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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].

PRAYER

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

Lord God, our help in ages past and our hope for years to come, we thank You for Your mercy and blessing toward the United States throughout our history. Hear us as we seek Your continued guidance in our day. May the women and men of this Senate be so sensitive to Your grand vision for our Nation that they will be a conscience to our citizens calling them back to You. Give these leaders soundness of judgment, courage in their decisions, and a united zeal to serve You together. You have warned us that a kingdom divided against itself cannot stand. Help us to affirm that those things on which we agree are of greater value than those things on which we differ. As we work together, deepen our understanding of one another's needs and enlarge our respect for one another's opinions. Make us one in the common cause of justice, righteousness, and truth. We all commit ourselves to the work of government for the honor and glory of Your name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. COVERDELL. Mr. President, this morning, there will be a period for morning business until the hour of 12:30 p.m., with Senator COVERDELL of Georgia, or his designee, in control of the time between now and 11 a.m.; Senator FORD in control of the time from 11 a.m. to 12 noon; and Senator DASCHLE in control from 12 noon to 12:30 p.m.

Following morning business, the Senate will adjourn until 9 a.m. on Tuesday. No rollcall votes will occur during today's session, and the Senate will not be in session on Monday.

When the Senate reconvenes on Tuesday at 9 a.m., under the provisions of rule XXII, a live quorum will begin at 10 a.m.

Following the establishment of a quorum, there will be a rollcall vote on the motion to invoke cloture on the motion to proceed to S. 1936, the Nuclear Waste Policy Act. If cloture is invoked on Tuesday, it is the leader's hope that we may proceed in short order to the consideration of this important legislation. If cloture is not invoked, there will be a cloture vote on the Defense appropriations bill.

In that we have lost valuable time during the consideration of the Defense bill, the leader hopes that all Senators will cooperate and allow us to finish that matter and move on with the appropriations process.

I ask unanimous consent that the Senator from Iowa be granted up to 6 minutes, not to be counted against the controlled time under my jurisdiction.

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

Mr. GRASSLEY. I thank the Senator from Georgia.

PULSE CHECK ON AMERICA

Mr. GRASSLEY. Madam President, the Office of National Drug Control Policy recently released the latest ''Pulse Check'' on drug use and drug abuse in America. The ''Pulse Check'' provides an opportunity to see what is happening with drug use in markets across the country. The news is not good. Other Senators and I have spoken often on this floor at the alarming trend in drug use. We have told the Nation that drug use is rising; that drug users are getting younger; and that the drugs are getting stronger and more dangerous.

We are heading down a dangerous road. ''Pulse Check'' does not report on trend lines. Instead, it provides a snapshot of what is happening, a road sign to what lies ahead. Here is what the most recent ''Pulse Check'' shows:

Heroin is gaining in popularity in many areas of the country. We are seeing higher purity and lower prices. The increased purity has allowed new users to avoid using needles. The result is increased use and popularity. In some areas, cocaine and crack dealers are being pressured by their South American distributors to diversify and also sell heroin.

The news on cocaine and crack use is also disturbing. While use remains stable throughout most areas of the country, availability remains high. Prices are fairly stable throughout the United States. Although it is losing some of its appeal in southern California, New York, and Colorado, it is gaining in popularity in areas in Texas, Delaware, Georgia, and Washington, DC, especially among female drug users. This supports recent reports that drug use no longer has a gender gap.

Perhaps the most disturbing news of all, marijuana use is up all over, especially among younger users. This is particularly disturbing in light of marijuana's role as a gateway drug. As a recent study by the Center on Addiction and Substance Abuse shows, the earlier someone starts using marijuana, the more likely they are to move onto harder, more dangerous substances. Perhaps the first sign of this occurring can be seen in reports of increasing incidence of marijuana cigarettes laced with crack or PCP or even

embalming fluid. ''Pulse Check'' reports that these marijuana users are generally younger and represent the gamut of socioeconomic groups. Also, the quality of marijuana is higher than previous years. This means a much stronger drug is available today than was available during the last drug crisis.

