical products manufactured in Cuba are reserved for hospitals that cater to foreigners. This has apparently caused much resentment among ordinary Cubans who feel discriminated against in their country.

But we, too, are the target of much resentment owing to our trade restrictions on medicines and medical supplies. If a Cuban cannot gain access to an important drug—50 percent of the most important drugs in the world are available only from the United States or United States-licensed firms—or no longer has safe drinking water because water treatment chemicals or water supply spare parts cannot be obtained, he can quite credibly blame the United States for his plight. In fact, Castro has made the most of this situation by pointing to the United States embargo as the source of almost all of Cuba's health problems.

The State Department maintains that the United States trade restrictions have not blocked medical shipments to Cuba and that many firms have successfully met the conditions required to obtain a permit for such trade. However, the reality is that the requirements to obtain such a license are so stringent that few drug companies are willing even to consider sales to Cuba. Those that do often find themselves investigated for technical and inadvertent violations of the embargo and ultimately abandon efforts to sell to Cuba. Moreover, relief groups such as Catholic Relief Services and Church World Services have found the licensing requirements cumbersome, complex, and costly.

Sales of foodstuffs are barred altogether. And there is no way around it—no licenses, special permits, or other recourse. I think it's worth noting that our current embargos against Iran, Iraq, and Libya do not bar the sale of food or medicines to those countries.

Mr. President, the American people are not mean-spirited. We want our Government to be tough-minded in protecting our interests but do not want innocent people to suffer. Even in the case of those countries adamantly opposed to United States interests and values, such as Iran and North Korea, we have reached out with humanitarian assistance in response to natural disasters and famines. We should treat Cuba no differently. We should not allow our political objectives undermine the health and well-being of those most in need, especially children.

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By Mr. DORGAN (for himself, Mr. DASCHLE, Mr. JOHNSON, and Mr. CONRAD):

S. 1393. A bill to amend the Internal Revenue Code of 1986 to provide for the permanent extension of the incentives for alcohol used as a fuel; to the Committee on Finance.

GASOHOL LEGISLATION

Mr. DORGAN. Mr. President, today I rise to introduce legislation to permanently extend the Federal gasohol tax incentives that are currently available to encourage the development and use of ethanol. I am pleased that Senators DASCHLE, JOHNSON, and CONRAD are joining me as cosponsors of this important bill.

I've been a long-time supporter of the domestic ethanol program because of its importance to this country's energy

and economic interests. And I was deeply troubled when Congress failed to take action earlier this year to keep these ethanol tax incentives from expiring in the year 2000. Ethanol is an important part of our domestic fuels industry, and it merits continued support via the Tax Code.

The ethanol industry helps us to reduce our reliance on foreign oil. It also provides environmental benefits and stimulates our agricultural industry. In fact, one recent study found that the additional demand for grain created by ethanol boosts total employment by nearly 200,000 while saving the Federal budget more than $3 billion.

Today's ethanol tax incentive program has strong support in the Senate. Currently there is a 54-cent per gallon of ethanol credit available for ethanol blenders. Typically ethanol blenders get the full benefit of the 54-cent income tax credit by claiming a 5.4-cent exemption from the gasoline excise tax. The 5.4-cent exemption is equivalent to 54 cents per gallon of ethanol. Small producers are provided a 10-cent per gallon credit of ethanol produced, used or sold as a transportation fuel.

Some of my colleagues in the Senate are now proposing to extend the ethanol tax incentives through the year 2007 and thereafter connect its future to any extensions of the Federal gasoline excise tax. Of course I will continue to support any reasonable efforts to extend the tax incentives currently available for ethanol. But I think it's time to make the major ethanol tax incentives a permanent part of our Tax Code, as are many tax incentives for other energy sectors. The legislation that I am introducing today will accomplish this goal.

The overwhelming vote of 69 to 30 on the Senate floor during the consideration of the tax bill this summer shows that a vast majority of Senators strongly favor continuing the ethanol tax incentives. Unfortunately, the Senate's provision extending the ethanol incentives was dropped in conference. But the ethanol program retains the strong support of many Members in the House of Representatives as well, and by a broad coalition of Governors, farmers, environmentalists and consumers across this country.

The future of the ethanol program is too important to our Nation's energy, environmental and economic interests to be derailed by a few powerful members in the House of Representatives. Allowing the ethanol tax incentives to expire in 2000 is short-sighted and unfair. The ethanol industry is no less important than the other energy sectors which enjoy permanent tax incentives, and the Internal Revenue Code should reflect this simple fact.

I urge my colleagues in the Senate to join me in making the U.S. ethanol tax incentive program permanent.

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By Mr. SARBANES:

S. 1395. A bill to amend the Higher Education Act of 1965 to provide for the establishment of the Thurgood Marshall Legal Educational Opportunity Program; to the Committee on Labor and Human Resources.

THE THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM ACT OF 1997

Mr. SARBANES. I rise today to offer legislation which would establish the Thurgood Marshall Legal Educational Opportunity Program. This program would allow the Department of Education to award grants to universities to provide assistance to low-income, minority or economically disadvantaged students who are seeking a legal education.

For more than 28 years, such assistance was provided through appropriations authorized by the Higher Education Act [HEA] of 1965. These critical funds were channeled through the Council on Legal Education Opportunity [CLEO] and were used to help qualified disadvantaged students gain admission to law school and prepare themselves for their legal education.

Since 1968, the heart of the CLEO program has been the 6-week pre-law summer institute. These institutes, held on law school campuses across the country, simulate the classroom setting of first year law school, exposing students to the rigors of legal study. Utilizing full-time law school professors and a proven curriculum that emphasizes critical thinking, legal analysis and writing skills, CLEO has built a reputation of credibility and has produced more than 6,000 successful alumni from more than 170 law schools.

Unfortunately, Federal funding for CLEO was eliminated during the fiscal year 1996 appropriations process. This highly beneficial and cost-effective program has persevered primarily through the assistance of private donations and the sponsorship of the American Bar Association [ABA].

The bill I am introducing today, a companion to Congressman CUMMINGS' legislation in the House, would restore much of the CLEO framework. The Thurgood Marshall Legal Opportunity Program would identify socially and economically disadvantaged law school students and provide them with the opportunity to hone their skills through summer institutes, midyear seminars and support services.

Mr. President, every society places a premium on education in terms of developing a skilled and trained work force in the next generation, and the more economically complex the world becomes, the more urgent it is to develop these human resources. This program will provide the necessary resources to ensure that those who have proven themselves at the undergraduate level of study are able to maximize their potential as they move on to law school.

Investing in the promise of these talented individuals is a worthwhile endeavor and I encourage my colleagues to join me in supporting this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1395

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

**SECTION 1. THURGOOD MARSHALL LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.**

Chapter 1 of subpart 2 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a–11 et seq.) is amended by inserting after section 402H of such Act (20 U.S.C. 1070a–18) the following:

**"SEC. 402I. LEGAL EDUCATIONAL OPPORTUNITY PROGRAM.**

''(a) PROGRAM AUTHORITY.—The Secretary shall carry out a program to be known as the ''Thurgood Marshall Legal Educational Opportunity Program' designed to provide low-income, minority, or disadvantaged college students with the information, preparation, and financial assistance to gain access to and complete law school study.

''(b) ELIGIBILITY.—A college student is eligible for assistance under this section if the student is—

''(1) from a low-income family;

''(2) a minority; or

''(3) from an economically or otherwise disadvantaged background.

''(c) CONTRACT OR GRANT AUTHORIZED.—The Secretary is authorized to enter into a contract with, or make a grant to, the Council on Legal Education Opportunity, for a period of not less than 5 years—

''(1) to identify college students who are from low-income families, are minorities, or are from disadvantaged backgrounds described in subsection (b)(3);

''(2) to prepare such students for study at accredited law schools;

''(3) to assist such students to select the appropriate law school, make application for entry into law school, and receive financial assistance for such study;

''(4) to provide support services to such students who are first-year law students to improve retention and success in law school studies; and

''(5) to motivate and prepare such students with respect to law school studies and practice in low-income communities.

''(d) SERVICES PROVIDED.—In carrying out the purposes described in subsection (c), the contract or grant shall provide for the delivery of services through prelaw information resource centers, summer institutes, midyear seminars, and other educational activities, conducted under this section. Such services may include—

''(1) information and counseling regarding—

''(A) accredited law school academic programs, especially tuition, fees, and admission requirements;

''(B) course work offered and required for graduation;

''(C) faculty specialities and areas of legal emphasis;

''(D) undergraduate preparatory courses and curriculum selection;

''(2) tutoring and academic counseling, including assistance in preparing for bar examinations;

''(3) prelaw mentoring programs, involving law school faculty, members of State and local bar associations, and retired and sitting judges, justices, and magistrates;

''(4) assistance in identifying preparatory courses and material for the law school aptitude or admissions tests;

''(5) summer institutes for Thurgood Marshall Fellows that expose the Fellows to a rigorous curriculum that emphasizes abstract thinking, legal analysis, research, writing, and examination techniques; and

''(6) midyear seminars and other educational activities that are designed to reinforce reading, writing, and studying skills of Thurgood Marshall Fellows.

(e) DURATION OF THE PROVISION OF SERVICES.—The services described in subsection (d) may be provided—

(1) prior to the period of law school study;

(2) during the period of law school study; and

(3) during the period following law school study and prior to taking a bar examination.

''(f) SUBCONTRACTS AND SUBGRANTS.—For the purposes of planning, developing, or delivering one or more of the services described in subsection (d), the Council on Legal Education Opportunity shall enter into subcontracts with, and make subgrants to, institutions of higher education, law schools, public and private agencies and organizations, and combinations of such institutions, schools, agencies, and organizations.

''(g) STIPENDS.—The Secretary shall annually establish the maximum stipend to be paid (including allowances for participant travel and for the travel of the dependents of the participant) to Thurgood Marshall Fellows for the period of participation in summer institutes and midyear seminars. A Fellow may be eligible for such a stipend only if the Fellow maintains satisfactory academic progress toward the Juris Doctor or Bachelor of Laws degree, as determined by the respective institutions.

''(h) MAXIMUM LEVEL.—For any year for which an appropriation is made to carry out this chapter, the Secretary shall allocate not more than $5,000,000 for the purpose of providing the services described in subsection (d).''.

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By Mr. JOHNSON:

S. 1396. A bill to amend the Child Nutrition Act of 1966 to expand the School Breakfast Program in elementary schools; to the Committee on Agriculture, Nutrition, and Forestry.

THE MEALS FOR ACHIEVEMENT ACT

Mr. JOHNSON. Mr. President, today I am pleased to introduce the Meals for Achievement Act. This bill, if enacted, is intended to expand the school breakfast program in elementary schools.

In his State of the Union address earlier this year, President Clinton called education ''my number one priority for the next four years.'' Congress has echoed this sentiment with a variety of bills intended to improve the readiness of children to take their place in America's work force in order to secure our place in a strong economy. For the United States to compete effectively in the world we must have an educated and productive work force. In order to have an educated and productive work force, we must prepare our children to learn. In order to prepare our children to learn they must be well nourished, and that begins with a good breakfast.

The best teachers in the world, with the best standards, cannot teach a hungry child. A child who begins his or her school day with their stomach growling because they either did not have time to eat breakfast or there was no breakfast to be served, is simply too distracted to focus on the lessons being provided by the teacher.

In 1994, the Minnesota Legislature directed the Minnesota Department of Children, Families and Learning to implement a universal breakfast pilot program integrating breakfast into the education schedule for all students. The evaluation of the pilot project, performed by the Center for Applied Research and Educational Improvement at the University of Minnesota, shows that when all students are involved in school breakfast there is a general increase in learning and achievement.

Researchers at Harvard and Massachusetts General Hospital recently completed a study on the results of universal free breakfast at one public school in Philadelphia and two in Baltimore. The study, to be published in the Journal of Pediatrics in the near future, found that students who ate the breakfast showed great improvement in math grades, attendance, and punctuality. The researchers also observed that students displayed fewer signs of depression, anxiety, hyperactivity, and other behavioral problems.

As reported by the Community Childhood Hunger Identification Project [CCHIP], hungry children are more likely to be ill and absent from school and are less likely to interact with other people or explore or learn from their surroundings. This interferes with their ability to learn from a very early age. School-aged children who are hungry cannot concentrate or do as well as others on the tasks they need to perform to learn the basics. Research indicates that low-income children who participate in the School Breakfast Program show an improvement in standardized test scores and a decrease in tardiness and absenteeism compared to low-income students who do not eat breakfast at school.

According to the Tufts University Center on Hunger, Poverty, and Nutrition Policy, evidence from recent research about child nutrition shows that, in addition to having a detrimental effect on the cognitive development of children, undernutrition results in lost knowledge, brainpower, and productivity for the Nation.

If we are serious about improving productivity in America through our education system, we must first prepare our children to learn. The time has come, therefore, to build upon the pilot program in Minnesota, Philadelphia, Baltimore, and other cities, and integrate school breakfast into the education day, at least at the elementary school level.

Mr. President, the legislation I am introducing today would not mandate the school breakfast program. A local school could still decide whether or not to participate, and each parent can decide for themselves whether or not to have their child participate.

I do appreciate that there is a cost involved with this initiative and, therefore, we may have to phase it in over a few years. However, the time has come to set the course for our future direction in the School Breakfast Program and take our first step forward.

The Meals for Achievement Act raises an important policy question. The question is: What is the basic purpose and goal of the School Breakfast Program? Is the School Breakfast Program a welfare program? Or, Is the School Breakfast Program a nutrition and education program intended to prepare children for a successful educational experience? If the School Breakfast Program is a welfare program then my legislation would not make sense. I do not believe that we should be providing welfare to individuals who do not need assistance. If, on the other hand, the School Breakfast Program is a part of the education day, and is intended to prepare children to learn, then, in my opinion, it should include all children. School books are provided to all children without regard to their income; school buses are used by children without regard to their income; and that is how we should view the School Breakfast Program.

I commend this legislation to my colleagues and to the administration. As many of you know the child nutrition programs must be reauthorized in 1998 and the Administration is currently drafting its proposal to send to Congress after the first of the year. I would hope Secretary Glickman and my friends at the Department of Agriculture, as well as those at the Office of Management and Budget, consider making the Meals for Achievement Act a part of their legislative initiative.

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. 1396

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

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Meals for Achievement Act''.

**SEC. 2. EXPANSION OF SCHOOL BREAKFAST PROGRAM.**

Section 4(b)(1)(B) of the Child Nutrition Act of 1966 (42 U.S.C. 1773(b)(1)(B)) is amended—

(1) in the first sentence, by striking ''for each free breakfast'' and inserting ''for each breakfast served in an elementary school and each free breakfast served in a school other than an elementary school'';

(2) in the second sentence, by inserting ''served in a school other than an elementary school'' after ''reduced price breakfast''; and

(3) in the third sentence, by inserting ''in a school other than an elementary school'' after ''served''.

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## ADDITIONAL COSPONSORS

S. 61

At the request of Mr. LOTT, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 89

At the request of Ms. SNOWE, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 170

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 170, a bill to provide for a process to authorize the use of clone pagers, and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 464

At the request of Mrs. MURRAY, the names of the Senator from South Dakota [Mr. JOHNSON] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 464, a bill to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error.

S. 627

At the request of Mr. JEFFORDS, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 627, a bill to reauthorize the African Elephant Conservation Act.

S. 704

At the request of Mr. KOHL, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 704, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 with respect to the separate detention and confinement of juveniles, and for other purposes.

S. 722

At the request of Mr. THOMAS, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 722, a bill to benefit consumers by promoting competition in the electric power industry, and for other purposes.

S. 791

At the request of Mr. DASCHLE, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 791, a bill to amend the Internal Revenue Code of 1986 with respect to the treatment of certain amounts received by a cooperative telephone company.

S. 859

At the request of Mr. KYL, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 859, a bill to repeal the increase in tax on social security benefits.

S. 983

At the request of Mr. DODD, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 983, a bill to prohibit the sale or other transfer of highly advanced weapons to any country in Latin America.

S. 1096

At the request of Mr. KERREY, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1098

At the request of Mr. DURBIN, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 1098, a bill to provide for the debarment or suspension from Federal procurement and nonprocurement activities of persons that violate certain labor and safety laws.

S. 1153

At the request of Mr. BAUCUS, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 1153, a bill to promote food safety through continuation of the Food Animal Residue Avoidance Database program operated by the Secretary of Agriculture.

S. 1194

At the request of Mr. KYL, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1194, a bill to amend title XVIII of the Social Security Act to clarify the right of medicare beneficiaries to enter into private contracts with physicians and other health care professionals for the provision of health services for which no payment is sought under the medicare program.

S. 1264

At the request of Mr. HARKIN, the names of the Senator from Washington [Mrs. MURRAY] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1264, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through enhanced enforcement.

S. 1287

At the request of Mr. JEFFORDS, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from Vermont [Mr. LEAHY], the Senator from Florida [Mr. MACK], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Florida [Mr. GRAHAM], the Senator from Illinois [Mr. DURBIN], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Massachusetts [Mr. KERRY], the Senator from New Mexico [Mr. BINGAMAN], the Senator from Nevada [Mr. REID], the Senator from Idaho [Mr. CRAIG], and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 1287, a bill to assist in the conservation of Asian elephants by supporting and providing financial resources for the conservation programs of nations within the range of Asian elephants and projects of persons with demonstrated expertise in the conservation of Asian elephants.

S. 1309

At the request of Mr. KERRY, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 1309, a bill to provide for the health, education, and welfare of children under 6 years of age.

S. 1311

At the request of Mr. LOTT, the name of the Senator from Kansas [Mr. ROBERTS] was added as a cosponsor of S. 1311, a bill to impose certain sanctions on foreign persons who transfer items contributing to Iran's efforts to acquire, develop, or produce ballistic missiles.

S. 1320

At the request of Mr. ROCKEFELLER, the names of the Senator from Georgia [Mr. CLELAND] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 1320, a bill to provide a scientific basis for the Secretary of Veterans Affairs to assess the nature of the association between illnesses and exposure to toxic agents and environmental or other wartime hazards as a result of service in the Persian Gulf during the Persian Gulf War for purposes of determining a service connection relating to such illnesses, and for other purposes.

S. 1335

At the request of Ms. SNOWE, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 1335, a bill to amend title 5, United States Code, to ensure that coverage of bone mass measurements is provided under the health benefits program for Federal employees.

S. 1347

At the request of Mr. GLENN, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 1347, a bill to permit the city of Cleveland, Ohio, to convey certain lands that the United States conveyed to the city.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1371

At the request of Mr. KOHL, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 1371, a bill to establish felony violations for the failure to pay legal child support obligations, and for other purposes.

SENATE CONCURRENT RESOLUTION 48

At the request of Mr. KYL, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Concurrent Resolution 48, a concurrent resolution expressing the sense of the Congress regarding proliferation of missile technology from Russia to Iran.

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. HOLLINGS, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of Senate Concurrent Resolution 52, a concurrent resolution relating to maintaining the current standard behind the ''Made in USA'' label, in order to protect consumers and jobs in the United States.

SENATE CONCURRENT RESOLUTION 55

At the request of Mr. GREGG, the names of the Senator from Hawaii [Mr. INOUYE], and the Senator from Minnesota [Mr. GRAMS] were added as cosponsors of Senate Concurrent Resolution 55, a concurrent resolution declaring the annual memorial service sponsored by the National Emergency Medical Services Memorial Service Board of Directors to honor emergency medical services personnel to be the ''National Emergency Medical Services Memorial Service.''

SENATE CONCURRENT RESOLUTION 58

At the request of Mr. GRAMS, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of Senate Concurrent Resolution 58, a concurrent resolution expressing the sense of Congress over Russia's newly passed religion law.

SENATE RESOLUTION 93

At the request of Mr. GRASSLEY, the names of the Senator from Wyoming [Mr. ENZI], the Senator from Nevada [Mr. REID], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of Senate Resolution 93, a resolution designating the week beginning November 23, 1997, and the week beginning on November 22, 1998, as ''National Family Week,'' and for other purposes.

SENATE RESOLUTION 119

At the request of Mr. FEINGOLD, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of Senate Resolution 119, a resolution to express the sense of the Senate that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers.

## SENATE CONCURRENT RESOLUTION 64—PROVIDING FOR CORRECTIONS TO BE MADE IN THE ENROLLMENT OF H.R. 1119

Mr. DOMENICI submitted the following resolution; which was considered and agreed to:

S. CON. RES. 64

*Resolved by the Senate (the House of Representatives concurring)*, That in the enrollment of H.R. 1119, an Act to authorize appropriations for fiscal year 1998 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

In section 3165—

(1) in subsection (b)(1), strike out ''under the jurisdiction'' and all that follows through ''Los Alamos National Laboratory'' and insert in lieu thereof ''under the administrative jurisdiction of the Secretary at or in the vicinity of Los Alamos National Laboratory''; and

(2) in subsection (e), strike out '', the Secretary of the Interior'' and all that follows through the end and insert in lieu thereof ''but not later than 90 days after the submittal of the report under subsection (d)(1)(C), the County and the Pueblo shall submit to the Secretary an agreement between the County and the Pueblo which allocates between the County and the Pueblo the parcels identified for conveyance or transfer under subsection (b).''.

## SENATE CONCURRENT RESOLUTION 65—RELATIVE TO THE ENCLAVED PEOPLE OF CYPRUS

Ms. SNOWE (for herself and Ms. MIKULSKI) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 65

Whereas respect for fundamental freedoms and human rights is a cornerstone of United States foreign policy;

Whereas the enclaved people of Cyprus, those Greek-Cypriots and Maronites living in the Karpas peninsula, are subject to restrictions of freedom and human rights;

Whereas the representatives of the two communities in Cyprus, who met in Vienna in August, 1975 under the auspices of the United Nations Secretary General, reached an agreement known as the Vienna three agreement, which, inter-alia, states that, ''Greek-Cypriots in the North of the island [of Cyprus] are free to stay and they will be given every help to lead a normal life, including facilities for education and for the practice of their religion, as well as medical care by their own doctors and freedom of movement in the North . . . [and] the United Nations will have free and normal access to Greek-Cypriot villages and habitations in the North;''

Whereas they key elements of this agreement have not been implemented and, in fact, severe restrictions have been placed on the daily lives of the enclaved people of Cyprus;

Whereas the United Nations Secretary General in his December 10, 1995 report on the U.N. operations in Cyprus sets out the recommendations contained in UNFICYP's [the United Nations Forces in Cyprus] humanitarian review, as endorsed by U.N. Security Council Resolution 1032 {95}, regarding the restrictions on the freedoms and human rights of the enclaved people of Cyprus, that:

(a) ''The constant presence of the Turkish-Cypriot police in the daily lives of the Karpas Greek-Cypriots should be ended;''

(b) ''Karpas Greek-Cypriots and their visitors should be allowed to travel between and Karpas and the buffer zone crossing point in their own vehicles or in regular public transportation without police escort;''

(c) ''All restrictions on land travel within the northern part of Cyprus should be lifted;''

(d) ''Unrestricted availability of private telephones should be permitted when they become generally available and the Karpas Greek-Cypriots should be permitted to make private telephone calls from locations in the Karpas other than police stations without the presence of any official or other person;''

(e) ''Restrictions on hand-carried mail and newspapers should be lifted;''

(f) ''Secondary schooling for Greek-Cypriots should be facilitated in the Karpas, and teachers and school supplies for the Greek-Cypriots should be allowed to be provided from the south without hindrances;''

(g) ''All Karpas Greek-Cypriot students attending secondary schools or third-level institutions in the south should be allowed to return to their homes on weekends and holidays;''

(H) ''Access to and religious sue of the monastery at Apostolos Andreas and the church there by the Greek-Cypriots of the Karpas peninsul and their clergy should be unrestricted;''

(i) ''Provision of funds from outside the northern areas should be permitted for the renovation and maintenance of Greek-Cypriot schools and churches in the Karpas area;''

(j) ''Karpas Greek-Cypriots should be permitted visits by Greek-Cypriot doctors and medical staff;''

(k) ''There should be no hindrance at any time to children of Karpas Greek-Cypriots returning to their family homes without formality;''

(l) ''Karpas Greek-Cypriots should be allowed visits from close relatives who normally reside outside the northern part of Cyprus;''

(m) ''Karpas Creek-Cypriots should be allowed to bequeath fixed property in Karpas to their next of kin and in the event that such beneficiaries normally reside outside the northern part of the island, they should be allowed to visit bequeathed properties without hindrance or formality;''

(n) ''Restrictions on UNFICYP's freedom of movement to and from as well as within the Karpas area should be lifted;''

(o) ''Restrictions on the discharge by UNFICYP of its humanitarian and other functions with regard to Karpas Greek-Cypriots should be lifted and liaison posts should be established where the greatest number of Greek-Cypriots live in the north at the villages of Rizokarpaso and Ayias Trias. (The sole remaining permanent UNFICYP presence in the Karpas, a small liaison post, remains confined, with no freedom of movement, in the village of Leonarisso, where only 9 Greek-Cypriots still reside.);'' and

(p) ''All restrictions preventing offshore fishing by the Creek-Cypriots of the Karpas should be lifted;''

Whereas other restrictions on the freedom and human rights of the enclaved include:

(a) A requirement that enclaved males aged 18 to 50 report once a week to those in control;

(b) Harassment, beating, rape, and murder without investigation; and

(c) Lake of compensation for work performed;

Whereas U.N. Security Council Resolution 1062 (96), inter-alia, expressed regret that ''the Turkish-Cypriot side has not responded more fully to the recommendations made by UNFICYP and calls upon the Turkish-Cypriot side to respect more fully the basic freedoms of the Creek-Cypriots and Maronites living in the northern part of the island and to intensify its efforts to improve their daily lives;'' and

Whereas on July 31, 1997 Cyprus President Clafcos Clerides and Turkish-Cypriot leader Rauf Denktash agreed to further address this issue along with other humanitarian issues: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Congress—

(1) strongly urges the President to undertake efforts to end restrictions on the freedoms and human rights of the enclaved people of Cyprus; and

(2) shall remain actively interested in the matter until the human rights and fundamental freedoms of the enclaved people of Cyprus are restored, respected, and safeguarded.

Ms. SNOWE. Mr. President, today I, along with my distinguished colleague from Maryland, Senator MIKULSKI, am submitting this concurrent resolution which calls for a United States effort to end the restrictions on the freedoms and violations of the human rights of the enclaved people in the occupied portion of Cyprus. A little over 2 years ago, Senator MIKULSKI and I had introduced a bill to address these very same concerns which, unfortunately, are still with us.

Mr. President, I am aware that developments on Cyprus are not known to most Americans. Yet if I were to tell them that a small nation has had part of its land illegally occupied by a neighboring state for over 23 years, I know they would be both shocked and outraged. The 23 years since the 1974 Turkish invasion of Cyprus have seen the end of the cold war, the collapse of the USSR, free elections in South Africa and a reunited Germany, yet while the line through the heart of Berlin is gone, the line through the heart of Cyprus remains.

Over two decades ago, Turkey's brutal invasion drove more than 200,000 Cypriots from their homes. Turkey still controls about one-third of the island of Cyprus and maintains about 30,000 troops there. However, there remains, in northern Cyprus, a small remnant of 497 enclaved Greek-Cypriots. The reason they are referred to as the enclaved of Cyprus is that during the fighting in 1974 they mostly resided in remote enclaves and therefore were not able to flee the fighting and thus were not immediately expelled. Nevertheless the enclaved people of Cyprus have still seen their numbers reduced from 11,300 in 1974 to the 497 there are today.

Mr. President, I am hopeful that with the appointment of Ambassador Richard Holbrooke as the Special Presidential Envoy for Cyprus that a long-overdue settlement will finally be reached. However, I believe that this resolution is nevertheless important in serving to bring to the attention of the American people and the world community, the hardships and restrictions endured by these enclaved individuals.

In 1975, representatives of the Greek and Turkish Cypriot communities agreed that the Greek-Cypriots in the northern part of the island were to be given every help to lead a normal life. Twenty-two years later this is still not the case.

The presence of the Turkish-Cypriot police in the lives of the enclaved Greek-Cypriots is constant, and there are restrictions on land travel. Other human rights restrictions and deprivations include:

Restrictions on private telephones;

Restrictions on hand-carried mail and newspapers;

Difficulties in receiving full educational opportunities;

Restricted access to and religious use of the monastery at Apostolos Andreas;

A requirement that enclaved males aged 18–50 must report once a week to those in control; and

A lack of investigation with regard to harassment, beating, rape and murder.

Mr. President, this situation calls out for justice. By bringing these human rights violations to the attention of the American people, it is my hope and that of Senator MIKULSKI, that we can bring the plight of these people to the World's attention. Our resolution urges the President to undertake efforts to end the restrictions on the freedoms and human rights of the enclaved people. I will remain actively involved in this issue until their rights and freedoms are restored.

This is the least we can do for these people. That is why I wish Ambassador Holbrooke the best of success in his efforts to achieve a settlement. While this resolution addresses the plight of the enclaved people of Cyprus, work must not cease on efforts to bring about a withdrawal of Turkish forces and a restorations of Cyprus' sovereignty over the entire island with the full respect of the rights of all Cypriots.

Ms. MIKULSKI. Mr. President, I am proud to join Senator SNOWE in submitting the Enclaved People of Cyprus concurrent resolution. This legislation puts the Congress on record in support of human rights and freedom for all the people of Cyprus.

In 1974 Turkish troops invaded Cyprus and divided the island. For 23 years, the people of Cyprus have lived under an immoral and illegal occupation. The enclaved people in the northern part of the island have suffered most. Their travel is restricted. They may not attend the school of their choice. Their access to their religious sites is restricted. They are often harassed and discriminated against.

The United Nations and the European Union have documented these human rights abuses and have called on the Turkish Cypriots to respect the basic freedoms of the Greek-Cypriots and Maronites living in the northern part of the island.

Our foreign policy must reflect our values. The legislation we are introducing calls for an end to the restrictions on the freedoms of the enclaved people in the occupied part of Cyprus. It states that Congress will remain active until the human rights and fundamental freedoms of the enclaved people of Cyprus are restored, respected and safeguarded.

Mr. President, I am hopeful that this year we will bring peace to Cyprus. But our efforts to improve human rights on the island cannot wait. I urge my colleagues to join me in supporting this legislation.

## SENATE RESOLUTION 144—RELATIVE TO THE LEWIS AND CLARK EXPEDITION

Mr. DURBIN (for himself and Ms. MOSELEY-BRAUN) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 144

Whereas President Thomas Jefferson selected Meriwether Lewis and William Clark to be co-leaders of an expedition to explore the Missouri and Columbia rivers;

Whereas Lewis and Clark staged their epic journey at the confluence of the Mississippi and Missouri Rivers in December 1803;

Whereas they camped for the winter at the mouth of Wood River, on the Illinois side of the Mississippi, opposite the entrance to the Missouri River;

Whereas the 2 captains recruited young woodsmen and enlisted soldiers who volunteered from nearby Army outposts, selecting a roster of approximately 45 men for the expedition;

Whereas Meriwether Lewis recorded that the mouth of the Wood River was ''to be considered the point of departure'' for the 1 of the most important journeys into the American West; and

Whereas the bicentennial of this monumental expedition will be observed beginning in 2003: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses its support for an interpretive site near Wood River, Illinois, as the point of departure of the Lewis and Clark Expedition;

(2) expresses its support for the people of Illinois in recognizing the site as a site of monumental historical impact; and

(3) calls on the President, the Secretary of the Interior, the Director of the National Park Service, other public officials, and the people of the United States to support and promote the site near Wood River, Illinois, as the starting point of 1 of the greatest journeys in American history.

## SENATE RESOLUTION 145—DESIGNATING NATIONAL AMERICAN INDIAN HERITAGE MONTH

Mr. CAMPBELL (for himself, Mr. INOUYE, Mr. ABRAHAM, Mr. ALLARD, Mr. BAUCUS, Mr. BENNETT, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BROWNBACK, Mr. BRYAN, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. D'AMATO, Mr. DASCHLE, Mr. DODD, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENZI, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GORTON, Mr. GRAHAM, Mr. HATCH, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Mr. MCCAIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. REID, Mr. ROCKEFELLER, Mr. SMITH of Oregon, Mr. THOMAS, Mr. THURMOND, Mr. WARNER, Mr. WELLSTONE, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 145

Whereas American Indians and Alaska Natives were the original inhabitants of the land that now constitutes the United States;

Whereas American Indians tribal governments developed the fundamental principles of freedom of speech and separation of powers that form the foundation of the United States Government;

Whereas American Indians and Alaska Natives have traditionally exhibited a respect for the finiteness of natural resources through a reverence for the earth;

Whereas American Indians and Alaska Natives have served with valor in all of America's wars beginning with the Revolutionary War through the conflict in the Persian Gulf, and often the percentage of American Indians who served exceeded significantly the percentage of American Indians in the population of the United States as a whole;

Whereas American Indians and Alaska Natives have made distinct and important contributions to the United States and the rest of the world in many fields, including agriculture, medicine, music, language, and art;

Whereas American Indians and Alaska Natives deserve to be recognized for their individual contributions to the United States as local and national leaders, artists, athletes, and scholars;

Whereas this recognition will encourage self-esteem, pride, and self-awareness in American Indians and Alaska Natives of all ages; and

Whereas November is a time when many Americans commemorate a special time in the history of the United States when American Indians and English settlers celebrated the bounty of their harvest and the promise of new kinships: Now, therefore, be it

*Resolved,* That the Senate designates November 1997 as ''National American Indian Heritage Month'' and requests that the President issue a proclamation calling on the Federal Government and State and local governments, interested groups and organizations, and the people of the United States to observe the month with appropriate programs, ceremonies, and activities.

Mr. CAMPBELL. Mr. President, I am pleased to submit today, along with many of my colleagues, a Senate resolution that designates the month of November 1997, as ''American Indian Heritage Month.'' I feel it is appropriate and deserving to honor American Indians and Alaska Natives, as the original inhabitants of the land that now constitutes the United States, with this November designation as Congress has done for the past 7 years.

American Indians and Alaska Natives have left an indelible imprint on many aspects of our everyday life that we often take for granted. The arts, education, science, medicine, industry, and government are areas that have been influenced by American Indian and Alaska Native people. Many of the healing remedies that we use today were obtained from practices already in use by Indian people.

Mr. President, many of the basic principles of democracy in our Constitution can be traced to ideologies already in use by Indian tribal governments including such doctrines of freedom of speech and separation of powers. Our Founding Fathers benefited greatly from assistance given to them by Indian tribes in the early stages of establishing our Nation.

Our respect for the preservation of natural resources, reverence for our elders, and adherence to tradition, were developed, in part, through contact with American Indians and Alaska Natives.

American Indian and Alaska Native people have proudly served and dedicated their lives in the military defense of our country in wartime and in peace. In fact, their participation rate in the Armed Forces far outstrips the rates of all other groups in this Nation. They gave their lives in defense of this Nation even before they were allowed to be citizens in 1924.

Many of the words in our language have been borrowed from native languages, including many of the names of the rivers, cities, and States across our Nation. Indian arts and crafts have also made a distinct impression on our heritage.

It is my hope that by designating the month of November 1997, as ''American Indian Heritage Month,'' it will encourage self-esteem, pride, and self awareness in American Indians and Alaska Natives of all ages. Many schools, organizations, Federal, State, and local governments also plan activities and programs to celebrate the achievements of American Indians and Alaska Natives.

November is a special time in the history of the United States; we celebrate the Thanksgiving holiday by remembering the American Indians and English settlers as they enjoyed the bounty of their harvest and the promise of new kinships. That is why, this is an appropriate time of the year for this designation.

Therefore, I ask for the support of my colleagues for this special tribute of this country, and urge the Senate to pass this resolution.

## AMENDMENTS SUBMITTED

### THE RECIPROCAL TRADE AGREEMENT ACT OF 1997

### DORGAN (AND CONRAD) AMENDMENT NO. 1593

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill (S. 1269) to establish objectives for negotiating and procedures for implementing certain trade agreements; as follows:

At the appropriate place, insert the following new section:

**SEC. . IMPOSITION OF ADDITIONAL DUTIES AND QUANTITATIVE LIMITATIONS ON CANADIAN GRAIN.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the President shall immediately impose tariff-rate quotas on wheat, durum wheat, and barley imported from Canada in accordance with the tables contained in paragraphs (1), (2), and (3):

(1) DURUM WHEAT.—

| If the quantity of durum wheat imported is: | The rate of duty is: |
|---|---|
| Not more than 300,000 metric tons. | NAFTA rate of duty. |
| More than 300,000 metric tons, but not more than 450,000 metric tons. | $23/ton. |
| More than 450,000 metric tons. | $50/ton. |

(2) OTHER WHEAT.—

| If the quantity of wheat (other than durum wheat) imported is: | The rate of duty is: |
|---|---|
| Not more than 1,050,000 metric tons. | NAFTA rate of duty. |
| More than 1,050,000 metric tons. | $50/ton. |

(3) BARLEY.—

| If the quantity of barley imported is: | The rate of duty is: |
|---|---|
| Not more than the average amount imported from Canada during the 10-year period preceding the effective date of the NAFTA. | NAFTA rate of duty. |
| More than the average amount imported from Canada during the 10-year period preceding the effective date of NAFTA. | $50/ton. |

(b) DEFINITIONS.—In this section:

(1) NAFTA.—The term ''NAFTA'' means the North American Free Trade Agreement approved by Congress under section 101(a) of the North American Free Trade Agreement Implementation Act.

(2) NAFTA RATE OF DUTY.—The term ''NAFTA rate of duty'' means the rate of duty in effect on the day before the date of enactment of this Act for wheat, durum wheat, or barley, which ever is applicable, imported from Canada.

### DORGAN (AND OTHERS) AMENDMENT NO. 1594

Mr. DORGAN (for himself, Mr. BYRD, and Mr. SARBANES) proposed an amendment to the bill, S. 1269, supra; as follows:

On page 1, between lines 2 and 3, insert:

**TITLE I—RECIPROCAL TRADE AGREEMENTS**

Redesignate sections 1 through 10 as sections 101 through 110, respectively, and redesignate any cross references thereto accordingly.

On page 1, line 4, strike ''This Act'' and insert ''This title''.

On page 2, line 4, strike ''Act'' and insert ''title''.

On page 18, line 11, strike ''Act'' and insert ''title''.

On page 19, line 12, strike ''Act'' and insert ''title''.

On page 19, line 18, strike ''Act'' and insert ''title''.

On page 22, line 20, strike ''Act'' and insert ''title''.

On page 22, line 25, strike ''Act'' and insert ''title''.

On page 24, line 17, strike ''Act'' and insert ''title''.

On page 24, line 20, strike ''Act'' and insert ''title''.

On page 25, line 19, strike ''this Act'' and insert ''this title''.

On page 27, line 25, strike ''Act'' and insert ''title''.

On page 28, line 16, strike ''Act'' and insert ''title''.

On page 33, line 3, strike ''Act'' and insert ''title''.

On page 33, line 16, strike ''Act'' and insert ''title''.

On page 33, line 23, strike ''Act'' and insert ''title''.

On page 35, line 23, strike ''Act'' and insert ''title''.

On page 48, line 4, strike ''Act'' and insert ''title''.

At the end of the bill, insert the following new title:

**TITLE II—EMERGENCY COMMISSION TO END THE TRADE DEFICIT**

**SEC. 201. SHORT TITLE.**

This title may be cited as the ''End the Trade Deficit Act''.

**SEC. 202. FINDINGS.**

Congress makes the following findings:

(1) The United States has had 21 years of consecutive annual merchandise trade deficits, totaling $1,984,270,000,000.

(2) In 1996, the United States had the largest negative trade balance in its history, amounting to $191,170,000,000. It is the third consecutive year in which the trade deficit has set a new record. Economic forecasts anticipate continued growth in the trade deficit in the next few years.

(3) Private economic forecasts now project that the trade deficit will nearly double within the next 10 to 15 years.

(4) The positive net international asset position that the United States built up over 100 years was eliminated in the 1980s. The United States today has become the world's largest debtor nation, with a net debt of more than $774,000,000,000.

(5) In recent times, the trade deficit has retarded growth in the Nation's gross domestic product, increased the costs of servicing higher net foreign debt, and made the United States more dependent on international financial considerations.

(6) The United States merchandise trade deficit is characterized by large bilateral trade imbalances with a handful of countries. Six countries (Japan, China, Canada, Mexico, Germany, and Taiwan) accounted for 92 percent of the United States trade deficit in goods in 1996. Japan and China accounted for one-half of the trade deficit.

(7) Today the United States trade deficit primarily consists of high-value manufactured items. Automobiles, office machines, electronic goods, and telecommunications equipment now comprise nearly three-fourths of the trade deficit. The United States imports more cars from Mexico than it exports to the rest of the world. Imports of manufactured goods as a percentage of the United States manufacturing gross domestic product have risen from 11 percent in 1970 to more than 50 percent last year.

(8) While the United States has one of the most open borders and economies in the world, the United States faces significant tariff and nontariff trade barriers with its trading partners. Current overall trade balances do not reflect the actual competitiveness or productivity of the United States economy. Instead, they demonstrate the underlying structural nature of the trade deficits. Full reciprocal market access remains an elusive goal as documented in the annual reports of the United States Trade Representative.

(9) Since the last comprehensive review of national trade and investment policies was conducted by a Presidential commission in 1970, there have been massive worldwide economic and political changes which have profoundly affected world trading relationships. The cold war has ended. It is no longer necessary or prudent for United States trade policy to be a residual of United States foreign policy. Globalization, the increased mobility of capital and technology, the growth of transnational corporations, and the outsourcing of production across national boundaries, are reshaping both the comparative and competitive trade advantages among nations.