Besides these three more traditional menaces, methamphetamine use continues to rise in the West and Northwest, and is headed toward the east coast. It was once considered mainly a biker drug and found mainly in the Southwest. Now, Mexican organized crime organizations have moved in and are incorporating this new product into their existing networks for cocaine and heroin. Meth is a drug which can be injected, inhaled, or made into pills. It appeals to wide variety of users. Earlier I mentioned that cocaine was losing some of its appeal in southern California and Colorado, where it has developed a lowlife reputation. ''Pulse Check'' reports that in its stead, methamphetamine has moved in and has become the new hip drug.

Even though little of this makes the nightly news, there is an alarming story to tell here. Perhaps the only one of these dangerous drugs that is getting as much national press coverage that it deserves is Rohypnol. As the DEA works toward rescheduling this date rape drug into the same category as LSD and heroin, it is becoming increasingly prevalent in the Southwest and Mid-Atlantic region. Senator BIDEN first warned us of the coming threat of this powerful sedative. And it is a growing problem.

Other so-called club drugs continue to rise in popularity, as well as so-called natural products found in health food stores and mail order catalogs. Often these natural products contain ephedrine—one of the key components of methamphetamine—and they induce similar effects. These drugs are especially popular among younger drug users. They are marketed by comparing their effects with those of other street drugs, and portraying them as health supplements.

This is what is happening now. The ''Pulse Check'' gives us a feel of where we are at in the fight against illegal drug use. We are still on the same downward spiral that we have been on since 1992. Drug use is climbing, acceptance is climbing, and all of the associated problems and difficulties are climbing.

The sad part is, this comes after years of declines in drug use. From 1979 to 1991, drug use fell dramatically. We were winning the fight for the future of our children. For some reason, we seem to have hit a roadblock in this success. We have moved off this successful road and have found an hauntingly familiar course where drug use numbers are again headed in the wrong direction.

Some have said that raising this concern is merely partisanship, playing politics. But kids using drugs is not political. Rising incidence of drug use is not political. Talking seriously about the drug problem in America is not partisan. It is an exercise in responsibility. I would welcome the President to come out and say ''Drugs are bad. Don't do drugs. If someone offers you a joint, if someone offers you a snort of cocaine, just say no.'' Unfortunately, after a few public remarks on the issue, the President has, once again, lapsed into silence. We have had a stealth drug policy. It is clear, however, that this approach has simply not worked.

But let's not mistake criticism for partisanship. Since 1992, teenage drug use has surged. Acceptance of drug use by teens has also risen dramatically. These are not partisan conclusions. These are the facts. Modern music, movies, and even clothing depict drugs as ''hip.'' This is a radical change from the eighties when the message was loud and consistent: ''Just say no!''

Here in the Capitol, both sides of the aisle have spoken often on this issue. Many have issued the warning that we must change our message now. There are 39 million members of the ''baby bust'' generation who are beginning to face the choice of whether or not to use drugs. They will be faced with the choice of saying no, or trying drugs that are more potent and more addicting than what was available before. When this generation looks around to see what their leaders are saying, we need to be there loud and strong. We have been down this road before. And we know what strong leadership can accomplish. From 1979 to 1992, drug use fell at a fairly steady pace. It was not always a smooth ride, but we were headed in the right direction.

Congress, too, needs to do its part. We cannot be satisfied with rhetoric and hearings. I would encourage my colleagues to support the drug czar's proposal to reprogram $250 million from the Department of Defense to the Office of National Drug Policy, as well as increased funding for the International Narcotics and Law Enforcement Effort at the State Department.

Madam President, we need to get back on the right track. Congress needs to do its part and support funding. In March we started along this path with a $3.9 million appropriation to restaff the Office of National Drug Control Policy. We should continue by supporting the reprogramming of $250 million I just mentioned from DOD to the counterdrug effort. And I would hope that the President would join us in support and show some leadership by speaking out more on the dangers of drugs and drug use.

In closing, I hope that when the next ''Pulse Check'' on drug use is released, I will have some good news to share with my colleagues. Unless we change directions, without a change in message, and without a show of strong moral leadership, I fear this will not happen.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

GETTING AMERICA'S BUSINESS DONE

Mr. COVERDELL. Madam President, we heard a really stern leader yesterday talking to both sides of the aisle and to America about getting the job of America's business done. I think he made a very eloquent case in delineating the strategy on the other side of the aisle to bog the Congress down, to keep it gnarled up. At the base of it is a political strategy, and that political strategy is ignoring America's needs and interests.