(10) The United States is once again at a critical juncture in trade policy development. The structural nature of the United States trade deficit and its persistent growth must be reversed. The causes and consequences of the trade deficit must be documented and a plan must be developed to eliminate the merchandise trade deficit within the next 10 years.

**SEC. 203. ESTABLISHMENT OF COMMISSION.**

(a) ESTABLISHMENT.—There is established a commission to be known as the Emergency Commission To End the Trade Deficit (hereafter in this title referred to as the ''Commission'').

(b) PURPOSE.—The purpose of the Commission is to develop a trade policy plan to eliminate the United States merchandise trade deficit by the year 2007 and to develop a competitive trade policy for the 21st century. The plan shall include strategies necessary to achieve a balance of trade that fully reflects the competitiveness and productivity of the United States and also improves the standard of living of United States citizens.

(c) MEMBERSHIP OF COMMISSION.—

(1) COMPOSITION.—The Commission shall be composed of 11 members of whom—

(A) 3 shall be appointed by the President;

(B) 1 Senator and 1 other person shall be appointed by the President pro tempore of the Senate upon the recommendation of the Majority Leader of the Senate;

(C) 1 Senator and 1 other person shall be appointed by the President pro tempore of the Senate upon the recommendation of the Minority Leader of the Senate;

(D) 1 Member of the House of Representatives and 1 other person shall be appointed by the Speaker of the House of Representatives; and

(E) 1 Member of the House of Representatives and 1 other person shall be appointed by the Minority Leader of the House of Representatives.

(2) QUALIFICATIONS OF MEMBERS.—

(A) PRESIDENTIAL APPOINTMENTS.—Of the persons appointed under paragraph (1)(A), not more than 1 may be an officer, employee, or paid consultant of the executive branch.

(B) OTHER APPOINTMENTS.—Persons who are not Members of Congress, appointed under subparagraph (B), (C), (D), or (E) of paragraph (1), shall be persons who—

(i) have expertise in economics, international trade, manufacturing, labor, environment, business, or have other pertinent qualifications or experience; and

(ii) are not officers or employees of the United States.

(C) OTHER CONSIDERATIONS.—In appointing Commission members, every effort shall be made to ensure that the members—

(i) are representative of a broad cross-section of economic and trade perspectives within the United States; and

(ii) provide fresh insights to achieving a trade deficit reduction plan.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members shall be appointed not later than 60 days after the date of enactment of this Act and the appointment shall be for the life of the Commission.

(2) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(f) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall elect a chairperson and vice chairperson from among the members of the Commission.

(h) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business.

(i) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

**SEC. 204. DUTIES OF THE COMMISSION.**

(a) IN GENERAL.—The Commission shall be responsible for developing a comprehensive trade policy plan, by examining the economic policies, trade, tax, and investment laws, and other legal incentives and restrictions that are relevant to reducing the United States trade deficit.

(b) RECOMMENDATIONS.—The Commission shall examine and make recommendations to Congress and the President on the following:

(1) The manner in which the Government of the United States establishes and administers the Nation's fundamental trade policies and objectives, including—

(A) the relationship of the merchandise trade balance to the overall well-being of the United States economy and in particular the impact the trade balance has on wages and employment in various sectors of the United States economy;

(B) the relationship of United States foreign policy objectives to trade policy and the extent to which foreign policy considerations receive a priority over trade objectives;

(C) the effects the trade deficits in the areas of manufacturing and technology have on defense production and innovation capabilities of the United States;

(D) the extent to which United States monetary policies and the need for foreign capital to finance the current account deficit influence trade objectives;

(E) the coordination, allocation, and accountability of trade responsibilities among Federal agencies; and

(F) the methods for improving and enhancing systematic congressional review of foreign policy and trade policy as part of a plan to establish a coordinated set of national economic priorities.

(2) The causes and consequences of both the overall trade deficit and specific bilateral trade deficits, including—

(A) identification and quantification of the macroeconomic, sectoral, and bilateral trade factors contributing to the United States trade deficit with various countries;

(B) identification and quantification of the impact of the trade deficit on the domestic economy, industrial base, manufacturing capacity, number and quality of jobs, productivity, wages, health, safety, and environmental standards, and the United States standard of living;

(C) identification and quantification of individual industrial, manufacturing, and production sectors, and intraindustry and intracompany transactions which contribute to or are impacted by United States trade deficits;

(D) a review of the adequacy of the current collection and reporting of trade data, and the identification and development of additional data bases and economic measurements that may be needed to properly quantify the factors described in subparagraphs (A), (B), and (C);

(E) the relationship that tariff and nontariff barriers have to trade deficits and the extent to which trade deficits have become structural;

(F) the extent to which there is reciprocal market access in each country with which the United States has a persistent and substantial bilateral trade deficit; and

(G) the role of transhipments on bilateral trade, including foreign imports and exports, with special attention to transhipments under the North American Free Trade Agreement.

(3) The relationship of United States trade deficits to both comparative and competitive trade advantages within the global economy, including—

(A) a systematic analysis of the United States trade patterns with different trading partners, to what extent the trade patterns are based on comparative and competitive trade advantages, and how the trade advantages relate to the goods that are exported

to and imported from various trading partners;

(B) the extent to which the increased mobility of capital and technology has changed both comparative and competitive trade advantages;

(C) identification and quantification of goods imported into the United States which are produced by child and forced labor, or under social and environmental conditions that do not comply with United States law;

(D) the impact that labor standards (including the ability of labor to organize, bargain collectively, and exercise human rights) have on world trade;

(E) the impact that currency exchange rates and the manipulation of exchange rates have on world trade and trade deficits;

(F) the effect that offset and technology transfer agreements have on the long-term competitiveness of the United States manufacturing sectors; and

(G) the extent to which international agreements impact on United States competitiveness.

(4) The flow of investments both into and out of the United States, including—

(A) the impact such investments have on the United States trade deficit and living standards of United States production workers;

(B) the impact such investments have on United States labor, community, environmental, health, and safety standards;

(C) the extent to which United States tax laws, such as income deferral, contribute to the movement of manufacturing facilities and jobs to foreign locations;

(D) the identification and quantification of domestic plant closures and the movement of such plants to foreign locations for production of goods for the United States market;

(E) the impact of implied or threatened plant closings and movement of jobs to foreign locations on United States wage rates and working conditions;

(F) the effect of investment flows on wages in countries with developed economies and on countries of the former Soviet Union; and

(G) the effect of barriers to United States foreign direct investment in developed and developing nations, particularly nations with which the United States has a trade deficit.

(5) Evaluation of current policies and suggestions for alternative strategies for the United States to systematically reduce the trade deficit and improve the economic well-being of United States citizens, including suggestions for—

(A) the development of bilateral and multilateral trade relationships based on market access reciprocity;

(B) the retention and expansion of United States manufacturing, agricultural, and technology sectors, which are vital to the economy and security of the United States;

(C) the discouragement of the expatriation of United States plants, jobs, and production to nations that have achieved competitive advantages by permitting lower wages or lower health, safety, and environmental standards, or by imposing requirements with respect to investment, performance, or other obligations;

(D) methods by which the United States can effectively compete in a global economy while improving the labor, social, and environmental standards of its trading partners, particularly developing nations;

(E) methods by which the United States can respond to substantial shifts or manipulation of currency exchange rates which distort trade relationships;

(F) methods for overcoming and offsetting trade barriers which are either not subject to or otherwise inadequately addressed by the World Trade Organization or other multilateral arrangements;

(G) specific strategies for achieving improved trade balances with those nations that the United States has significant, persistent sectoral or bilateral trade deficits, including Japan, China, Canada, Mexico, Germany, and Taiwan;

(H) methods for the United States to respond to the particular needs and circumstances of developing and developed nations in a manner that is mutually beneficial; and

(I) changes that may be required to current trade agreements and organizations to allow the United States to pursue and nurture economic growth for its manufacturing, agriculture, and other production sectors in a manner that insures improved compensation and quality of life for United States citizens.

**SEC. 205. FINAL REPORT; CONGRESSIONAL HEARINGS.**

(a) FINAL REPORT.—

(1) IN GENERAL.—Not later than 16 months after the date of enactment of this Act, the Commission shall submit to the President and Congress a final report which contains—

(A) the findings and conclusions of the Commission described in section 204;

(B) a detailed plan for reducing both the overall trade deficit and specific bilateral trade deficits; and

(C) any recommendations for administrative and legislative actions necessary to achieve such reductions.

(2) SEPARATE VIEWS.—Any member of the Commission may submit additional findings and recommendations as part of the final report.

(b) CONGRESSIONAL HEARINGS.—Not later than 6 months after the final report described in subsection (a) is submitted, the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate shall hold hearings on the report.

**SEC. 206. POWERS OF COMMISSION.**

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission may find advisable to fulfill the requirements of this title. The Commission shall hold at least 7 public hearings, 1 or more in Washington, D.C. and 4 in different regions of the United States.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this title. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

**SEC. 207. COMMISSION PERSONNEL MATTERS.**

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission 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.

**SEC. 208. AUTHORIZATION OF APPROPRIATIONS; GAO AUDIT.**

(a) IN GENERAL.—There are authorized to be appropriated $2,000,000 to the Commission to carry out the provisions of this title.

(b) GAO AUDIT.—Not later than 6 months after termination of the Commission, the Comptroller General of the United States shall complete an audit of the financial books and records of the Commission to determine that the limitation on expenses has been met, and shall submit a report on the audit to the President and Congress.

**SEC. 209. TERMINATION OF COMMISSION.**

The Commission shall cease to exist 30 days after the date on which the Commission submits the final report under section 205.

## DORGAN AMENDMENT NOS. 1595–1597

(Ordered to lie on the table.)

Mr. DORGAN submitted three amendments intended to be proposed by him to the bill, S. 1269, supra; as follows:

AMENDMENT NO. 1595

At the appropriate place, insert the following:

**SEC. . COLLECTION AND REPORTING OF TRADE-RELATED DATA.**

(a) EMPLOYMENT INFORMATION FOR TRADED AND NONTRADED SECTORS.—

(1) IN GENERAL.—The Secretary of Labor shall collect and publish each month data relating to increases and decreases in the number of jobs and wages for traded and nontraded sectors of the economy.

(2) DEFINITIONS.—In this subsection:

(A) TRADED SECTORS.—The term ''traded sectors'' means sectors relating to the growth, manufacture, mining, or production of goods for export or for domestic production.

(B) NONTRADED SECTORS.—The term ''nontraded sectors'' means sectors other than the sectors described in subparagraph (A).

(b) EMPLOYMENT INFORMATION RELATING TO TRADE DEFICIT.—The Secretary of Commerce shall collect and publish on a quarterly basis data relating to decreases in the number of jobs in the United States that result from the trade deficit the United States has with individual countries. The data shall be published on a country-by-country basis as well as an aggregate basis and shall include an analysis of the extent to which United States trade deficits are an impediment to the growth of the Gross Domestic Product.

(c) INTRACOMPANY TRANSACTIONS.—The Secretary of Commerce shall collect data and publish an annual report on the extent to which trade between the United States and each of its trading partners involves intracompany transactions. The report shall identify each company that constitutes 5 percent or more (by dollar value) of the trade between the United States and each of its trading partners.

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AMENDMENT NO. 1596

On page 41, between lines 16 and 17, insert the following new section and redesignate the remaining sections and cross references thereto accordingly:

**SEC. 6. SAFEGUARDS AGAINST MERCHANDISE TRADE DEFICITS.**

(a) IN GENERAL.—Every applicable trade agreement shall contain the safeguard provisions described in subsection (b) relating to increases in the United States merchandise trade deficit.

(b) SAFEGUARDS DESCRIBED.—

(1) IN GENERAL.—The President shall notify Congress not later than June 30 of any calendar regarding each country with which the United States has an applicable trade agreement, if the United States merchandise trade deficit with such country is at least $5,000,000,000 and has increased by 100 percent or more in the 3-calendar-year period preceding such calendar year.

(2) TERMINATION OF APPLICABLE TRADE AGREEMENT.—

(A) IN GENERAL.—An applicable trade agreement with respect to which the President has given notice under paragraph (1) shall terminate on June 30 of the year following the year in which such notice is given unless extended pursuant to the requirements of subparagraph (B).

(B) PROCEDURAL PROVISIONS.—

(i) IN GENERAL.—The requirements of this paragraph are met if a joint resolution is enacted under subsection (c); and—

(I) Congress adopts and transmits the joint resolution to the President before the end of the 270-day period (excluding any day described in section 154(b) of the Trade Act of 1974), beginning on the date on which Congress receives a notice referred to in paragraph (1); and

(II) if the President vetoes the joint resolution, each House of Congress votes to override that veto on or before the later of the last day of the 270-day period referred to in subclause (I) or the last day of the 15-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which Congress receives the veto message from the President.

(ii) TIME FOR INTRODUCTION.—A joint resolution to which this section applies may be introduced at any time on or after the date on which the President transmits to Congress a notice described in paragraph (1), and before the end of the 270-day period referred to in clause (i)(I).

(c) JOINT RESOLUTIONS.—

(1) JOINT RESOLUTIONS.—For purposes of this section, the term ''joint resolution'' means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: ''That Congress approves the continuation of _____ Agreement with respect to _____.'', with the first blank space being filled with the name of the applicable trade agreement; and the second blank space being filled with the name of the party to that agreement with respect to which the President has provided notice pursuant to subsection (b)(1).

(2) PROCEDURES.—

(A) INTRODUCTION.—Joint resolutions may be introduced in either House of Congress by any member of such House.

(B) APPLICATION OF SECTION 152 OF THE TRADE ACT OF 1974.—Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192 (b), (d), (e), and (f)) apply to joint resolutions to the same extent as such provisions apply to resolutions under such section.

(C) DISCHARGE OF COMMITTEE.—If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 154(b) of the Trade Act of 1974), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(D) PROCEEDINGS IN THE HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(3) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section.

(d) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

(e) DEFINITIONS.—In this section:

(1) APPLICABLE TRADE AGREEMENT.—The term ''applicable trade agreement'' means a trade agreement approved pursuant to the trade agreement approval procedures provided for in this Act.

(2) MERCHANDISE TRADE DEFICIT.—The term ''merchandise trade deficit'' means the dollar value by which the goods imported into the United States from a country with which the United States has an applicable trade agreement exceeds the dollar value of United States goods exported to that country, as determined by the Department of Commerce.

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AMENDMENT NO. 1597

On page 41, between lines 16 and 17, insert the following new section and redesignate the remaining sections and cross references thereto accordingly:

**SEC. 6. REPORT AND REVIEW OF TRADE AGREEMENTS.**

(a) IN GENERAL.—Not later than June 1 of each year, the Comptroller General of the United States shall submit to Congress a report with respect to each applicable trade agreement that was in effect for the preceding year. The report shall contain an analysis of the performance of each party to the agreement in meeting the United States trade negotiation objectives, and the standards and the timetables contained in the agreement.

(b) 5-YEAR REPORT BY GAO.—Not later than the date that is 6 months after the end of the 5-year period beginning on the date on which an applicable trade agreement enters into force with respect to the United States, the Comptroller General of the United States shall review and report to Congress regarding the performance of each party to the agreement. The report shall include—

(1) information that measures the performance of each party to the agreement with respect to—

(A) the United States trade negotiating objectives; and

(B) the standards and timetables in the agreement for increasing market access, lowering tariffs, eliminating trade barriers, achieving reciprocity, and reducing export subsidies; and

(2) an analysis of the effects of the agreement on the interests of the United States, the benefits to the United States of its participation in the agreement, and the value of the continued participation of the United States in the agreement.

(c) CONGRESSIONAL DECISION REGARDING CONTINUED UNITED STATES PARTICIPATION.—

(1) IN GENERAL.—An applicable trade agreement shall terminate on the last day of the 7-year period beginning on the date on which such trade agreement enters into force with respect to the United States unless extended or modified pursuant to the provisions of paragraph (2).

(2) PROCEDURAL PROVISIONS.—

(A) IN GENERAL.—The requirements of this paragraph are met if the joint resolution is enacted under subsection (d); and—

(i) Congress adopts and transmits the joint resolution to the President before the end of the 1-year period (excluding any day described in section 154(b) of the Trade Act of 1974), beginning on the date on which Congress receives a report referred to in subsection (b); and

(ii) if the President vetoes the joint resolution, each House of Congress votes to override that veto on or before the later of the last day of the 1-year period referred to in clause (i) or the last day of the 15-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which Congress receives the veto message from the President.

(B) TIME FOR INTRODUCTION.—A joint resolution to which this section applies may be introduced at any time on or after the date on which the Comptroller General transmits to Congress a report described in subsection (b), and before the end of the 1-year period referred to in subparagraph (A).

(d) JOINT RESOLUTIONS.—

(1) JOINT RESOLUTIONS.—For purposes of this section, the term ''joint resolution'' means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: ''That Congress _____ provided under section ___ of the _____, of the _____ Agreement.'', with the first blank space being filled with the phrase ''agrees to extend its approval'' or ''agrees to extend its approval only if the following provisions are renegotiated'', whichever is applicable; the second blank space being filled with the section of the implementing Act providing for Congressional approval of the applicable agreement; the third blank space

being filled with the title of the Act implementing the agreement; and the fourth blank space being filled with the title of the agreement. If Congress agrees to extend an agreement only if certain provisions are renegotiated, the joint resolution shall describe the provisions to be renegotiated.

(2) PROCEDURES.—

(A) INTRODUCTION.—Joint resolutions may be introduced in either House of Congress by any member of such House.

(B) APPLICATION OF SECTION 152 OF THE TRADE ACT OF 1974.—Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192 (b), (d), (e), and (f)) apply to joint resolutions to the same extent as such provisions apply to resolutions under such section.

(C) DISCHARGE OF COMMITTEE.—If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 154(b) of the Trade Act of 1974), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(D) PROCEEDINGS IN THE HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(3) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section.

(e) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

(f) REPORT ON EXECUTIVE BRANCH TRADE ENFORCEMENT.—

(1) IN GENERAL.—Not later than June 1 of each year, the Comptroller General of the United States shall audit, and report to Congress on, the performance of each department and agency described in paragraph (2) in exercising its trade enforcement responsibilities. The audit shall focus on the resources, activity, effectiveness, authority, and coordination of each department and agency in carrying out its enforcement and compliance responsibilities.

(2) DEPARTMENT AND AGENCY.—A department or agency described in this paragraph means the Department of Commerce, the International Trade Commission, the Office of the United States Trade Representative, and the Department of Agriculture.

(g) APPLICABLE TRADE AGREEMENT.—For purposes of this section, the term ''applicable trade agreement'' means a trade agreement approved pursuant to the trade agreement approval procedures provided for in this Act.

## DORGAN (AND REED) AMENDMENT NO. 1598

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. REED) submitted an amendment intended to be proposed by them to the bill, S. 1269, supra; as follows:

On page 41, between lines 16 and 17, insert the following new section and redesignate the remaining sections and cross references thereto accordingly:

**SEC. 6. SAFEGUARDS AGAINST CURRENCY EXCHANGE RATE FLUCTUATIONS.**

(a) IN GENERAL.—Every applicable trade agreement shall contain the safeguard provisions described in subsections (b) and (c) relating to currency exchange rate fluctuations.

(b) CURRENCY EXCHANGE RATE FLUCTUATIONS.—

(1) FLUCTUATIONS BETWEEN 15 PERCENT AND 40 PERCENT.—The President shall notify Congress as soon as practicable regarding each country with which the United States has an applicable trade agreement if the nominal value of the currency of that country depreciates in relation to the United States dollar more than 15 percent for a period of at least 90 days (as determined according to data published by the International Monetary Fund) and the President shall impose additional duties on the products of that country in an amount that the President determines necessary to offset the impact of the currency depreciation.

(2) FLUCTUATIONS OF 40 PERCENT OR MORE.—

(A) IN GENERAL.—Not later than 6 months after the President makes a determination described in subparagraph (B)), the President shall notify Congress of the determination described in that subparagraph.

(B) DETERMINATION DESCRIBED.—The determination described in this subparagraph is a determination by the President that the nominal value of the currency of a country with which the United States has an applicable trade agreement has depreciated in relation to the United States dollar by 40 percent or more for a period of at least 6 months (as determined according to data published by the International Monetary Fund).

(c) TERMINATION OF APPLICABLE TRADE AGREEMENT.—

(1) IN GENERAL.—An applicable trade agreement with a country with respect to which the President has given notice under subsection (b)(2)(A) shall terminate with respect to that country 180 days after the date of such notice unless extended pursuant to the requirements of paragraph (2).

(2) PROCEDURAL PROVISIONS.—

(A) IN GENERAL.—The requirements of this paragraph are met if the joint resolution is enacted under subsection (d); and—

(i) Congress adopts and transmits the joint resolution to the President before the end of the 120-day period (excluding any day described in section 154(b) of the Trade Act of 1974), beginning on the date on which Congress receives a notice referred to in subsection (b)(2)(A); and

(ii) if the President vetoes the joint resolution, each House of Congress votes to override that veto on or before the later of the last day of the 120-day period referred to in clause (i) or the last day of the 15-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which Congress receives the veto message from the President.

(B) TIME FOR INTRODUCTION.—A joint resolution to which this section applies may be introduced at any time on or after the date on which the President transmits to Congress a notice described in subsection (b)(2)(A), and before the end of the 120-day period referred to in subparagraph (A).

(d) JOINT RESOLUTIONS.—

(1) JOINT RESOLUTIONS.—For purposes of this section, the term ''joint resolution'' means only a joint resolution of the 2 Houses of Congress, the matter after the resolving clause of which is as follows: ''That Congress approves the continuation of _____ Agreement with respect to _____.'', with the first blank space being filled with the name of the applicable trade agreement; and the second blank space being filled with the name of the country that is a party to that agreement and with respect to which the President has provided notice pursuant to subsection (b)(2)(A).

(2) PROCEDURES.—

(A) INTRODUCTION.—Joint resolutions may be introduced in either House of Congress by any member of such House.

(B) APPLICATION OF SECTION 152 OF THE TRADE ACT OF 1974.—Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192 (b), (d), (e), and (f)) apply to joint resolutions to the same extent as such provisions apply to resolutions under such section.

(C) DISCHARGE OF COMMITTEE.—If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 154(b) of the Trade Act of 1974), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(D) PROCEEDINGS IN THE HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(3) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section.

(e) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

(f) DEFINITION OF APPLICABLE TRADE AGREEMENT.—For purposes of this section, the term ''applicable trade agreement'' means a trade agreement approved pursuant to the trade agreement approval procedures provided for in this Act.

## DORGAN (AND CONRAD) AMENDMENT NO. 1599

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. CONRAD) submitted an amendment intended to be proposed by them to the bill, S. 1269, supra; as follows:

At the appropriate place, insert the following new section:

**SEC. . RELIEF FROM INJURY.**

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this section as ''the

Secretary'') shall monitor the level of agricultural products imported into the United States from state trading enterprises. Whenever the Secretary determines that an agricultural product is being imported into the United States from a state trading enterprise in such increased quantities as to be a cause of serious injury, or the threat thereof, to the domestic industry producing a like article, the Secretary shall notify the President.

(b) ACTION BY PRESIDENT.—After the President receives notification under subsection (a), if the President finds that the imported agricultural product presents a serious injury, or the threat thereof, with respect to a domestic industry, the President shall impose such additional duties and quantitative limitations with respect to such product as the President determines necessary to prevent domestic market disruption and offset any competitive advantages of the state trading enterprise. For purposes of setting quantitative limitations, the President shall take into consideration the volume of the product imported from the state trading enterprise during the 10-year period preceding imposition of such limitations.

(c) DEFINITIONS.—In this section:

(1) COMPETITIVE ADVANTAGE.—The term ''competitive advantage'' means obtaining a market advantage through a monopoly position, nontransparent pricing, differential pricing, single-desk selling, or any other practice which results in preferential treatment.

(2) STATE TRADING ENTERPRISE.—The term ''state trading enterprise'' has the meaning given such term in section 1107(6) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 2906(6)).

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## DORGAN (AND REED) AMENDMENT NO. 1600

(Ordered to lie on the table.)

Mr. DORGAN (for himself and Mr. REED) submitted an amendment intended to be proposed by them to the bill, S. 1269, supra; as follows:

On page 2, line 12, strike ''and''.

On page 2, line 16, strike the period and insert a semicolon.

On page 2, between lines 16 and 17, insert the following:

(5) an end to chronic, escalating trade deficits by increasing the net exports of the United States;

(6) mandatory performance standards and effective enforcement mechanisms to ensure full reciprocity with respect to market access, lower tariffs, and reduction of export subsidies;

(7) effective mechanisms to prevent currency exchange rate fluctuations, manipulation from distorting trade flows, and elimination of tariff reductions; and

(8) strong United States defense and security capabilities.

On page 17, between lines 5 and 6, insert the following:

(16) PERFORMANCE STANDARDS AND TIMETABLE.—The principal trade negotiating objective of the United States with respect to any agreement subject to the trade agreement approval procedures under this Act is to establish specific performance standards and timetables to measure the progress that other parties to the agreement are making with respect to complying with the terms of the agreement.

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## REED AMENDMENT NO. 1601

(Ordered to lie on the table.)

Mr. REED submitted an amendment intended to be proposed by him to the bill, S. 1269, supra; as follows:

On page 26, between lines 18 and 19, insert the following:

(4) TRADE AGREEMENT APPROVAL PROCEDURES LIMITED TO MULTILATERAL AGREEMENTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the provisions of section 151 of the Trade Act of 1974, as modified by paragraph (3), shall not apply to any implementing bill that is submitted with respect to a bilateral trade agreement.

(B) BILATERAL TRADE AGREEMENT.—For purposes of this paragraph, the term ''bilateral trade agreement'' means an agreement regarding tariff or nontariff barriers entered into between the United States and one other country.

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## INHOFE AMENDMENT NO. 1602

Mr. INHOFE proposed an amendment to the bill, S. 1269, supra; as follows:

At the end of the bill, add the following:

**TITLE ____—OZONE AND PARTICULATE MATTER RESEARCH**

**SEC. ___01. SHORT TITLE.**

This title may be cited as the ''Ozone and Particulate Matter Research Act of 1997''.

**SEC. ___02. FINDINGS.**

Congress finds that—

(1) implementation of the national ambient air quality standards published in the Federal Register on July 18, 1997 (62 Fed. Reg. 38856), would damage the international competitiveness of the United States manufacturing industry and effectively subsidize imports, penalize exports, and add to an already large United States trade deficit;

(2) Public Law 101–549 (commonly known as the ''Clean Air Act Amendments of 1990'') (104 Stat. 2399) established a number of measures and programs that address ozone and particulate matter pollution and the precursors to ozone and particulate matter pollution;

(3) as of the date of enactment of this Act, most of the measures and programs are continuing or have yet to be implemented;

(4) the United States has made significant progress in reducing atmospheric levels of ozone and particulate matter since the enactment of Public Law 101–549 and will continue to make significant progress in reducing atmospheric levels of ozone and particulate matter through continued implementation of that Act during the 5-year period beginning on the date of enactment of this Act;

(5)(A) the national ambient air quality standards for ozone that were in effect on July 15, 1997, are explicitly incorporated into part D of title I of the Clean Air Act (42 U.S.C. 7501 et seq.); and

(B) the changes to those standards published in the Federal Register on July 18, 1997 (62 Fed. Reg. 38856), could nullify many of the ozone provisions in Public Law 101–549 and lead to disruptions and delays in the reduction of ozone and the precursors to ozone;

(6) the Administrator of the Environmental Protection Agency and the Clean Air Scientific Advisory Committee have recommended that additional research be conducted to determine any adverse health effects of fine particles (including research on the biological mechanism for adverse health effects, toxicity and dose response levels, and the specification of the size and type of particle that might have adverse health effects); and

(7) available atmospheric data regarding fine particle levels in the United States are inadequate to provide an understanding of any adverse health effects of fine particles or a basis for designating areas under title I of the Clean Air Act (42 U.S.C. 7401 et seq.).

**SEC. ___03. PARTICULATE MATTER RESEARCH PROGRAM.**

(a) INDEPENDENT PANEL.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this title as the ''Administrator'') shall request the National Academy of Sciences to convene an independent panel of scientists with expertise in the health effects of air pollution to establish priorities for research on the health effects of particulate matter.

(2) REPORT.—Not later than February 1, 1998, the Administrator shall report to Congress on the recommendations of the independent panel.

(b) RESEARCH PRIORITIES.—At a minimum, the independent panel shall consider—

(1) the sizes and physical-chemical characteristics of the constituents of particulate matter;

(2) the health effects of individual exposure to concentrations of fine particulate matter at ambient levels versus indoor levels;

(3) the identification and evaluation of biological mechanisms for fine particulate matter as related to shortening of lives, acute mortality, and morbidity;

(4) controlled inhalation exposure as a determinant of dose-response relationships; and

(5) long-term health effect evaluations that examine individual exposure to fine particulate matter, other particulate indicators, and other copollutants and airborne allergens.

(c) INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the President shall establish a committee to be known as the ''Particulate Matter Interagency Committee'' (referred to in this title as the ''Interagency Committee'').

(2) PURPOSES.—The Interagency Committee shall—

(A) not later than 180 days after the date of enactment of this Act, develop recommendations for a program to coordinate the activities of Federal agencies engaged in research on human health effects of particulate matter that ensures that the research advances the prioritized agenda of the independent panel; and

(B) monitor, review, and periodically evaluate the program.

(3) COMPOSITION OF INTERAGENCY COMMITTEE.—

(A) MEMBERSHIP.—The Interagency Committee shall be composed of 8 members, of whom—

(i) 1 shall be appointed by the Administrator;

(ii) 1 shall be appointed by the Secretary of Agriculture;

(iii) 1 shall be appointed by the Secretary of Defense;

(iv) 1 shall be appointed by the Secretary of Energy;

(v) 1 shall be appointed by the Secretary of Health and Human Services;

(vi) 1 shall be appointed by the Director of the National Institute of Environmental Health Sciences;

(vii) 1 shall be appointed by the Director of the National Institute of Standards and Technology; and

(viii) 1 shall be appointed by the Director of the Office of Science and Technology Policy.

(B) CHAIRPERSON.—From among the members appointed under clauses (ii) through (viii) of subparagraph (A), the Interagency Committee shall elect a chairperson who shall be responsible for ensuring that the duties of the Interagency Committee are carried out.

(C) STAFF.—Members of the Interagency Committee shall provide appropriate staff to carry out the duties of the Interagency Committee.

(d) REPORT TO INTERAGENCY COMMITTEE.—

(1) IN GENERAL.—The Administrator shall request the National Academy of Sciences to periodically submit to the Interagency Committee, the Clean Air Science Advisory Committee, and Congress a report that evaluates the prioritized research activities under the program described in subsection (c)(2)(A).

(2) EXPENSES.—The Administrator shall be responsible for expenses incurred by the National Academy of Sciences in carrying out paragraph (1).

**SEC. ___04. SCIENCE REVIEW.**

Not earlier than 4 years after the date of enactment of this Act, the Administrator shall—

(1) complete a thorough review of the air quality criteria published under section 108 of the Clean Air Act (42 U.S.C. 7408) for ozone and fine particulate matter and a thorough review of the standards in effect under that Act for ozone and particulate matter; and

(2) determine, in accordance with sections 108 and 109 of that Act (42 U.S.C. 7408, 7409), whether to—

(A) retain the criteria and standards in effect under that Act for ozone and particulate matter;

(B) make revisions in the criteria and standards; or

(C) promulgate new criteria and standards.

**SEC. ___05. PARTICULATE MONITORING PROGRAM.**

(a) IN GENERAL.—The Administrator may require State implementation plans to require ambient air quality monitoring for fine particulate matter pursuant to section 110(a)(2)(B) of the Clean Air Act (42 U.S.C. 7410(a)(2)(B)).

(b) GRANTS.—The Administrator shall make grants to States to carry out monitoring required under subsection (a).

**SEC. ___06. REINSTATEMENT OF STANDARDS.**

(a) IN GENERAL.—The national ambient air quality standards for ozone and particulate matter under section 109 of the Clean Air Act (42 U.S.C. 7409), as in effect on July 15, 1997, are reinstated, and any national ambient air quality standard for ozone or particulate matter that may be promulgated after July 15, 1997, but before completion of the science review under section 4 shall be of no effect.

(b) REVISION OF STANDARDS.—The national ambient air quality standards for ozone and particulate matter reinstated under subsection (a) shall not be revised until completion of the scientific review under section ___04.

**SEC. ___07. ALLERGEN RESEARCH.**

The National Institutes of Health shall carry out a research program to study the health effects of allergens on asthmatics, especially asthmatics in urban inner city areas.

**SEC. ___08. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated for each of fiscal years 1998 through 2002—

(1) $75,000,000 to carry out sections ___01 through ___06; and

(2) $25,000,000 to carry out section ___07.

## AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a business meeting Thursday, November 6, 9:30 a.m., hearing room (SD-406) on H.R. 1787, the Asian Elephant Conservation Act of 1997, and other pending business.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 6, 1997, at 10 a.m. to hold a hearing.

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, November 6, 1997, at 10 a.m., in room 226 of the Senate Dirksen Office Building.

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

COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, November 6, 1997, at 2 p.m., in room 226 of the Senate Dirksen Office Building to hold a hearing on the nomination of Robert S. Warshaw, of New York, to be Associate Director for National Drug Control Policy and Thomas S. Umberg to be Deputy Director for Supply Reduction for the Office of National Drug Control Policy.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, November 6, 1997 at: 9:30 a.m. to hold an open hearing on intelligence matters and 2:30 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON INTERNATIONAL RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on International Relations of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, November 6, 1997, at 3 p.m., to hold a hearing.

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

COMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, RESTRUCTURING, AND THE DISTRICT OF COLUMBIA

Mr. STEVENS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on Oversight of Government Management, Restructuring, and the District of Columbia, to meet on Thursday, November 6, 1997, at 12 p.m., for a hearing on ''Music Violence: How Does it Affect Our Youth? An Examination of the Impact of Violent Music Lyrics on Youth Behavior and Well-Being in the District of Columbia and Across the Nation.''

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

## ADDITIONAL STATEMENTS

### TRIBUTE TO OUR NATION'S VETERANS

• Mr. SARBANES. Mr. President, I rise today to pay tribute to the men and women who have served our Nation's Armed Forces and the tremendous sacrifices they have made for this country. It has always been my view that these citizens who are called upon to defend our Nation, to risk and in many cases sacrifice their lives, deserve our upmost respect and gratitude, not only on Veterans Day, but for the peace and freedom we enjoy every day.

This day allows us all to contemplate the bravery and absolute importance of the men and women who have served and are currently serving in our Armed Forces. It is in large part because of their efforts and sacrifices that we are ensured the domestic tranquility with which to progress and become an even greater Nation. Moreover, their service has helped to ensure peace throughout the world and for generations of Americans to come. Whether directly involved in conflict or not, it is this mission the dedicated men and women in the Armed Forces are sworn to uphold and we all value and recognize their hard work and tremendous contributions.

The First World War ended on the 11th hour, of the 11th day, of the 11th month, in 1918 on the day we now call Veterans Day. By the end of the first world conflict there had been more than 37 million military casualties, in addition to 10 million deaths among the civilian population. The effects of this war were felt around the world, but the sacrifice and tragedy associated with it were destined to be repeated with more bloodshed and even deadlier consequences.

Mr. President, it is my view that the purpose of Veterans Day is not only to understand and honor the depth of the sacrifice that has already been made by our Nation's veterans, but to help strengthen our vows for peace in the future. It is the hope of many, indeed, all of us who celebrate Veterans Day, that this day, through reflection, will strengthen and foster peace worldwide. We should use this day as a link to our past in a way that helps us understand the depth of the tragedy and loss incurred in previous wars and thereby help us keep the peace and our democratic way of life. To ignore this link would deplete the purpose and meaning of this important day.

So, I rise today to pay the upmost tribute to our veterans, past and present. As we celebrate Veterans Day, I want to extend my sincere gratitude to those who have sacrificed and died, those who have served, and those who are serving now. We will never forget your service and your sacrifice.•

## DEFENSE INDUSTRY INITIATIVE ON BUSINESS ETHICS AND CONDUCT

• Mr. SANTORUM. I rise today to congratulate the Defense Industry Initiative on Business Ethics and Conduct for its 11 years of active effort in creating high standards of business ethics, business conduct, and compliance in the defense industry. I know that many of my colleagues in the Senate are not familiar with the unique DII effort.

In 1986, the DII was created as an outgrowth of the work of the President's Blue Ribbon Commission on Defense Management, known as the Packard Commission. At that time, a number of leading defense contractors drafted a set of DII Principles. These Principles obligated signatory companies to have written codes of conduct, to distribute the codes to all of their employees, to have ethics training programs which made certain that employees understood the codes, to have a hotline or ombudsman system, to have systems to make voluntary disclosures of violations of law or regulation to the Government, to attend annual best practices forums, and to participate in a public accountability process.

The group of DII signatory companies has grown over these 11 years to 48 companies, including virtually all of the largest defense contractors. To be frank, I would think that at least all of our hundred largest defense contractors should be willing to sign up publicly to the Defense Industry Initiative Principles. Therefore, I call upon those companies that are among this group which, for whatever reason, are not presently signatories to sign this statement in order to pledge themselves to the Defense Department and to the public as being committed to these ideals.

On June 5 and 6, 1997, in Washington, DC, the DII conducted its 12th Best Practices Forum. This session included some 160 representatives of the signatory companies and 40 senior Government officials. The program was a state-of-the-art exploration of best practices in corporate ethics and compliance programs.

I understand that the Defense Industry Initiative is the only industry ethics initiative of its type. There are any number of other industries which have had sufficient ethical problems and should consider something equivalent.

I will conclude by saying that all the evidence available to me suggests that the participation of these 47 companies has had a very positive impact on their levels of compliance, as well as in the tone of the relationship with the Government. I am certain that we all recall the events that gave rise to the creation of the Packard Commission—things such as high price spare parts or improper labor charging. It is my understanding that the Government audits show that the level of such problems has dropped dramatically among these DII signatory companies. Furthermore, I believe that the DII effort has forged a true partnership in the best sense of the word between Government officials responsible for procurement and those in industry who design, develop, and manufacture the items necessary for our national defense.

So that the contribution that has been made and the excellent work that has been done can be fully recognized, I would like to place into the CONGRESSIONAL RECORD a list of those companies which are signatories to the DII. All of these defense contractors are to be congratulated for the leadership they have shown and their accomplishments to date. I am sure that we can count on them to continue this exemplary work in the future. And I hope other defense contractors can be counted on to join this important effort.•

## IN HONOR OF MSUSA'S 30TH ANNIVERSARY

• Mr. WELLSTONE. Mr. President, on November 7, 1997, the Minnesota State University Student Association [MSUSA] will celebrate its 30th Anniversary of representing Minnesota State University students.

MSUSA is an advocate organization which was formed in 1967 as an informal coalition of student leaders. Today, it represents more than 60,000 students at Minnesota's state universities in Bemidji, Mankato, Minneapolis/St. Paul, Moorhead, St. Cloud, Marshall, and Winona.

MSUSA is an independent, nonprofit corporation funded and operated by students. In order to fulfill its main objectives—affordable, quality and accessible State university education—students have taken an activist approach to establish affordable tuition and child care facilities, increase student work study wages, simplify transfer between institutions, improve cultural diversity, and advocate fair State and Federal financial aid programs including those in the Higher Education Reauthorization Act.

In assisting State university students achieve their goals and voice their concerns, MSUSA provides liaisons to the Governor's office, the legislature, the board of trustees of MnSCU, the Minnesota Higher Education Services Council, the inter faculty organization, Congress, the administration, and the U.S. Department of Education.

One of MSUSA's most outstanding activities is the Penny Fellowship Program, which encourages students to take a leadership role in serving their communities by performing internships in public and community service. Other noteworthy programs include the MSUSA newspaper, the Monitor, which has the largest circulation of any State system student organization, and the MSUSA Cultural Diversity Project, which fosters understanding and cooperation of students from all cultural backgrounds.

Finally, Mr. President, I would like to recognize and congratulate the current officers of MSUSA, who are: Francis Klinkner, State chair from Mankato State University; Garret Melby Aanerud, vice chair from Moorhead State University; and Frank X. Viggiano, executive director. Their hard work on behalf of Minnesota students has led them to many successes, and I'm sure their continuing effort will mean a better-educated and a more productive Minnesota. •

## RETIREMENT OF DR. CHARLES TILL

• Mr. KEMPTHORNE. Mr. President, I take the floor today with some sadness, but also with a great deal of gratitude. I rise today to mark the retirement and celebrate the career of one of our Nation's great leaders in science, my constituent and my friend, Dr. Charles Till.

At the end of this year, Dr. Till will conclude more than three decades of outstanding accomplishment at Argonne National Laboratory. For the past 13 years, Chuck has served as associate laboratory director over engineering research. Dr. Till's leadership, his vision, and his good humor will be sorely missed.

Chuck Till sprang from humble beginnings, with little early indication of the opportunities and demands that lie ahead. He grew up on a farm in rural Saskatchewan, and by his own admission, and his father's observation, showed no outstanding aptitude for technical and mechanical things. This would change.

Chuck entered the University of Saskatchewan, where he earned a bachelors degree in engineering physics and a masters degree in physics. He then attended the University of London, where he earned his doctorate in nuclear engineering. Apparently, somewhere along the way, this small town farm boy developed an aptitude for technical matters.

Dr. Till's first job out of college found him in the unlikely, but not surprising, position of being in charge. He was hired by the Canadian General Electric Co., as reactor physicist and given responsibility for the start of the first prototype heavy water reactor in Canada—no small task for a first professional job. And of course, Chuck excelled.