Just yesterday, the other side brought forth an outline of a program they call families first. But in the 104th Congress they have made American families and America last by stalling and filibustering and dragging their feet on issues that are of enormous interest to the welfare and benefit of millions of American families.

I can think of none more important than health care reform. Getting that done would put American families first. And stalling it and filibustering it is putting American families last.

Madam President, just to recount for a moment what the leader endeavored to move forward on behalf of America yesterday evening, he asked unanimous consent that the Senate insist on an amendment to H.R. 3103 and that the Senate agree to the request for a conference with the House and the Chair be authorized to appoint conferees on the part of the Senate.

Well, that is a lot of process. What that means is moving forward on health care reform, something that every American family is looking to the 104th Congress to do. And 87 percent of the American public want us to move forward on targeted health care reform, but we are in the 80th day of filibustering by the Senator from Massachusetts. The leader came to the floor and to the assembled body and said, ''I ask unanimous consent we go ahead, get the conferees and move forward on health care reform.'' The other side objected.

The leader then asked for unanimous consent to proceed with the Department of Defense appropriations bill. One of the fundamental responsibilities of the Government, of the Federal Government, is to provide for the defense of the Nation and the keeping and care of our integral defense establishment. The other side objected.

The leader then asked for unanimous consent to move forward with the immediate consideration of the White House Travel Office. As he said here on the floor, in all probability when that legislation finally comes to a vote, it will pass overwhelmingly. The other side objected. The leader asked for unanimous consent to proceed with the legislative matter that the Presiding Officer has had an interest in for so long, the stalking bill. That bill will

probably ultimately pass 100 to 0. But for days after days it has been stalled on the other side.

When he asked for unanimous consent to turn to the calendar and bring up stalking legislation, which the Senator from Texas has pursued for so long, what happened? The other side objected.

He asked for unanimous consent that the Senate proceed to the nuclear waste bill. There is probably not a single piece of legislation that has more significance to the environment and the safety of every American than the nuclear waste bill. I mean, we have over half the States that are deeply involved with how to manage nuclear waste. The leader spoke eloquently on the floor before yesterday about the importance of this legislation and the environmental impact it would have on our country. So he asked unanimous consent to proceed to this very important piece of legislation. The other side objected.

He asked, once again, to proceed to the health insurance reform conferees—twice now. There is probably no single piece of legislation that would have such a profound effect on the anxiety of working families in America than untying health care reform. So again he asked for unanimous consent, and, yes, there was an objection on the other side of the aisle.

So here, for all of these important pieces of legislation, it was demonstrated conclusively yesterday that the strategy of the other side is to just bog everything down. America last, politics first.

To reinforce the point that I am endeavoring to make, the number of legislative items having cloture—that means trying to stop a filibuster, Madam President—we in the 104th Congress have 28 times tried to shut off a filibuster.

The minute we return next Tuesday, our first task will be to try to shut down these filibusters from the other side.

The Republican majority has filed 54 percent of their cloture motions on the first day a measure was considered. There was an argument that we have been doing that too often. But the other side, in the 103d Congress, has done it 60 percent of the time. America needs to know, particularly in light of a theme that they are putting American families first, that on 73 occasions they put American families last. They have had 73 filibusters in the 104th Congress on the other side of the aisle. The President has conducted 15 major vetoes of legislation that the 104th Congress sent to the President in response to America calling for major change in America. He vetoed balanced budgets, the President vetoed welfare reform, the President has vetoed tax relief, even after promising tax relief to the middle class. Over and over again, 73 filibusters and 15 vetoes.

Mr. President, we will talk about a few of the filibusters. Unfunded mandates: We began the 104th Congress discussing an issue that had become, nationwide, highly visible. America was saying to Washington, ''Quit mandating costs to our local governments.'' It is like appropriating our property taxes at the local level. The Federal Government would try to fulfill the need of some special interest up here in Washington, send it down to the States and local governments and say, ''Here, here is a new program. You pay for it.''

Finally, in an unprecedented piece of legislation that was introduced to begin to control these unfunded mandates, wide support, bipartisan support, headed by the junior Senator from Idaho, Senator KEMPTHORNE, Senate bill 1, we had to file four motions to shut off filibusters—four of them—and then when we finally got it to a vote, it was 98 to 2—98 to 2, overwhelming support for this legislation. Yet, we had to spend 3 weeks, 3 precious weeks, of the 104th Congress and had to, 4 times, try to shut off the filibuster on the other side.