In 1963, Dr. Till joined Argonne National Laboratory as a reactor physicist. His rise in this great organization is best traced by his accomplishments rather than the positions he has held.

Early on in his career, Chuck got the attention of scientists worldwide with a breakthrough advancement in fast reactor measurement techniques. The Doppler Effect was known to be crucially important, but its measurement was uncertain. Dr. Till completely revamped the heated sample Doppler technique, and an order-of-magnitude improvement in the measurement resulted. The technique became the standard worldwide, and essentially has not changed to this day.

Dr. Till soon became responsible for all fast reactor work at Argonne, and continued to emerge as a leader in his field. Chuck wrote several important works examining technical issues of nuclear physics and engineering. Dr. Till has also served on several advisory committees and evaluation boards, and testified numerous times before congressional committees. Notably, Chuck served as technical director and a member of the U.S. delegation to the International Nuclear Fuel Cycle Evaluation, and was largely responsible for the United States retaining its leadership role in fast-reactor technology.

But his greatest contribution, to both his discipline and to the world, lies in the development of the Integral Fast Reactor, the IFR. This inspired source of electrical power has the capability to achieve incredible efficiency in fuel use, while significantly lessening problems associated with reactor safety and nuclear water. In 1986, the IFR showed that it can protect itself from overheating and meltdown. It does so through the natural physical properties of the materials used rather than by relying on operator intervention or an engineered safety system. The IFR was also designed to burn most of its own waste, as well as that of other reactors and the material from dismantled weapons. Unfortunately, this program was canceled just 2 short years before the proof of concept. I assure my colleagues someday our Nation will regret and reverse this shortsighted decision. But complete or not, the concept and the work done to prove it remain genius and a great contribution to the world.

Through his work on the Integral Fast Reactor program, Dr. Till demonstrated that his technical solutions out paced the ability of the political process to appreciate them. Dr. Till also demonstrated that technical leaders can take scientific material and present them in a manner understandable by citizens and Members of Congress. This skill is what makes Chuck Till such a valuable asset to me in my duties as a Member of the U.S. Senate.

I am pleased and gratified that my work in the Senate has allowed me to get to know Chuck Till and his lovely wife Kay. I cannot question that this is the best decision for them, but Chuck's talents will be missed at Argonne National Lab.

Perhaps the greatest legacy that one can leave is knowing your ideas and work are important enough to be carried on when one departs. We will do that with Chuck Till.

I want to wish Chuck and Kay the very best in retirement and on behalf of a grateful nation, I want to say thank you for your unmatched contributions and service.●

## THE MERITS OF ETHANOL

● Ms. MOSELEY-BRAUN. Mr. President, several months ago, during the debate on the Balanced Budget Act of 1997, some of my colleagues called upon Congress to end its commitment to ethanol.

Ethanol, as my colleagues are aware, is an alcohol-based motor fuel manufactured from corn.

These lawmakers, predominately from oil States, drew their daggers in professed horror, branding Federal support for ethanol as a ''deficit buster,'' or a conspiracy of ''corporate welfare.''

While I know this mantra has become popular and convenient for many in Congress in recent years, the truth is that, in this instance, it is simply false. I would like to urge my colleagues to examine an excellent essay recently printed in the Wall Street Journal which illustrates the truth about ethanol, and which, I am hopeful, will convince critics to reconsider their position.

The article, entitled ''Alcohol and Driving Can Mix,'' and authored by former Central Intelligence Agency Director James Woolsey, outlines the environmental and energy benefits of replacing gasoline with alcohol fuels, like ethanol.

Mr. President, the concept of alcohol-based fuels is not new. Fifty years ago, an Illinois lawmaker named Everett Dirksen encouraged policymakers to consider ''processing our surplus farm crops into an alcohol of 10 percent.'' In doing so, Dirksen believed, we would ''create a market in our own land for our own people.''

Half a century later, this idea has become reality. Today, demand for ethanol is estimated at 1.5 billion gallons. There are approximately 50 commercial facilities producing fuel ethanol in more than 20 different States across the country. By 2005, 640 million bushels of corn will be used to produce 1.6 billion gallons of ethanol.

Ethanol has a wide range of benefits, such as its effects on the environment. Ethanol burns more cleanly than gasoline, and, according to the Environmental Protection Agency, diminishes dangerous fossil-based fumes, like carbon monoxide and sulfur, that choke our congested urban areas.

Oil tankers will not spill ethanol into our oceans, killing wildlife. National parks and refuges will not be targets for exploratory drilling. When ethanol supplies run low, you simply grow more corn.

Ethanol also strengthens national security. Ethanol flows not from oil wells in the Middle East, but from grain elevators in the Middle West, using American farmers, and creating American jobs. With each acre of corn, 10 barrels of foreign oil are displaced—up to 70,000 barrels each day.

And for farmers, ethanol creates value-added markets, creating new jobs and boosting rural economic development. According to a recent study conducted by Northwestern University, the 1997 demand for ethanol is expected to create 195,000 new jobs nationwide.

The bottom line is that ethanol is the fuel of the future—and the future is here. Illinois drivers consume almost 5 billion gallons of gasoline, one-third of which is blended with ethanol. Chicago automotive plants are assembling a new Ford Taurus that runs on 85 percent ethanol. More and more gas stations are offering ethanol as a choice at the pump.

Isn't it worth cultivating an industry that improves the environment and promotes energy independence? Isn't it the responsibility of Congress to foster an economic climate that creates jobs and strengthens domestic industry? Don't we have a commitment to rural America, and a responsibility for its economic future?

Mr. President, I think the answer to these questions is a resounding yes, and that's why I will work to ensure that the Federal commitment to ethanol is kept.

I ask that the text of this article be printed in the RECORD.

The article follows:

ALCOHOL AND DRIVING CAN MIX

(By R. James Woolsey)

President Clinton's global-warning proposal includes some $5 billion in tax breaks to encourage the development of new technologies to curb carbon dioxide emissions. But promising technologies may already be in the offing. New microbes and biocatalysts with names like zymomonas mobilis and KO-11 have been genetically engineered to produce ethyl alcohol not just from feed grains but also from other plants and common organic wastes. The production of ethyl alcohol from biomass may turn out to be as revolutionary as the production of integrated circuits from silicon, vastly affecting the world's distribution of wealth and the fundamentals of international security.

Replacing gasoline with biomass-derived ethyl alcohol would greatly reduce man-made greenhouse-gas emissions—estimates put carbon dioxide emissions at 1/10th or less than those for gasoline over the life cycle of fuel production and use. Other changes in transportation would be far more costly: Fuel-cell cars, for example, would require retooling Detroit's factories; other efforts would need a vast new infrastructure for fuel distribution; and a major shift toward mass transit seems implausible in many of today's fast-growing, sprawling cities.

In contrast, very little such new investment would be necessary for ethyl alcohol to become a major share of transportation fuel. Older cars' engines are able to burn gasohol (10 percent ethyl alcohol); and a computer chip in the fuel systems of this year's midsize Ford and Chrysler minivans permits the use of up to 85 percent alcohol. Federal fuel economy standards encourage these new ''flexible fuel vehicles,'' and they have fortuitously arrived just as the new technology is ready to reduce alcohol costs. Mixing these fuels with gasoline is now done easily at filing stations that sell gasohol. Environmental costs go down with alcohol: its wide use would lead to a substantial improvement in air quality. And an alcohol spill on an Alaskan shore would produce nothing worse than dispersal, evaporation and possibly some inebriated seals.

VOLATILE COSTS

The one real barrier to ethyl alcohol's replacing a large share of gasoline is production cost, which today is comparatively high and volatile. Alcohol's current feedstock, corn, is subject to the caroming behavior of feed markets. In 1995 its price, normally

around $100 a ton, nearly doubled, and the production of alcohol for transportation consequently had to be cut by a third. Ethyl alcohol feedstocks have been limited because the yeast that has been used for millennia in fermentation can only convert food crops. But advanced biocatalysts and genetically engineered microbes now make possible the cost-effective conversion of cellulosics: grass, trees and biomass waste.

Even at today's fossil fuel prices, it is likely that as ethyl alcohol's cost declines it will come to be used as the emission-reducing oxygenate that is added to gasoline. But the key issue is whether alcohol derived from biomass can become cheap enough to begin to replace gasoline. Over the past 15 years the cost of producing a gallon of alcohol from corn has been cut in half, to about $1 a gallon. If the new technology were to make it possible for costs to fall another 30 to 40 cents, alcohol would become competitive with gasoline when oil reaches around $25 a barrel.

Is such a reduction in cost plausible? Consider switch grass, common on the prairie. The U.S. Department of Energy estimates twice as much alcohol could be produced per acre from it than from corn. Since switch grass requires almost no tilling, planting, fertilizing or other use of fuel or chemicals, using it as a feedstock would yield several times more energy than would be consumed during production—far better than with either gasoline or corn-derived alcohol. Switch grass and many biomass crops enrich the soil instead of depleting it. Vastly more of the earth's surface is available to grow such grasses, fast-growing trees and aquatic vegetation than is available for feed grains. For example, thinning forests by removing underbrush and small trees reduces forest fires and preserves wildlife habitat—and some cousin of zymomonas would doubtless love to dine on such scrap brush.

Will oil prices hit $25 a barrel in a few years, making it possible for even unsubsidized alcohol to replace a large share of gasoline? The Energy Department forecasts a flat market, but the oil bulls have a strong case because of perennial instability in the Mideast and because demand will burgeon as a growing share of the growing population in Asia moves into cities. Fortune magazine noted two years ago that once China's and India's energy consumption per capita reach South Korea's current level, these two countries alone will need almost 120 million barrels of oil a day—nearly double what the world uses today. In spite of oil discoveries elsewhere, it is likely that at least three-fourths of any new demand will be filled from the huge reserves of the Mideast, transferring more than $1 trillion over the next 15 years to the autocratic (and worse) states of the unstable Persian Gulf alone, in addition to the annual $90 billion they receive today.

Thus, if genetically engineered microbes and advanced biocatalysts can start a transition from fossil fuels to biofuels, a major Middle East war involving the U.S. would become less likely. We would become freer to support democracies and our friends—Israel, Turkey, Jordan—without weighing whether we might offend an oil state. At the same time, subsistence farmers in Africa and Latin America, paid to grow transportation fuel, would begin to climb out of poverty; Ukraine, rich in fertile land, would become more independent of oil-rich Russia; China would feel less pressure to befriend Iran and to build a big navy to dominate the oil-rich South China Sea.

RURAL PROSPERITY

What's more, new markets for biolfuel crops would help rural America to prosper; substantial improvements in air quality would let EPA Administrator Carol Browner stop worrying about our power lawnmowers and let Detroit produce four-wheel-drive sports vehicles to its heart's content; and the U.S. trade deficit would shrink substantially, reducing Wall Street's propensity to panic whenever the Japanese prime minister gets grumpy about holding U.S. debt.

Who would lose? Chiefly oil-exporting states. But many others would need an attitude check; oil companies, if they resist diversifying; bureaucrats who don't like flexible-fuel vehicles, because they aren't subsidized in their particular fiefdom; environmentalists who don't like them either, because they permit Detroit to build larger cars (the more they burn alcohol, folks, the less you should care); Archer Daniels Midland, which will have to get used to losing its near-monopoly of the ethanol market; and of course Roger Tamraz, because struggles over pipeline routes will become boring.

What would we need to do before the December Kyoto summit? Just announce that, in view of biofuels' advantages, we are going to use government purchases and policies to help give them a stable market until early in the next century while production gears up, somewhat as we did with silicon chips. We might even add that, except for continuing to do basic research and development, we plan to phase out all energy subsidies (including oil's remaining foreign tax credit) toward the end of that period.

Then we could stand back, and let the new bugs and the market do the rest.●

## CONGRATULATIONS TO THE CHRIST COMMUNITY CHURCH OF ALLEGAN, MI

● Mr. ABRAHAM. Mr. President, I rise today in celebration of the first Thanksgiving worship in Christ Community Church of Allegan, MI's new meetinghouse. The Christ Community Church's congregation has traveled a long way to get where they are today. Without a church home in December of 1993, a core group of Christian friends gathered to discuss the planting of a new church in the Allegan area. By December of 1996, this dedicated group grew nearly threefold, and was worshipping in a brand new facility built with their own hands and prayers. In just 3 years, a land contract had been drawn up and paid for in full, and a church home was built that could serve up to 350 worshipers.

This faithful assembly of friends derives its members from over a 25-mile outlaying area encompassing much of southwestern Michigan. They are a contemporary group concentrating in non-traditional and culturally relevant Christian fellowship. The congregation focuses its energy and resources on local and international missions and ministry. Also, personal familiarity with the Bible and Christian ideals is promoted and nurtured.

Indeed, his Thanksgiving is a special one for the devoted men and women of Christ Community Church. The community is certainly well ministered to by this congregation. As they look forward to building further services and facilities, Christ Community Church will continue to champion the needs of its members and community. Again, it is an honor for me to recognize Christ Community Church and their first Thanksgiving celebration.●

## THE 75TH ANNIVERSARY OF THE ORDER OF AHEPA

● Mr. SARBANES. Mr. President, this past August, I was privileged to address the Order of AHEPA during the celebration of its 75th anniversary in Atlanta, GA, the city of its founding. AHEPA, American Hellenic Educational Progressive Association, the largest Greek-American fraternal organization, has played a pivotal role in bringing Greek-Americans into the mainstream of American life, and promoting the ideals of Hellenic culture. It has also launched significant philanthropic and educational initiatives which have benefited both the Greek-American community and American society at large.

As part of this 75th anniversary commemoration, James Scofield, a past supreme president of AHEPA, prepared for article on the early origins of AHEPA entitled, ''Forgotten History: The Klan vs. Americans of Hellenic Heritage in an Era of hate.'' This piece, written by Mr. Scofield, recently retired after 30 years as a senior executive at the St. Petersburg, FL, Times, has appeared in the AHEPA magazine and many Greek-American publications.

It records the struggle which Greek-Americans encountered in their effort to participate fully in American society. AHEPA's history, as presented by Mr. Scofield, also reminds us of the extraordinary progress which our country has achieved in providing opportunity for people of all races, religions, and backgrounds.

We are most appreciative to Mr. Scofield for his unique contribution and admonition to continue our efforts to ensure justice and respect for all. I ask that his article be printed in the RECORD.

The article follows:

FORGOTTEN HISTORY: THE KLAN VS. AMERICANS OF HELLENIC HERITAGE IN AN ERA OF HATE

(By James S. Scofield)

AHEPA EMERGES 75 YEARS AGO TO WIN BATTLE AGAINST BIGOTRY

It was 1922, Americans of Hellenic heritage were suffering personal and economic intimidation orchestrated by the revived Ku Klux Klan. It was time for them to unify and organize, to protect and defend life and livelihood.

The widespread and often violent discrimination against immigrants from Greece is an almost forgotten page of American history. This is probably because of their subsequent success and the great accomplishments of their descendants. Very few persons today, Hellenic or not, are even vaguely aware of the massive continental strength of the Klan of the 1920s and its intensive persecution of foreign-born Greeks, including those who had chosen to become American citizens.

They do not know how deeply the evil shadows of bigotry, hatred and intolerance cast their malignant darkness over North America. Perhaps it is time to remind them.

The newly-reorganized KKK rampaged against frightened immigrants and helpless minorities throughout the U.S. It dominated politics in states in both the North and South. In Canada, its dangerous wicked ways were transplanted and flourished, especially in the western provinces.

An estimated three million militant hooded Klansmen stalked across our continent, burning crosses and spawning terror.

During its reign of power, the Klan elected sixteen U.S. Senators, eleven Governors and an undetermined large number of Congressmen, both Republican and Democrat. It reportedly exerted considerable influence in the White House.

Klan organizations ruled local politics in the major cities of Dallas, Denver, Indianapolis and Portland, Oregon, as well as in such smaller communities as Anaheim, California; El Paso, Texas; Youngstown, Ohio and Portland, Maine.

In 1992, California and Oregon voters elected Klan-endorsed gubernatorial candidates. Then in 1924, a Klan candidate won the governorship in Kansas. The same year, the Klan endorsed U.S. Senate winners in Alabama, Colorado, Georgia, Indiana, Oklahoma and Texas. It also won the gubernatorial contests in five of these six states, barely losing in Texas.

At U.S. election polls, Klansmen passed out cards which crudely and defiantly declared:

When cotton grows on the fig tree
And alfalfa hangs on the rose
When the aliens run the United States
And the Jews grow a straight nose
When the Pope is praised by every one
In the land of Uncle Sam
And a Greek is elected President
THEN—the Ku Klux won't be worth a damn.

Meanshile, embattled but visionary Greek immigrant leaders met on July 26, 1922, in Atlanta to form the American Hellenic Educational Progressive Association, now better known as the Order of Ahepa. Not by coincidence, Atlanta was the home of the national Imperial Headquarters of the Klan.

The most important goal of the Ahepa founders was to quickly and solidly establish better relations with non-Greeks. They agreed to do this by taking the positive high road of reason emphasizing assimilation, cooperation, persuasion and unlike their marked foes, non-violence.

Their main discussion was how to best contain the wave of hostility which had almost drowned them. The ominous specters of twisted Americanism and KKK aggression spurred them to create a patriotic fraternal order espousing undivided loyalty to the United States. American citizenship, proficiency in English, active participation in the civic mainstream, economic stability, social unity and the pursuit of education. The latter was considered vital for its obvious gifts of knowledge and as the essential key to upward mobility.

The Ahepa founders were profoundly disturbed and alarmed by their bitter experiences with Klan prejudice and by reports of worse bigotry elsewhere. Even before the Klan reappeared, there had been senseless attacks on foreign-born Greeks, some fatal. However, the new Klan expertly and abrasively honed intolerance with brutal efficiency to silence and subdue all of its alleged inferiors.

Many Greek-owned confectioneries and restaurants failed financially or were sold at sacrificial prices to non-Greeks because of boycotts instigated by the Klan. Greek establishments doing as much as $500 to $1,000 a day business, especially in the South and Midwest, dropped to as little as $25 a day. The only recourse was to sell or close. The Klan often bolstered its boycotts by openly threatening or attacking customers entering and leaving.

A Klan Imperial Lecturer told Klansmen in Spokane that Mexicans and Greeks should be sent back to where they came from so that white supremacy and the purity of Americans be preserved. Meanwhile, in Palatka, Florida, a Greek immigrant was flogged for dating a ''white'' woman.

The Royal Riders of the Red Robe was a Klan affiliate assembled ''as a real patriotic organization'' for approved naturalized citizens unluckily born outside the United States. However, in the ultimate snub of exclusion, immigrants from Greece, Italy and the Balkans were not eligible to join.

In Indiana, the state most politically controlled by the 1920s Klan, burning crosses were ignited in the yards of outspoken Hellenes. Unprovoked beatings of Greeks were not reported to police lest another beating soon follow. Others were warned of dire consequences if they spoke Greek in public, even in their own business establishments.

Hoosier Democrat and Republican leaders actively discouraged naturalized Hellenes from filing for public office, forcing them to run as Socialist Party candidates. Fearful Greek Orthodox Christians indefinitely postponed impending plans to organize parishes. To avoid constant confrontation, long and difficult to pronounce first and last names of Greek origin were shortened or changed to more acceptable Americanized versions. False rumors spread by the Klan about supposed unsolved murders of Greeks in other states produced the desired dread.

The Klan Grand Dragon of Oregon said in a spirited speech in Atlanta: ''The Klan in the western states has a great mission to perform. The rapid growth of the Japanese population and the great influx of foreign laborers, mostly Greeks, is threatening our American institutions; and, Klans in Washington, Oregon and Idaho are actively at work to combat these foreign and un-American influences.''

Probably the most blatant hard-line bullying, almost humorous, occurred in Pensacola, Florida. A Klansman handed a note to a Greek restaurateur which read: ''You are an undesirable citizen. You violate the Federal Prohibition Laws and laws of decency and are a running sore on society. Several trains are leaving Pensacola daily. Take your choice but do not take too much time. Sincerely in earnest, KKK.''

Today, according to sociologist Charles C. Moskos, Jr., of Northwestern University, American Hellenes proudly rank first among all ethnic groups in individual educational attainment and second in individual educational attainment and second in individual wealth. They have succeeded in every facet of American life. The Order of Ahepa has played the prime historic role in this ascent.

True to its original mission, Ahepa financially supports scholarships, educational chairs, housing for the elderly, medical research, community programs, charitable projects and other worthy endeavors through contributions of more than two million dollars a year from its chapter, district and national levels.

Ahepa validated its patriotic roots during World War II by selling over five hundred million dollars of U.S. War Bonds, more than any organization in America. Meanwhile, Ahepa officials first visited the White House to meet with President Calvin Coolidge in 1924 and have conferred with all twelve Presidents since Presidents Franklin Roosevelt, Harry Truman and Gerald Ford became Ahepa members.

More recently, Ahepa raised $400,000 for the restoration of Ellis Island and the Statue of Liberty and $775,000 for a sculpture commemorating the Centennial Olympic Games in Atlanta. Ahepa has received congressional and presidential recognition for promoting friendship and goodwill among the people of the United States, Canada, Greece and Cyprus. President George Bush hailed Ahepa as one of ''the thousand points of light.''

Ahepa moved its headquarters to Washington DC in 1924 and later expanded its scope by adding three auxiliaries to complete the Ahepa Family: the Daughters of Penelope for women, the Sons of Pericles for young men and the Maids of Athena for young women. Its combined eight hundred chapters, consisting of about 35,000 members, cover the United States and Canada and have planted successful units in Australia and Greece. It held its 75th annual convention in Atlanta in August.

In 1990, Ahepa filed an amicus curiae (friend of the court) brief in the Georgia Supreme Court. It backed the legal position of the National Association for the Advancement of Colored People (NAACP) and the Anti-Defamation League (ADL) of B'nai B'rith in support of a state law banning masks in public which was challenged by the KKK. The court ruled 6 to 1 to uphold the constitutionality of the anti-mask statute.

The significance of the favorable decision to a jubilant Ahepa was that it came in the city of its founding and helped seal the doom of another failed Klan revival. Moreover, it enabled Hellenes to join in victorious celebration with fellow black and Jewish Americans whose forbearers also were sadistically harmed physically, mentally and economically by the KKK of yesteryear.

Along with Roman Catholics, Asians and other immigrants considered unacceptable by the Klan, they were targeted separately and together then because they did not fit the rigidly narrow KKK concept of what constitutes a good and loyal American.

For Hellenes, it is supremely ironic that the six organizers of the original Klan in 1865 created the words Ku Klux from kuklos, a variation of the Greek kyklos meaning cycle or circle, and applied it to their own little circle.

Today the 1920s version of the KKK is long gone—and its flickering reincarnations are virtual nonentities. The Klan deserved to die—and died.

The Order of Ahepa thrives three quarters of a century after its historic birth amid the fiery heat of hate—generated by the toxic Klan cauldron of insane fanaticism. Ahepa deserves to live—and lives.●

## NORTHWEST UTILITIES' SUPPORT FOR WIND ENERGY

● Mr. WYDEN. Mr. President, as a supporter of the development of renewable energy in this country, and in the Northwest in particular, I am pleased to see our region taking a leadership role in developing renewable energy resources.

Several years ago, two forward thinking utilities in the Northwest, along with the Bonneville Power Association, initiated an effort to site and permit a new wind project in Carbon County, WY. The focus of the project was to test a new generation of technology in Northwest climates, and develop capability and experience with a resource which the region has in abundance. Despite considerable changes in the electricity market, and challenges presented by the project, these three utilities persevered and made this

project a reality. PacificCorp., the Eugene Water and Electric Board, and the Bonneville Power Administration demonstrated great leadership to create the first new commercial-scale wind project to serve the Northwest. Their commitment marks the dawn of a new industry for the Northwest, and a substantial contribution to a sustainable future for us and our children.

Three individuals deserve special recognition in this effort: Dennis Steinberg of PacifiCorp., Ken Beeson of the Eugene Water and Electric Board, and George Darr of the Bonneville Power Administration. I thank them for their dedication and hard work in bringing this project to fruition.●

## HISPANIC AWARDS CEREMONY

● Mr. ABRAHAM. Mr. President, I rise today to recognize an important event in the State of Michigan. Today, the Flint Hispanic Community is holding its Annual Hispanic Awards Ceremony.

The Hispanic Community of Genesse County, MI, gathers every year to recognize outstanding individuals in its community. This year's recipients have had a profound impact in the life of the Hispanic citizenry of Flint. Mr. Christopher Flores, Ms. Marcie Forsleff, Mr. Pedro Suarez, Ms. Sue Quintanilla, Mr. Refugio Rodriguez, and Ms. Marcie Garcia are each truly deserving of the awards they have received and should be proud of this accomplishment.

I commend each individual who has worked to achieve cultural understanding and racial tolerance in the greater Flint area. The Hispanic Community should be proud of its leadership and continued efforts in promoting cultural awareness.

Again, I send my warmest congratulations to the award recipients and their families. I am pleased to recognize the Flint Hispanic Community in the U.S. Senate.●

## NOMINATION OF BILL LANN LEE TO BE ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS

● Ms. MIKULSKI. Mr. President, I rise today in support of the nomination of Bill Lann Lee to be Assistant Attorney General for Civil Rights at the Department of Justice. I'm here today because I believe that Bill Lann Lee should be favorably reported out of the Senate Judiciary Committee. He should have his day. He should have a vote on the floor of the Senate.

I've heard of Bill Lann Lee for a number of years. I've heard about this exceptional person, who brings a great deal of legal competency, energy, and vitality to advocating for those who have been left out of the mainstream. Contrary to what my Republican colleagues have asserted, Mr. Lee has used the law for the benefit of all Americans. It is so obvious from his record that he loves the law and uses it as a tool to help those in our society who need help.

I was troubled when I heard his nomination was being stalled in the Senate Judiciary Committee. Once again a capable person in the field of civil rights law, a person of color, was being stalled in the Senate Judiciary Committee.

I feel so strongly about this nomination and about what Mr. Lee's advocacy has meant for not only people of color but for women, for the disabled, and those who are either overlooked or undermined by the law. I felt so strongly that I organized the Democratic women of the Senate to write a letter to Chairman ORRIN HATCH asking to free Mr. Lee from the Senate Judiciary Committee.

But because it is the Senate Judiciary Committee my letter used language far more judicious than that which is being used against Mr. Lee. My letter, which is signed by all the Democratic women Senators, urges favorable consideration of Mr. Lee's nomination. We bring to Chairman HATCH'S attention that Mr. Lee has dedicated his entire career to enforcing civil rights laws.

He has 23 years of professional experience ranging from cases dealing with employment discrimination, providing access to health care, helping children who have been victims of lead poisoning, to making public transportation accessible for the disabled, and then guess what, fighting for something called equal access to education.

Isn't this exactly who we want to be heading up the Civil Rights Division at the Department of Justice—someone who has practiced mainstream civil rights law, who believes in opportunity for everyone, and who has pursued this under the law?

We have sent this letter; I don't know what the response will be, but I will tell you once again it's the fall, so it must be the Senate Judiciary Committee. Once again, someone comes before the Senate Judiciary Committee with incredible legal competence, who is willing to serve the Nation and to come forth before the Senate Judiciary Committee only to once again face a humiliating experience.

We don't want Bill Lann Lee to be the Anita Hill of 1997. I think it's outrageous that once again we have someone with a great background who is going to be stymied and humiliated. This is not what America is all about.

We've heard about Mr. Lee's exceptional background. The hard work of his family, their willingness to fight for this country, and Mr. Lee's work to fight in the courtrooms to make sure the law works for everyone.

It is not fair that after having an exemplary professional record, to be a person of judicial temperament, to bring these great qualities to this position, Mr. Lee has to face this. Now I don't think that the U.S. Senate should be a forum for attacking Chinese-Americans. I just don't think that's right. We have seen them attacked in hearings on campaign finance and now we hear them being attacked in the Senate Judiciary Committee. I will tell you when talking to the Asian Pacific-American constituents that I represent, they are concerned when their best and brightest come forward for an appointment to the Justice Department, he's being brushed aside and all the Republicans want to focus on is campaign finance.

I think it is outrageous. Now let me tell you Bill Lann Lee has applied for a job at the Justice Department. He is not applying to be a member of a radical right wing foundation. He is applying for a job at the Justice Department. And this is what his qualifications are all about.

If Mr. Lee were applying for a radical right wing foundation maybe the criteria the Senate Judiciary Committee is using would be appropriate, but it is not appropriate to use radical right wing foundation criteria for a nomination to the Justice Department.

If the Republicans want to attack President Clinton, there's lots of ways to attack President Clinton. If they want to attack civil rights law then do it through the legislative process but do not attack a nominee who comes forth, who is willing to put his life aside and the practice that he's developed working with the NAACP, to serve this Nation.

I don't know how many additional nominations President Clinton can bring to the Senate. One, because they are either stalled out or people are humiliated when they come forth, or two, there is going to be an increasing unwillingness to attract qualified nominees.

I want Bill Lann Lee to know that I'm on his side and so are the Democratic women of the Senate. We would love to see him at the Civil Rights Division in the Department of Justice. Not because he would favor some but because he would fight for the women of this country, for the people of color in this country, for the people that need civil rights advanced within the Justice Department.

And to the people of the Asian Pacific-American community I say not to lose heart. We're so proud of Bill Lann Lee. We're so proud of what you do for America, but we're not proud at all of the Senate Republican controlled Judiciary Committee.

I ask to have printed in the RECORD a copy of the letter supporting Mr. Lee's nomination from the Democratic women of the Senate. I urge my colleagues on the Senate Judiciary Committee to favorably report Mr. Lee's nomination and let him have a vote in the full Senate.

The letter follows:

U.S. SENATE,
*Washington, DC, November 4, 1997.*

Hon. ORRIN G. HATCH,
*Chairman, Senate Committee on the Judiciary, Washington, DC.*

DEAR CHAIRMAN HATCH: We are writing to urge you to favorably report the nomination of Bill Lann Lee to be Assistant Attorney General for Civil Rights at the Department of Justice. We understand that the markup

on this nomination is scheduled for Thursday, November 6 in the Senate Judiciary Committee.

Mr. Lee has dedicated his entire career to enforcing our nation's civil rights laws. He has more than 20 years of experience in a wide-range of areas in civil rights law, including employment discrimination, access to health care, prevention of lead poisoning, public transportation equity, and equal access to education.

The Assistant Attorney General for Civil Rights must enforce our nation's civil rights laws for everyone. Mr. Lee is a problem-solver and consensus builder. His work has helped Americans regardless of age, race, and gender. He has enabled thousands of Americans to shatter the glass ceiling.

Mr. Lee has practiced mainstream civil rights law. He does not believe in quotas, which are illegal. He believes in opportunity. To achieve this goal, he has pursued flexible and reasonable remedies that in each instance were approved by a court.

Numerous civil rights groups, women's groups, and elected officials from both parties support Mr. Lee's nomination. The next Assistant Attorney General for Civil Rights will have to address a number of potentially divisive issues. There is no doubt that Mr. Lee has the integrity, competence, and experience to lead this division.

In addition, Mr. Lee has agreed to recuse himself from involvement with the California Proposition 209 case, if he is confirmed. This action is entirely appropriate and should help clear the way for his confirmation.

We urge you to support his nomination and report it favorably.

Sincerely,

Barbara A. Mikulski, Barbara Boxer, Patty Murray, Mary L. Landrieu, Carol Moseley-Braun, Dianne Feinstein.●

## NOMINATION OF BILL LAN LEE TO BE ASSISTANT ATTORNEY GENERAL FOR CIVIL RIGHTS

● Ms. MOSELEY-BRAUN. Mr. President, earlier this year, I had the pleasure of meeting Mr. Bill Lee, President Clinton's nominee for the Assistant Attorney General for Civil Rights. I was impressed with his intelligence, his strong sense of fairness, and his dedication to ensuring that all Americans have the opportunity to enjoy the same basic rights. Today I strongly urge my colleagues on the Senate Judiciary Committee to act favorably on the nomination of Bill Lan Lee.

Mr. Lee has an exceptional background. He is a graduate of Yale University and Columbia University Law School, and has proven his dedication to the pubic sector by working for the Asian American Legal Defense Fund and the Los Angeles-based Center for Law in the Public Interest. Currently, he serves as western regional counsel for the NAACP Legal Defense and Education Fund. During his 23-years as a civil rights litigator, Mr. Lee has earned a reputation for his legal expertise and his integrity.

In July, the President nominated Mr. Lee to be the Assistant Attorney General for Civil Rights at the Department of Justice. At the time of his nomination, Mr. Lee was widely praised by both his allies and adversaries as a qualified and competent civil rights attorney, and was supported by both Democrats and Republicans. No one questioned his intelligence nor his qualifications to competently serve this country as the Assistant Attorney General.

That is why it is so surprising, in the eleventh hour, to now hear so much opposition to this nomination. The vote on this nomination should be based on Mr. Lee's competence, ability, and character. Instead, some Senators have decided that his nomination should be held hostage to their position on affirmative action. Rather that to fill this position, which has gone vacant for over six months, my colleagues instead have chosen to push their political agenda. I do not believe that this is at all appropriate, nor do I believe that this action is in the best interests of the American people.

I must point out that this is not a lifetime position, nor is it a regulatory position that will out last the President's term. Rather, this position carries a term that is served at the whim of the President. It seems to me that the President, who was elected by the people, should have the right to choose those who will serve under him, that he should have the option of choosing individuals whose personal views reflect his own, so long as those individuals have the requisite competence, ability, and character. But the opposition to Mr. Lee is not based on his abilities, rather, it is based on policy. I do not believe that this is a legitimate reasoning for opposing this particular nomination.

I am especially troubled by this attack on Mr. Lee because I believe it does an injustice to the American dream. The American dream is a major part of what makes this country such a special place. It says that everyone—whether rich or poor, male or female, gay or straight, black or white—everyone should have the opportunity to go as far as their talent and hard work will take them. It's a dream that says that merit, and nothing more, should determine your opportunities.

Mr. Lee is a shining example of this dream becoming reality. Out of adversity came this bright, enthusiastic gentleman who made a career of ensuring that everyone has equal opportunities to share their talents and succeed. In fact, it was this belief in this idealistic view of America that made Mr. Lee pursue this position. Lee insisted in his confirmation hearing that as ''a son of immigrants, the opportunity to serve the nation by enforcing the Federal civil rights laws reaffirms [his] belief in the American dream.''

Despite this statement, and despite the fact that Mr. Lee has repeatedly assured his critics that he is not in favor of quotas, that he believes every talented and able individual should be given the full opportunity to compete and succeed, and that he would enforce the laws of our country, my colleagues continue to take issue with his nomination by attacking his personal beliefs and views on affirmative action. Unfortunately, these baseless allegations, unfounded attacks, and unwarranted comments about Mr. Lee have undermined the first real chance this Senate has had to fill this position with a qualified and competent individual. In short, they are refusing to give this qualified individual the opportunity to stand on his merit.

Mr. President, I thank the American people deserve better, and I believe we do an injustice to them by allowing this position to go empty for this long for no good reason. This is shameful, and I urge my colleagues to reconsider their actions.●

## INDEPENDENCE DAY OF LEBANON

● Mr. ABRAHAM. Mr. President, I rise today to recognize the Lebanese-American Club of Michigan. On this day, November 22, 1997, the club will celebrate its first annual formal dinner.

The Lebanese-American Club of Detroit is to be commended. Through the tireless dedication of its members this organization has strengthened the cultural understanding of Lebanon in the State of Michigan. I am proud of the Lebanese-American community's continual efforts to foster relationships of goodwill. These efforts will go far in enhancing and promoting the community's image and understanding throughout the United States and beyond.

I am honored and delighted to see our community gathering to support Lebanon's independence. Throughout its history, the country of Lebanon and its people have faced difficult and trying circumstances. Yet despite these hardships, the people and leaders of Lebanon continue to hold strong to the belief that independence and security are essential for the country to prosper. This evening there is great cause for celebration. The United States travel ban to Lebanon has been lifted, allowing the people of these two nations to travel freely. Many of you in attendance were steadfast in your belief that this would someday occur and should be applauded for your commitment to this goal.

I am pleased to recognize this event in the U.S. Senate and again, send my best wishes to each of you.●

## ARAB-AMERICAN AND CHALDEAN COUNCIL 1997 ANNUAL CIVIC AND HUMANITARIAN AWARDS BANQUET

● Mr. ABRAHAM. Mr. President, I rise today to acknowledge an important event which is taking place in the State of Michigan. On this day, December 5, 1997, many have gathered to celebrate the Arab-American and Chaldean Council [ACC] Annual Civic and Humanitarian Awards Banquet. Each of the individuals in attendance deserve special recognition for their commitment and steadfast support of the Arab-American and Chaldean communities.

I am pleased to recognize the recipients of this evening's awards: Mr. Brian Connolly and Ms. Beverly B. Smith, civic and humanitarian; Mr. John Almstadt, 1997 leadership award; Senator Dick Posthumus, 1997 State leadership award; and Ms. Elham Jabiru-Shayota and Mr. Andrew Ansara, Entrepreneurs of the Year. Each of these recipients should take great pride in receiving these distinguished awards.

While it is important to pay special tribute to the awardees, it is also essential to honor the citizens of the Arab-American and Chaldean communities. Each of you that has worked to strengthen cultural understanding have contributed greatly to the State of Michigan. For the past 18 years, the ACC has provided tireless support and steadfast dedication to Arabic and Chaldean-speaking immigrants and refugees. Through job placement programs and mental health services, ACC has significantly enhanced the lives of many in our community. As you gather this evening to honor these awardees, I challenge each of you to be active participants in your respective communities.

To the Arab-American and Chaldean American communities and to the awardees, I send my sincere best wishes. May the spirit of this evening continue to inspire each of you.●

## REPRESENTATIVE HAMILTON RECEIVES THE EDMUND S. MUSKIE DISTINGUISHED PUBLIC SERVICE AWARD

● Mr. SARBANES. Mr. President, it was my singular honor this past September to attend the annual dinner of the Center for National Policy where Representative LEE HAMILTON of Indiana received the Edmund S. Muskie Distinguished Public Service Award. Representative HAMILTON's distinguished record of public service exemplifies, both in spirit and deed, the principles which the late Senator Muskie brought to public service.

The Congress and the American people will deeply miss LEE HAMILTON's wisdom, sound judgment, and the 30 years of dedicated and independent representation he gave to his fellow Hoosiers. These values were tangibly evidenced in LEE HAMILTON's acceptance speech which demonstrated why he is one of the most respected and listened to Members of Congress. His plain Hoosier common sense and high standards of public service have well served the Nation.

It is most fitting that he should receive this award named for another distinguished American legislator and that Congressman HAMILTON's remarks be recorded for posterity. Mr. President, I ask that they be printed in the RECORD.

The remarks follow:

### REP. LEE H. HAMILTON—REFLECTIONS ON THE CONGRESS AND THE COUNTRY

REMARKS TO CENTER FOR NATIONAL POLICY UPON RECEIPT OF EDMUND S. MUSKIE DISTINGUISHED PUBLIC SERVICE AWARD

I really do not recall enjoying speeches any more than I have tonight. Thank you one and all. Some I thought could have been a little longer, others I found a bit restrained, but overall it has been an immensely satisfying evening.

I shall think often of this evening and the high honor you have paid to me. I've always wanted to walk off the stage before I was shoved off, and your nice gesture makes me think I have done that.

Politicians do a lot of things very well but I'm not sure retiring is one of them. I've always felt that you should leave when others think you should stay.

It has occurred to me in times past that the United States government needed the equivalent of a House of Lords for retired politicians. I'm beginning to think more favorably of that idea. I'm not quite sure what its purpose would be and I know that the taxpayers wouldn't tolerate it, but it would be a nice gathering place for a bunch of hasbeen. It would keep us out of mischief and perhaps more importantly keep us off the television, and an occasional good thought or deed might from time to time emerge.

No award comes to one person alone. All who receive an honor stand on the shoulders of many others. I acknowledge no all-inclusive list tonight of people who share this award with me, but among them most importantly are: my wife, Nancy, and our children, Tracy, Debbie, and Doug; I cannot begin to tell you the contributions they have made—but for a sample consider not having their husband and father around the house for 30 weekends a year for 30 year; the man who got me started in this political business, and he has remained a trusted friend and advisor, Dick Stoner, and his wife, Virginia; and, of course, a long list of outstanding staff members, without whose help I would have accomplished very little. The best advice for any Member remains—hire a staff a lot smarter than you are; and I have done that.

The award is all the more meaningful because it is named for Edmund Muskie. I still remember the clarity and persuasiveness of his statements on the budget, the environment, and foreign policy.

Mike Barnes and Mo Steinbruner have been doing an excellent job of continuing his important work at the Center for National Policy. As Madeleine Albright correctly noted last year, CNP is more than a think tank, it's an action tank.

And a word of special appreciation to Hank Schacht, the Chairman and CEO of Lucent Technologies. If you want a model for an American business executive, look no further. He combines all the skills of an outstandingly successful business executive with a commitment to the public interest that is simply extraordinary.

I've been asked to reminisce for a few minutes. Obviously they didn't expect anything too heavy from me this evening, and I'm pleased to comply.

EARLY YEARS IN CONGRESS

I've been fortunate to serve many years in Congress. I've served with 8 Presidents; I've worked with 11 Secretaries of State; and when I complete my 17th Congress, I'll be one of only around 80 Member in the history of the House who have served that long.