It could not be clearer. It does not take a rocket scientist to understand that from day one, it was the intent of the other side to bog this Congress down. That was their reaction to the 1994 election mandate, drag it out, slow it down, see if we cannot get to another election so that all these changes that were talked about in the 1994 elections could somehow be throttled or choked. Maybe it is just an interim phenomena and America will forget all these changes of wanting unfunded mandate control, taxes lowered, and welfare. Maybe we can get by by stalling and keeping that from happening. We will have 73 filibusters. We will veto all this legislation and see if we cannot get through it.

The balanced budget amendment, balanced budget amendment, House Joint Resolution 1, we had to try three different times to shut off the filibuster before we could actually get to a vote. I can go on, from product liability to interstate waste.

Try this one: Antiterrorism. We had to even cut off a filibuster on antiterrorism before we could get to that bipartisan proposal. Welfare reform, the Cuban Liberty and Democratic Solidarity Act took three attempts—three—to bring that to a vote. Then, after a tragic occurrence, the President wants the legislation to sign. Time and time again, 73 times.

The President, as I said, has vetoed 15 propositions. Product liability was one, something the whole country has been endeavoring and calling for, product liability reform, the debt ceiling limit, the Balanced Budget Act, welfare reform—twice shut it down, stall and see if we cannot get to another election.

There was a story by Carolyn Lockheed, the Washington bureau of the Chronicle, appearing July 8. She says: ''For Democrats, the hope is to deprive Republicans of any accomplishments.'' Now, is that putting American families first, or is that using all of this legislative time of the 104th Congress for political strategy? If you are going to put American families first, you are not going to have 73 filibusters and 15 vetoes and veto balanced budgets and tax relief and welfare reform. She says, ''For Democrats, the hope is to deprive Republicans of any accomplishments.''

Taking a page from the Republican playbook, unified Senate Democrats are filibustering or otherwise blocking and delaying almost anything that threatens to move. She says that the Senator from Massachusetts has succeeded in discombobulating the Republican majority with the bill to raise the minimum wage and has led the fight to stop—stop—the hugely popular health insurance reform legislation he cosponsored with Kansas Republican NANCY KASSEBAUM.

I might just say, Mr. President, on this issue of health care reform, the Senator from Massachusetts often indicates the reason he is into his 80th day of filibustering a bill, that millions of Americans are suffering because it is not the law, the reason he says he is doing it is because we have a possibility that a conference report would include medical savings accounts, and that is just not the right thing to do because it was not in the Senate version, but it is in the House version, Madam President. It is in the House version. That is what conference reports are about, to work out the differences between House and Senate proposals. I guess he is going to filibuster this until he gets some assurance that he can manage what the White House thinks is appropriate for health care reform, and override the fact that almost half the Members of the Senate agree with the House on medical savings accounts.

Madam President, I will talk for a moment about this filibuster that we have from the Senator from Massachusetts on health care reform. That is probably the single largest and most extended filibuster that we have been dealing with. As I said, Madam President, we are into our 80th-plus day.

In the Washington Post, an article quotes a fellow by the name of David Nexon, who is Senator KENNEDY's health policy director, and the quote reads: ''If it''—that is the health care reform proposal—''[the Kassebaum-Kennedy health care bill] fails, just a narrow political calculation, it helps us''—that is the Democrat side—''more than them''—that is the Republican side—''because then we can credibly blame the Republicans for killing it.''

In other words, again, as I said earlier, American families last. The American workplace is trying to find an insurance environment that is easier for them to deal with, that comes secondary to having a political advantage and being able to blame somebody for the fact that health care reform, which is so needed, could not get passed. Well, I think it is eminently clear that this idea is not going to work. If we do not

have health care reform, it will rest squarely on the shoulders of the senior Senator from Massachusetts and this administration because it will be clear, and there will be no mistake that they have been engaged in an extended filibuster over the interests of American families, who are trying to find a better and friendlier health insurance marketplace for them and their spouses and their children.

How about this quote: ''Certainly, his views haven't changed.''