I remember, of course, my early years in Congress. I remember that the Speaker of the House then, John McCormack, could not remember my name. He called me John and Henry and Carl on various days. Then one day before the Democratic caucus to elect the Speaker he called me on the phone. I told him I wouldn't vote for him, but would vote instead for Mo Udall. That's probably not the smartest judgment I ever made. From that day on, however, he knew my name, and the next time he saw me in the hall he called me Lee. And to his eternal credit he never held it against me.

I remember those early days when Members of Congress could put a new post office in every village and hamlet, and I did. I build 17 in my first year in Congress.

And I remember needing only one staffer to help me answer constituent mail, and getting only an occasional visit from a lobbyist. I also remember that I could accept any gift offered, and make any amount of money of outside income, unrestricted and unreported. I even remember—in those pre-Vietnam and pre-Watergate days—people believing and trusting what government officials and politicians said.

I remember that when I first ran for Congress in 1964, my total campaign budget was $30,000, compared to $1 million last election.

And I remember many close personal relationships across the aisle. Early in my career, I made a parliamentary mistake on the floor. A senior Republican (and good friend) came over, put his arm around me, and gently pointed out my mistake and how to correct it—and this was a bill he opposed. I can't imagine that happening today.

I remember walking into the House Foreign Affairs Committee room, which was then a small room now occupied by the House TV-radio gallery. I was told by the staff director there were no seats at the Committee table for me or the other two freshmen Democratic Members. He told me that if I wanted a seat I had to arrive before the lobbyists and the spectators came in. But it really didn't matter whether I came or not; as a freshman I was not going to be recognized to speak.

UNFORGETTABLE MEMBERS OF CONGRESS

I remember some unforgettable Members of Congress, including the awesome—even fearsome—Chairman of the Judiciary Committee, Emanuel Celler. I was the designated spokesman when a group of us went to talk to him about the President's proposal to extend the term of House Members from two to four years. We favored the bill and had introduced it. And I asked him how he stood on the bill. His response has become a part of Washington lore. He said, ''I don't stand on it, I'm sitting on it. It rests four-square under my fanny and will never see the light of day.'' And of course it didn't, and we learned something about congressional power.

I remember Chairman Jamie Whitten, who would bring the most complicated appropriations bill, thousands of pages in length, to the floor of the House and spend his entire allotted debate time on a conference report thanking everyone under the sun, and saying nothing about the bill. The first few times he did it I thought he might not be smart enough to explain the bill. I finally figured out that he was too smart to explain it, and he never did, and he always got it passed.

I remember how deeply disappointed President Johnson was when I offered the first amendment to reduce U.S. involvement in Vietnam, It was a switch of position for me, although others had preceded me. I was one of his favorites from the class of '64, and he had come to campaign for me in '66. He had taken a special interest in my career. I will never forget his eyes when he asked me, ''How could you do that to me, Lee?

I remember Hale Boggs addressing President Nixon and members of his entire Cabinet in the Cabinet Room. He made an impassioned plea as only he could do on a subject

I've long since forgotten, and as he left the room he did so with the observation, ''Now Mr. President, if you'll excuse me, I have some important people waiting to see me in my office.''

The memories go on and on in an endless line of splendor. With each on of them it reminds me that serving in the House of Representatives has been a high privilege, but a good bit of fun too.

GOOD ADVICE

And I remember the good advice I got. I got good financial advice from President Johnson. He had the freshmen gather in the Cabinet Room. I don't remember much of what he said except one thing; he told us ''Buy your home.'' He said, ''If you're like most politicians it'll be the only decent investment you'll ever make.'' I did and it was.

I remember Tip O'Neill putting his arm around me as we walked down the hall and giving me some advice. He called me Neal for my first decade here because I reminded him of a Boston baseball player by the name of Neal Hamilton. He said, ''Neal, you can accomplish anything in this town if you're willing to let someone else take the credit.''

I remember Wilbur Mills, a marvelous man, a superb legislator, who came, of course, to an unhappy ending. One evening we walked out of the Capitol together. His picture was on the cover of Time magazine; he was known all over the country; he was the foremost legislator in Congress—people sought his advice and clamored to speak with him even for a few seconds. I asked him where he was going, he said ''I'm going back to Arkansas. I'll have a public meeting.'' He mentioned some small Arkansas town and said ''There'll be about 15 or 20 people there.'' I never forgot it. As we departed he said ''Lee, don't ever forget your constituents. Nothing, nothing comes before them.''

And I remember Carl Albert who said always respect your colleagues and never forget that each one of them serves in this House because they were elected to do so by the American people.

PUBLIC ATTITUDE TOWARD GOVERNMENT

But let me go beyond the specific remembrances and turn more serious for a moment as we conclude.

There's been a massive change of attitude toward the role of government since I first came here. In the early 1960s many were brimming with optimism over the potential of federal programs to solve all kinds of problems—alleviating poverty, curbing racial discrimination, providing health coverage, rebuilding American's cities.

Today the mood has shifted toward pessimism about what government can achieve that is worthwhile. Many believe that government creates more problems than it solves.

Over these past 30 years I've been struck by the decline in public respect for government. In recent years it has threatened the ability of government to make good policy. Of course skepticism has always been a healthy strain in American thinking. Our Constitution reflects that with all of its checks and balances. And we all know that government can be inefficient, inaccessible, and unaccountable. But when healthy skepticism about government turns to cynicism, it becomes the great enemy of democracy.

I think the operative question in American government today is the same as it was at Gettysburg when Lincoln asked ''Can this nation so dedicated and so conceived long endure?'' That question may put it in rather apocalyptic terms, but it nonetheless is on the mark.

A constituent put the right question to me the other day, ''What's the most important thing you can do to restore confidence in government?''

RESTORING CONFIDENCE IN GOVERNMENT

You'll be happy to know I'm not going to try to answer that question in any length tonight.

But my basic response to my constituent was that to restore confidence in government we have to make government responsive, accessible, and workable.

I believe that representative democracy is our best hope for dealing with our problems. We live in a complicated country of vast size and remarkable diversity. When I was in high school we had 130 million people. Today we have almost 270 million. So in my working lifetime the population of the country has more than doubled. Our voters are many; they've spread far and wide; and they represent a great variety of races, religions, and national origins. It isn't easy to develop a system that enables such a country to live together peacefully and productively.

Representative democracy, for all of its faults, permits us to do that. It works through a process of deliberation, negotiation, and compromise—in a word, the process of politics. Politics and politicians may be unpopular but they're also indispensable. Politics is the way that we express the popular will of the people in this country. At its best, representative democracy gives us a system whereby all of us have a voice in the process and a stake in the product.

In many ways, we have lost what the founding fathers possessed—the belief that government can work. Government is certainly still needed to provide for our national security and help promote our general welfare. Sometimes government gets in our way, but other times it can be helpful to ordinary people in their effort to succeed, to have opportunity, and to correct instances of oppression and injustice.

Those of us who see important reasons for government to act must be willing not just to criticize government and try to improve its operations, we must also work to improve public understanding of what government can do, what it cannot do, and what it has done. I simply do not see how it is possible to deal with many of our problems without a minimal public confidence in government.

I know that many people say the government and Congress don't work very well. And it's certainly not difficult to point out instances when they don't. But on the other hand, given the size of the country and the number and complexity of the challenges we confront, my view is that representative democracy works reasonably well in this country. I do not for a moment agree with those who think that the American system has failed or that the future of the country is bleak.

IMPROVING OPERATIONS OF CONGRESS

My main interest during my years in Congress has been to make government responsive, accessible, and workable. Part of that representative democracy system, of course, is the role of Congress.

Congress is an enormously important and resilient institution. I'm impressed almost daily with the way it tackles difficult national problems, manages conflict in the country, acts as a national forum, reflects diverse points of view, and over time usually develops a consensus that reflects the collective judgment of a diverse people. It has helped create and maintain a nation more free than any other. It is the most powerful and most respected legislative body in the world.

It is not, of course, perfect. It has some major flaws. It doesn't think enough about the long term, for example; it can be much too partisan; and the system by which we finance our elections is a mess. But I nonetheless believe that Congress is—overall but not perfectly, often but not always—responsive to the sustained and express will of the American people. It's a much more responsive body than people think. Congress does usually respond to public opinion if that opinion is conveyed strongly by the American people, as we have seen in the recent work to balance the budget.

I have seen many changes over the years, but I think America is a better place today than it was when I came to Congress in 1965: The Cold War is over, and we are at peace; as the preeminent military power in the world, we do not worry about an imminent threat to our national security; it is hard to find a place on the map where the U.S. is not engaged in some manner trying to make things better; we enjoy the world's most competitive economy; the new global trading system means new challenges and a host of new opportunities; the Internet brings a world of knowledge to the most remote classroom or the most remote home; we have greatly improved the lot of older Americans with programs like Social Security and Medicare; women and minorities have had new doors opened to them like never before; and, by far the most important of all, this still is the land of opportunity where everyone has a chance, not an equal chance unfortunately, but still a chance to become the best they can become.

Congress did not single-handedly bring about all of these changes. But it played a major role in every one of them. Congress is still the protector of our freedom and the premier forum for addressing the key issues of the day.

As I receive this award from the Center for National Policy and look back over my years in Congress, I'm not cynical, pessimistic, or discouraged. I'm optimistic about Congress and about the country. I am grateful for every day I've been a part of this body and I do not know of any place in the world that I would have preferred to be. I believe that inch by inch, line by line, I've had a small—very small—part in making this a more perfect union and making this country stronger, safer, and freer.

What more could anyone want?●

## RONALD REAGAN WASHINGTON NATIONAL AIRPORT

● Mr. ABRAHAM. Mr. President, I rise today to add my voice to the chorus calling for the renaming of our national airport in honor of one of our Nation's greatest Presidents, Ronald Reagan.

It is, of course, a long-standing tradition for us to name important buildings and facilities after those who have rendered extraordinary service to our country. Indeed, the monuments on the Mall outside this Chamber were constructed to show our gratitude toward and honor the memory of great men like Washington, Lincoln, and Jefferson, who helped build America, and save her in time of peril.

When Ronald Reagan became President, our Nation was in grave peril. Caught in the grip of economic stagnation and moral malaise at home, we remained locked in struggle with the most deadly and powerful of armed ideologies, communism. Unlike his predecessors, President Reagan called the home of that ideology, the Soviet Union, by its proper name: the evil empire. He called on us as a nation, not to

foolishly court mutual annihilation, but to stand up for our principles and our way of life, confident that our cause was just, and would be looked on with favor by God.

Ronald Reagan told us to have confidence in the American way, as he had confidence in it himself. He cut taxes, fought to bring government under control, and launched us on a peacetime recovery unprecedented for its strength and longevity.

Mr. President, Ronald Reagan brought this Nation back. He brought it back to prosperity, he brought it back to self-confidence, he brought it back to an understanding of its fundamental principles, its attachment to well-ordered liberty and the freedom of the human spirit. The results are all around us. A prosperous nation at peace, an evil empire that has become extinct, replaced by struggling democracies throughout Europe, a new dawn of liberty around the globe.

Ronald Reagan wanted to lead his Nation into a brighter future. Like the jet airplanes that carry us to our destinations, he carried the United States through turbulent times into a new and brighter era. I can think of no more fitting tribute to his strength of character and his monumental service to this country, than to name our national airport the Ronald Reagan Washington National Airport.●

## EXTENSION OF MORNING BUSINESS

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business until the hour of 6:30 p.m.

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

Mrs. HUTCHISON. 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.

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

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

## AMTRAK REFORM

Mrs. HUTCHISON. Mr. President, I want to take this opportunity to speak in morning business about a bill that I believe we have an agreement to bring up at a later time, hopefully in the next few hours. It is a bill that we worked on for quite a long time. We will be talking about it again if we are able to bring it up tonight. But I wanted to get a head start, because I am such a believer in passenger rail transportation for our country. I think we are going to come to closure on an Amtrak reform bill that will allow Amtrak at least to have a chance to succeed.

It is not a slam dunk and there is no question that a lot of work is yet to be done, but I think passenger rail in America will add mobility for people in this country who don't have other choices. We have a terrific aviation system and, in fact, there are Federal subsidies of our aviation system. There are Federal subsidies of our highway system. Highways, of course, provide the most flexible mobility for people. But trains can also add something for people who don't live near airports.

I think we have a chance to do something that will allow for an intermodal system that will serve the best needs of our country, will be the best for our economy and also will have, I hope, an impact on tourism and transportation in this country. I think it opens up a whole new world if we can have a good, solid transportation system with passenger rail as part of it.

We have worked in this bill to try to bring the labor protections into line so that, basically, we won't have protections that are above and beyond protections that most people have in this country. But we would leave it to the collective bargaining system that exists between Amtrak and its unions. I hope, when we have the agreement, to announce that the protections will be gone, and that collective bargaining will be a viable way to determine exactly what the people who work for our passenger railroad will have in the way of protections and also allow the railroad to be competitive, because, of course, if we are going to have a system that will survive. I think Congress has sent the very clear signal that the subsidies are going to be phased out.

But in order for the subsidies to be phased out, we are going to try to give Amtrak a chance to succeed.

So I am hopeful that in the next few hours or perhaps tomorrow, we will, in fact, have an agreement that we can announce and we will be able to pass this bill, send it to the House and send it to the President in very short order.

Of course, everyone knows that there is money from the budget reconciliation agreement that would help on the infrastructure costs that we think will provide efficiencies for Amtrak and make it even more profitable and make it more attractive for people to be able to take high-speed trains, especially in the corridors where there is more density. But the $2.3 billion that has been set aside for the infrastructure depends on the reform bill going through.

The reform bill includes taking away some of the protections that are required in law that should be instead agreed to at the bargaining table, having some liability limits that will allow Amtrak and the railroads to buy an insurance policy so that they will know what their liability potentials will be.

We also have some protections for lines that are going to go out of existence. Right now there is a 90-day notice for a continuance of a line. I ran into a problem in my State of Texas in which they didn't have the ability to make decisions quickly. Many State legislatures only meet every other year. So if they have a notice of discontinuance of a line, they don't even have a chance to stand up and say, ''Look, we will step in and try to help with some funding.''

We need to give the States more time. We give them, in fact, 180 days notice, up from the 90 days notice, to give them a chance to address any kind of disruption in service that would affect their States.

Second, we allow States to create interstate rail compacts. I think this is a very important possibility. It is not a mandate, of course, but it allows the States to come together. States that have commuters that go between two States can come together and form a compact and make a high-speed rail line that both States can contribute to. I think that should add to the ability to have more entrepreneurial spirit in our rail systems and perhaps allow States to work together for their mutual best interests.

Third, we provide for accountability. In fact, we want an independent audit of Amtrak. We are going to have, thanks to Senator JOHN MCCAIN, an Amtrak reform council that is going to look at everything Amtrak is doing and determine if there are things they could do better, if there are ways they can give better and more efficient service. In fact, they will report to Congress on their independent recommendations and if they think Amtrak will be able to succeed if these recommendations, along with the reforms in this bill, are put into place. If not, Congress will face that prospect with informed choices and must act on them.

I think we have a good opportunity here. I believe very much that Amtrak can contribute to the mobility of our country.

It will give more citizens more access to be able to get on a train and, for example, go see a grandchild that they would not have an opportunity to do because they did not live in a city that has an airport. Or take Amtrak to connect to a city with a major airport, making Amtrak part of a connected intermodal system. These are just a few examples of how important it is and can be to our transportation system.

So I am looking forward to discussing this bill further when the agreement is made and when we are able to actually act on the bill. But I wanted to give an outline of what we are looking at and what we are trying to do. I am hopeful that we will be able to do it in the very near future.

Thank you, Mr. President.

I yield the floor and suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. 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. GRASSLEY. Mr. President, we are in morning business?

The PRESIDING OFFICER. That is correct.

## DOD PAYMENT POLICY

Mr. GRASSLEY. Mr. President, I want to speak on a subject that I speak on often on the floor of the Senate, the Department of Defense's illegal progress payment policy. Since early this year, I have spoken on this subject many times. Most recently I spoke about the Department's commitment to bring the policy into compliance with law.

This commitment was made by the man who is now the Deputy Secretary of Defense, Mr. John Hamre. This commitment was made on July 22. I spoke about this 2 weeks ago, that he had a meeting with the leadership of the Armed Services Committee. At that meeting there was an agreement among all of us that certain accounting procedures would be brought into accordance with the law. Mr. Hamre gave us his word. He promised to bring the policy into compliance with the law on October 1 of this year. October 1 has come and gone and the illegal policy is still in operation. The Department of Defense is not complying with the law of the land.

Recent news reports suggest that Mr. Hamre is a man of deep spiritual beliefs. I know him to be that way. The roots of his faith go back to his Lutheran upbringing in the small South Dakota town of Willow Lake. His father was the town's church council president. His grandfather was the pastor. John himself went to Harvard Divinity School to prepare for the ministry.

So, Mr. President, it seems to me his faith runs deep, and I respect that. I remind John about some Scripture. The Bible teaches us to: always ''do as you promised.'' I will read a passage from Joshua 23:14: ''You know with all your heart and soul that not one of all the good promises the Lord your God gave you has failed. Every promise has been fulfilled; not one has failed.''

The Bible teaches us that God kept His word, and He expects the same from each of us. I hope that Mr. Hamre will keep his word that was made on July 22.

Now, I know it is not always possible to keep promises because sometimes things happen in the interim that bring about a change of events that might cause some change of the original stance. Sometimes there are unforeseen events that stand in the way. But there has to be an honest effort.

Mr. President, I'm trying hard to understand why the October 1 deadline is being ignored. There are three letters that helped explain Mr. Hamre's behavior.

First, there is a letter from the Armed Services Committee, signed by the chairman, Senator THURMOND, and the ranking minority member, Senator LEVIN. It is addressed to Secretary Cohen, and dated September 26, 1997.

Second, we have a letter from the inspector general, Ms. Eleanor Hill, to Mr. Hamre, dated September 30, 1997.

Third, there is Mr. Hamre's letter back to the Armed Services Committee, dated October 1, 1997.

I ask unanimous consent to have these letters printed in the RECORD so my colleagues have the benefit of the entire text.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
*Washington, DC, September 26, 1997.*

Hon. WILLIAM S. COHEN,
*Secretary of Defense, The Pentagon, Washington, DC*

DEAR SECRETARY COHEN: Two months ago the Department proposed a change to the Defense Federal Acquisition Supplement (DFARS) to change its procedures for progress payments under complex contracts using money from more than one appropriation. Although there is no evidence that the existing progress payment system has ever resulted in a violation of the Antideficiency Act, we understand that the Department does not believe that current procedures are capable of meeting all applicable legal requirements.

The Council or Defense Industry Associations (CODSIA) has indicated to us that the Department is considering the possibility of implementing these new procedures effective October 1, 1997—prior to final action on proposed DFARS change. CODSIA estimates the changes to contractor accounting and billing systems required by these new procedures could cost the industry in excess of $1.3 billion a year. Additional costs would be incurred by the taxpayers in connection with the requirement for the Department to manually process progress payment requests.

We ask that you review the proposed changes, consider all public comments, and weigh the costs and benefits to the taxpayers and the Department of Defense before these new procedures are implemented by the Department. We would also appreciate if you would let us know of any legislative changes that may be needed to assist you in addressing this issue in a rational and cost-effective manner.

Thank you for your attention to this matter.

Sincerely,

CARL LEVIN,
*Ranking Minority Member.*
STROM THURMOND,
*Chairman.*

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DEPARTMENT OF DEFENSE,
INSPECTOR GENERAL,
*Arlington, VA, September 30, 1997.*

Memorandum for Under Secretary of Defense (Comptroller)

Subject: Progress Payment Distribution

We do not concur with the recommendation that the Deputy Secretary of Defense approve an open ended deferral in implementing revised progress payment distribution practices.

Recently we were advised by the Office of the Director, Defense Procurement, that an interim rule specifying the role of contracting officers in the new procedures could not be issued for at least 60 days. Likewise, we do not believe that the Defense Finance and Accounting Service is ready to proceed with the originally planned October 1, 1997 implementation. A deferral of the implementation date is therefore necessary, which is dismaying in light of the several years that the Department has had to address this problem.

At a minimum, we believe that the Deputy Secretary should establish a revised implementation date no later than January 1, 1998. Any reviews of cost implications or other relevant factors should be executable well before that date.

ELEANOR HILL,
*Inspector General.*

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THE DEPUTY SECRETARY OF DEFENSE,
*Washington, DC, October 1, 1997.*

Hon. STROM THURMOND,
*Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: This letter is in response to your September 26, 1997, letter to Secretary Cohen regarding changes in the manner in which the Department distributes progress payments. Consistent with your request, the Department will review the proposed changes, consider all public comments, and weigh the costs and benefits to the taxpayers and the Department of Defense before these new procedures are implemented. If the analysis indicates that legislative changes are needed to address this issue in a more rational and cost effective manner, such changes will be proposed.

Additionally, the Department has initiated a change to the Defense Federal Acquisition Regulation Supplement (DFARS) to require that contractors provide the breakout of the progress payment. The DFARS change cannot be effected until January 1998 because of the time required to complete statutory administrative actions. Additional time is needed in order to submit the proposed rule and its cost-benefit analysis to the Congress, GAO, and OMB and for the required 60-day congressional waiting period to elapse.

As a result of your request, and the need for additional time to comply with statutory and administrative requirements, I am delaying implementation of the planned policy changes regarding the distribution of progress payments. Those changes, which were scheduled to be implemented on October 1, 1997, are being delayed until January 1998, pending further review and evaluation of the proposed changes.

A copy of this letter has been provided to Senator Grassley.

Sincerely,

JOHN J. HAMRE.

Mr. GRASSLEY. The Armed Services Committee's letter was obviously written in response to complaints from the defense industry. Industry claims that the new policy would cost an extra $1.3 billion a year to implement. The committee is concerned about that estimate. So the committee asked Mr. Hamre to weigh these factors: ''We ask that you review the proposed changes, consider all public comments, and weigh the costs and benefits to the taxpayers and the Department of Defense before these new procedures are implemented. * * *''

The committee is telling Deputy Secretary Hamre to do more homework before executing the new policy. This letter gave Mr. Hamre the authority he needed to delay beyond the October 1 deadline that was agreed to after our July 22 meeting among Armed Services Committee members. Mr. Hamre parrots the committee's language in his

response: ''Consistent with your request, the Department will review the proposed changes, consider all public comments, and weigh the costs and benefits to the taxpayers and the Department of Defense before these new procedures are implemented.''

Mr. President, if I may paraphrase the letter, it says the committee requests a delay, and Mr. Hamre is just complying. I am happy to report that some of the delay may, in fact, be necessary.

Mr. Hamre provides an important piece of new information in the second paragraph of his letter. He says that the Defense Federal Acquisition Regulation Supplement—and we call that DFARS for short—cannot be issued until January 1998 due to ''statutory administrative actions.'' The DFARS is a key element in the new policy. But the DFARS cannot meet the timetable prescribed under the July 22 agreement that I've referred to.

There are some new procedures under current law. These are spelled out in Public Law 106–121, the Contract With America Advancement Act of 1996.

Unfortunately, no one who put the July agreement together knew anything about the new rules. So if Mr. Hamre says that he needs more time to get the DFARS ready, I can buy that and admit that extra time is needed.

But the final paragraph of his letter gives me heartburn. It makes me nervous. I quote from the final sentence: The new policy, ''which were scheduled to be implemented on October 1, 1997,'' is ''being delayed until January 1998, pending further review and evaluation of the proposed changes.''

Now, that wording bothers me for several reasons. It could be a big loophole to ask for more time so that effectively there is no implementation of the agreement because January 1998 is not as specific as January 1, 1998, and January 1998 ''pending further review'' opens the door for yet more delay. It suggests that January 1998 may not be, in fact, a deadline. It may be passed by, depending on the outcome of the new review. The wording to me is very ambiguous.

The inspector general's letter—remember, the inspector general is to keep all these people over at the Defense Department honest and keep them abiding by the law—the IG's letter that I referred to and have printed in the RECORD suggests that Mr. Hamre really wanted an open-ended deferral. That is where the game playing may be going on. He may have wanted an indefinite delay. Luckily, the IG put her foot down and said no, that was not possible, that would not be abiding by the agreement, that would not be abiding by the law.

This is what she said:

> At a minimum, we believe that Mr. Hamre should establish a revised implementation date no later than January 1, 1998.

The inspector general wants an unconditional deadline of January 1, 1998—''with no pending further review'' language.

Mr. President, I can understand why the Department of Defense needs more time to jump through new regulatory hoops. But why does the policy itself need further review? More study is the oldest bureaucratic trick in the book—always delay, delay, delay, never make a decision, never make the changes that you don't want to make.

As far as this policy is concerned, this policy has been studied to death. The inspector general and the Pentagon bureaucrats have been wrestling with it since 1991. Isn't it about time to get to the bottom line? There have been countless papers, countless meetings, countless letters, and countless agreements, including the one of July 22. I was a party to that, and I don't want to be hoodwinked by my colleagues. I don't want to be hoodwinked by Mr. Hamre, who was there at that meeting and said he would get this job done.

Every possible issue has been addressed. Every point and counterpoint has been weighed and reweighed. There is nothing else to weigh. It gets down to the bottom line, Mr. President, that the law of the land is the law of the land and the law that the current policy violates. In other words, what we are trying to get straightened around is section 1301 of title 31 of the U.S. Code, and this was enacted on March 3, 1809—this law that says that you can't spend money without the approval of the Congress of the United States, and it's a felony to do it. It has to be abided by or the power of the purse of the Congress means zilch.

So, Mr. President, that was in 1809, 200 years ago. It's a law that has withstood the test of time, and it seems that DOD needs to get on the stick and obey the law once and for all. But, most importantly, as far as this Senator is personally concerned, at that July 22 meeting there was an agreement, and I expect people who want you to believe they are honest to keep their word.

I yield the floor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

## MAIL ORDER HOUSES AND SALES TAX

Mr. BUMPERS. Mr. President, this morning, I was reading the New York Times and came across an article truly exhilarating to me. It dealt with a matter that the Presiding Officer is all too familiar with, too. A number of large States are in the process of negotiating an agreement with some of the biggest mail order houses in the country, under which those mail order houses will, in the future, pay sales tax on merchandise they send into States that have either a use tax or a sales tax.

It was in the 1992 Quill decision the Supreme Court ruled that Congress could authorize the States to require collection of sales and use taxes by mail order houses shipping goods across State lines. But Congress would have to make that decision formally by legislation.

So I sponsored such legislation because I was a former small town merchant—I practiced law, I ran cattle, I had a small hardware retail and appliance store, and I even owned a cemetery one time, Mr. President. I did anything I could do to make money. Even back in those days, a lot of people ordered things from catalogs. I resented it. I was on Main Street collecting sales taxes, paying a corporate franchise tax to the city, paying all the taxes that make a decent place to live, and I was being competed against by people from other States who paid nothing.

In 1994, and again in 1995, I introduced legislation to authorize the mandated collection of interstate sales taxes. I got a vote on it and, of course, didn't get nearly enough to pass. Everybody got up and wept and wailed and said, ''This is another tax, all you tax and spenders.'' As I say, I did it because I am a former retailer and I resented having to compete against people who did not have to collect a sales tax, which gave them a big competitive advantage on big-ticket items like refrigerators, television sets, and so on. So I admit I came into the debate because of my personal experience. But I also felt very strongly that equity was on my side.

I never will forget the distinguished junior Senator from Utah, in a Small Business Committee hearing one day, making a point, after having heard several mail order catalog executives talk about how this was going to be a terrible burden on them and some of them would go broke, and it was an impossible administrative nightmare to collect taxes for 50 different States and a lot more jurisdictions than that because cities and counties also have sales taxes. I will never forget the little lecture that the Senator from Utah delivered, describing his own personal experiences, and that it had not been a burden for his company. I will always be grateful to the Senator for having helped out so magnificently that morning.

Now, Mr. President, annual catalog sales are approximately $210 billion. Now, there are a few good citizens like Home Shopping Network who collect sales taxes on everything they sell. But most do not collect the taxes except when their physical presence creates a nexus with the State which requires that collection activity.

Let me explain that requirement. If a mail order firm has a physical presence in a State, the State may require that firm to collect sales taxes on the goods it sells in the State. If a company has a presence, for example, in the State of Arkansas and sells something through their mail order catalog to an Arkansan, the physical presence of that shop in Arkansas requires them to collect sales tax on any mail order sales to the

Arkansas resident. But if they do not have a presence in Arkansas, they can send all the merchandise they want to into the State and not collect a dime in sales tax.

It is also unfair to the State and local governments which bear increased burdens because of mail order activity. For example, every year million of tons of catalogs go into the municipal landfills of this country, and State and local governments must pay for that. I think much of that comes to my house every year, frankly. Here it is, getting close to Christmas, and every night when I go home, I can't open my front door because there are so many catalogs behind it. But yet mail order companies pay virtually nothing to help States dispose of those millions of tons of waste.

So, Mr. President, I have always felt that this was terribly unfair to Main Street merchants in America. There is not a great incentive to avoid taxes on small ticket items, but on big ticket items there is a huge incentive. A few States, like Wisconsin and Maine, have put a provision in their State income tax return for taxpayers to list the value of merchandise purchased through mail order. Last year, Wisconsin collected $1.3 million from that provision. But there is no telling what the State should have collected had all mail order sales taxes been collected. The $1.3 million came from people who were honest and voluntarily put on their State tax return what they purchased by mail order catalog and paid the sales tax on it. But there is no way the States can enforce an effective sales tax collection system on mail order goods. Forty-five States impose sales taxes on mail order purchases, but they have no effective way to collect it.

Sometimes the States do collect the taxes on big-ticket items, however, and then the customer gets a rude awakening. I remember the story of a family in Florida which went up to North Carolina and bought some $25,000 worth of furniture because that company in North Carolina had advertised no sales tax. The family furnished their entire house all with new furniture, loaded it onto a van, and took it back. And, lo and behold, they were stopped at the Florida border and had sales tax assessed against them. The tax came to several hundred dollars, and it was a rude shock to that couple. There are a number of illustrations like that.

But I do not want to take up too much of the Senate's time on this issue. All I want to say is that when mail order companies fail to collect sales taxes on their sales, it is unfair for the Main Street companies who do collect such taxes. It is not right for some to do it and the rest to be exempt. Now this agreement, which will reportedly be announced tomorrow between the largest States and the largest mail order houses, is a giant step in the right direction. I do not want to say anything tonight that would in the least hinder those people negotiating that agreement from finishing it. On the contrary, I applaud them, I thank them for doing what is right.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## ORDER FOR ADJOURNMENT

Mr. COATS. Mr. President, after some modifications and consultation with the minority leader we are ready to once again ask this unanimous-consent request as modified.

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 Friday, November 7.

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

## UNANIMOUS-CONSENT REQUEST

Mr. COATS. Mr. President, on Friday, at the hour of 9:30, I further ask that, immediately following the prayer, the routine requests through the morning hour be granted.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. COATS. Mr. President, I once again suggest the absence of a quorum. There seems to be some confusion here.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations on the Executive Calendar: Nos. 334, 336, 340, 385, 387, 388, 389 through 391, 393 through 409, 411, 414 through 426, except for 419. I further ask unanimous consent that the nominations be confirmed; that the motions to reconsider be laid upon the table; that any statements relating to the nominations appear at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

DEPARTMENT OF LABOR

Patricia Watkins Lattimore, of the District of Columbia, to be an Assistant Secretary of Labor.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Jeannette C. Takamura, of Hawaii, to be Assistant Secretary for Aging, Department of Health and Human Services.

DEPARTMENT OF LABOR

Susan Robinson King, of the District of Columbia, to be an Assistant Secretary of Labor.

DEPARTMENT OF COMMERCE

F. Amanda DeBusk, of Maryland, to be an Assistant Secretary of Commerce.

R. Roger Majak, of Virginia, to be Assistant Secretary of Commerce.

David L. Aaron, of New York, to be Under Secretary of Commerce for International Trade.

DEPARTMENT OF STATE

Julia Taft, of the District of Columbia, to be an Assistant Secretary of State.

Phyllis E. Oakley, of Louisiana, to be an Assistant Secretary of State.

Mary Mel French, of the District of Columbia, to be Chief of Protocol, and to have the rank of Ambassador during her tenure of service.

Lange Schermerhorn, of New Jersey, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Djibouti.

Brenda Schoonover, of Maryland, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo.

Kathryn Walt Hall, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Austria.

Edward M. Gabriel, of the District of Columbia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morrocco.

Joseph A. Presel, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Uzbekistan.

Richard Frank Celeste, of Ohio, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to India.

Shaun Edward Donnelly, of Indiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Edward S. Walker, Jr., of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Israel.

Stanley Tuemler Escudero, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan.

Daniel Fried, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Poland.

James Carew Rosapepe, of Maryland, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Romania.

Peter Francis Tufo, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Hungary.

Kathryn Linda Haycock Proffitt, of Arizona, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Malta.

William H. Twaddell, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Republic of Nigeria.

Steven J. Green, of Florida, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Daniel Charles Kurtzer, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Arab Republic of Egypt.

Steven Karl Pifer, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Ukraine.

Cameron R. Hume, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic and Popular Republic of Algeria.

Gerald S. McGowan, of Virginia, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Portugal

Lyndon Lowell Olson, Jr., of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Sweden.

Christopher C. Ashby, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Oriental Republic of Uruguay.

James A. Larocco, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the State of Kuwait.

David B. Hermelin, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Norway.

George Edward Moose, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

Victor Marrero, of New York, to be the Permanent Representative of the United States to the Organization of American States, with the rank of Ambassador, vice Harriet C. Babbitt.

Alexander R. Vershbow, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

B. Lynn Pascoe, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh.

David Timothy Johnson, of Georgia, a Career Member of the Senior Foreign Service, Class of Counselor, for the rank of Ambassador during his tenure of service as Head of the United States Delegation to the Organization for Security and Cooperation in Europe (OSCE).

Thomas J. Miller, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Coordinator for Cyprus.

Amy L. Bondurant, of the District of Columbia, to be Representative of the United States of America to the Organization of Economic Cooperation and Development, with the rank of Ambassador.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

## ORDERS FOR FRIDAY, NOVEMBER 7, 1997

Mr. LOTT. 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 Friday, November 7. I further ask unanimous consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and that the Senate proceed to morning business for not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator DASCHLE, or his designee, for up to 30 minutes, from 9:30 a.m. to 10 a.m.; Senator HELMS, or his designee, for up to 30 minutes, from 10 a.m. to 10:30 a.m.

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

## PROGRAM

Mr. LOTT. I might say, Mr. President, since the Democratic leader is here, we have a couple things we are trying to work out. I believe by 10:30 a.m., we will have those problems resolved and that we can continue to consider the Inhofe amendment or the second-degree amendment to it and get the Amtrak legislation also cleared and other issues we will still be working on.

Mr. President, tomorrow, the Senate will then be in a period for morning business from 9:30 a.m. until 10:30 a.m. The Senate may also consider and complete action on any of the following: Amtrak reform, the D.C. appropriations bill—even though there may be some problems with that now, we will continue to try to see if we can work through that—and any other additional legislative or executive items that can be cleared for action. Therefore, Members can anticipate rollcall votes throughout Friday's session of the Senate.

Mr. DASCHLE. Mr. President, I will just ask for the information of our colleagues whether this might be an appropriate time to inform our colleagues that we are not prepared at this point to talk about the weekend, but that they should be prepared to stay here this weekend, given the uncertainty of the schedule.

Would the majority leader care to comment on that?

Mr. LOTT. Well, I think that is a good notice. I think Members are already thinking that may be the case. I have already canceled my own events for Friday, Saturday, and Sunday. And we will continue to work to see if we can find a way to complete action on the three appropriations conference reports. And, of course, we will be waiting to see what the House does on fast track. And depending on that, then, of course, we would proceed accordingly.

But if it is at all possible that we can finish our work on Saturday or Sunday, which I still think we can, I would think we should stay here and get that work done. If we cannot, then we will have to consider the alternatives, but Members should begin to be aware of it. And the odds are now that we will be in session Saturday and even possibly Sunday.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order until 9:30 in the morning.

There being no objection, the Senate, at 7:06 p.m., adjourned until Friday, November 7, 1997, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate November 6, 1997:

### METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

JOHN PAUL HAMMERSCHMIDT, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY FOR A TERM OF FOUR YEARS. (NEW POSITION)

### THE JUDICIARY

CHRISTINE O.C. MILLER, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE U.S. COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS. (REAPPOINTMENT)

ROSEMARY S. POOLER, OF NEW YORK, TO BE U.S. CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE FRANK X. ALTIMARI, RETIRED.

ROBERT D. SACK, OF NEW YORK, TO BE U.S. CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE ROGER J. MINER, RETIRED.

### NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

JEANNE HURLEY SIMON, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE FOR A TERM EXPIRING JULY 19, 2002. (REAPPOINTMENT)

### IN THE COAST GUARD

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE U.S. COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 14, UNITED STATES CODE, SECTION 729:

*To be captain*

COMMANDER CLAUDIO R. AZZARO, 0000
COMMANDER SHARON J. ARMSTRONG, 0000
COMMANDER CHARLES M. MCDONNELL, 0000
COMMANDER DANIEL R. FLOOD, 0000
COMMANDER WILLIAM J. VANORDEN, 0000
COMMANDER ROBERT C. BUCKLES, 0000
COMMANDER ARTHUR S. OLSEN, 0000
COMMANDER JOHN C. ACTON, 0000
COMMANDER ROBERT W. KELLY, 0000
COMMANDER GROVER N. LIPE, 0000
COMMANDER RAYMOND W. BLOWITSKI, 0000
COMMANDER EVERETE W. HOLLINGSWORTH, 0000
COMMANDER JERRY J. SAULTER, 0000

### IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. AIR FORCE

UNDER TITLE 10, UNITED STATES CODE, SECTIONS 624 AND 628:

*To be colonel*

NAOMI A. BEHLER, 0000
WILLIAM E. COFFER, 0000
JOHNNY R. JONES, 0000
REBECCA S. WEEKS, 0000

*To be lieutenant colonel*

ROBERT C. BARTLEMAY, 0000
PAMELA A. CYGAN, 0000
BARBARA A. DUINK, 0000
MAZHAR RISHI, 0000
LAWRENCE W. STEINKRAUS, JR., 0000
MICHAEL J. SWEENEY, JR., 0000
ROBERT L. THOMAS, 0000

*To be major*

CHARLES B. CARSELL, 0000
STACY J. CASTALDI, 0000
STEPHEN S. KRAMARICH, 0000
JACK L. LESHO, 0000
ALICE C. MURPHY, 0000
WILLIAM A.C. PREDEAU, 0000
RONALD L. ROSENQUIST, 0000
MARIA T. ROTH, 0000
JOSEF F. SCHMID, III, 0000
BRYCE C. SHUTT, 0000

## CONFIRMATIONS

Executive nominations confirmed by the Senate November 6, 1997:

### DEPARTMENT OF LABOR

PATRICIA WATKINS LATTIMORE, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

JEANETTE C. TAKAMURA, OF HAWAII, TO BE ASSISTANT SECRETARY FOR AGING, DEPARTMENT OF HEALTH AND HUMAN SERVICES.

### DEPARTMENT OF LABOR

SUSAN ROBINSON KING, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

### DEPARTMENT OF COMMERCE

F. AMANDA DEBUSK, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

R. ROGER MAJAK, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF COMMERCE.

DAVID L. AARON, OF NEW YORK, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE.

### DEPARTMENT OF STATE

JULIA TAFT, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE.

PHYLLIS E. OAKLEY, OF LOUISIANA, TO BE AN ASSISTANT SECRETARY OF STATE.

MARY MEL FRENCH, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF OF PROTOCOL, AND TO HAVE THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE.

LANGE SCHERMERHORN, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIBOUTI.

BRENDA SCHOONOVER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TOGO.

KATHRYN WALT HALL, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AUSTRIA.

EDWARD M. GABRIEL, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF MOROCCO.

JOSEPH A. PRESEL, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

RICHARD FRANK CELESTE, OF OHIO, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO INDIA.

SHAUN EDWARD DONNELLY, OF INDIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

EDWARD S. WALKER, JR., OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ISRAEL.

STANLEY TUEMLER ESCUDERO, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN.

DANIEL FRIED, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF POLAND.

JAMES CAREW ROSAPEPE, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO ROMANIA.

PETER FRANCIS TUFO, OF NEW YORK, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HUNGARY.

KATHRYN LINDA HAYCOCK PROFFITT, OF ARIZONA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALTA.

WILLIAM H. TWADDELL, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

STEVEN J. GREEN, OF FLORIDA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SINGAPORE.

DANIEL CHARLES KURTZER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ARAB REPUBLIC OF EGYPT.

STEVEN KARL PIFER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO UKRAINE.

CAMERON R. HUME, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA.

GERALD S. MCGOWAN, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PORTUGAL.

LYNDON LOWELL OLSON, JR., OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO SWEDEN.

CHRISTOPHER C. ASHBY, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ORIENTAL REPUBLIC OF URUGUAY.

JAMES A. LAROCCO, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF KUWAIT.

DAVID B. HERMELIN, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO NORWAY.

GEORGE EDWARD MOOSE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE EUROPEAN OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

VICTOR MARRERO, OF NEW YORK, TO BE THE PERMANENT REPRESENTATIVE OF THE UNITED STATES TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR.

ALEXANDER R. VERSHBOW, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

B. LYNN PASCOE, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL NEGOTIATOR FOR NAGORNO-KARABAKH.

DAVID TIMOTHY JOHNSON, OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS HEAD OF THE UNITED STATES DELEGATION TO THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE).

THOMAS J. MILLER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL COORDINATOR FOR CYPRUS.

AMY L. BONDURANT, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

### THE JUDICIARY

RONALD LEE GILMAN, OF TENNESSEE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.