That is, President Clinton's views. He was addressing an audience of health care executives, hospital trustees, and others, at a symposium sponsored by the Hospital Association of Rhode Island. Ira Magaziner—if we remember, he was, along with Mrs. Clinton, a principal architect of Government health care, a huge Government-run system. We all remember the charts that were shown here on this massive Government takeover of medicine. Well, Ira Magaziner said, ''The American public still cries out for a comprehensive health care system, and President Clinton remains committed to this idea. Indeed, the President will try again if a more receptive Congress is ever elected.''

Well, that means to try again for a massive Government-run health care program. That brings up an interesting point.

Now, the President promised tax relief to the middle class. Just yesterday, I pointed to the book called ''People First,'' where, on page 15, he promised a middle-class tax cut. But that became virtually a half-trillion-dollar tax increase—the exact opposite of what was promised. Then, yesterday, we had the Families First Program—from People First to Families First. CBO says that could cost another half-trillion dollars. This Government-run health program that America rejected, for which is still harbored hope on the other side to resurrect, that was about another $200 billion in tax increases. The net effect of all of that, I might add, requires that the average working family in America forfeits about another $6,000 to $8,000 of their income to the Government. That is what all this adds up to.

Another quote: ''We're going to get this done, and we're going to keep coming back at it * * *. If we can have a big sweep for the Democrats in the House and the Senate, we'll get single payer.'' That means Government-run health care. Who said that? Well, the senior Senator from Massachusetts said that.

So maybe now it is becoming a little clearer as to exactly why this filibuster is going on. The idea is, do not get the targeted health care reform that Americans have asked for. Let us throttle that and let us see if we cannot stall the 104th Congress, and maybe the American people will change the balance here and we can get back to pursuing our ultimate goal, which is a national Government-run health care program, with massive new taxes to run it, and an opportunity for the Government to be expanded even beyond 50 percent of the American economy.

This is Senator KENNEDY's quote: ''I'm strongly in favor of universal comprehensive health care for all Americans.'' That was Senator KENNEDY on ''Larry King Live,'' May 8, 1996.

Senator KENNEDY's key aide said, ''It may be that, ultimately, the effect of our bill is to lead the Government to take further steps to increase coverage and control costs of health care. My boss still wants universal coverage with cost containment * * *.''

So from his point of view the foot is in the door and that is a good thing. There can be no mistake that we are engaged in an attempt to throttle targeted health care reform, to stall, and to wait to see if there is an opportunity to move to broader health care reform.

Now, Mr. President, one of the centerpieces of contention that is always brought up about the senior Senator from Massachusetts, Senator KENNEDY, is that the other side, the House, has a proposal called medical savings accounts, and somehow that is objectionable.

Madam President, it has been determined by the General Accounting Office that 25 million Americans could be helped by this targeted health care reform proposal. We need to understand that, in this proposal, there are a number of features that the American public are waiting for. One is that it ensures portability. What does that mean? The health care reform proposal is designed so that the health care insurance can move with the employee if they change jobs. Currently, in the workplace, many of the insurance policies, if the employee wants to move from job A to job B, the insurance stays with the old employer. So they become vulnerable. They have to leave their job, and their insurance does not travel with them. That is a very, very important problem, one which the health care reform that is being filibustered solved.

The proposal fights fraud and abuse. It creates a national health care fraud and abuse control program to coordinate Federal, State, local law enforcement actions. Funding is increased for investigation and prosecution. I do not talk to many citizens, Madam President, that I do not hear a deep concern, usually followed by anecdotal incidents. They know of somebody that got in an ambulance and was taken 300 miles to another hospital and it was at the cost of the insurance or to the Government. They will name some incident they have seen, some bill that they got—a bill that is three times the normal cost. They want us to pursue this fraud and abuse. This health care reform proposal accomplishes that.

Madam President, this legislation will make health insurance far easier to obtain in our workplace, because it deals with the issue of preexisting conditions. It makes it more possible for individuals to get insurance who do not have it. That is an important ingredient. You have many, many Americans today that are worried and concerned that they have a preexisting condition and even though they want to be responsible and they want to obtain health insurance, they cannot do it because they have had a preexisting condition, some health problem in their past.

This measure begins to get at that problem and begins to make it easier for people with preexisting conditions to get their insurance.

Madam President, it also, in the House version, includes a provision for medical savings accounts. This is the issue that the Senator from Massachusetts focuses on. He uses that as the principal reason for his filibuster.

I suggest that my quotes earlier said that there is another reason. He wants to see if he can stall this and block it so that maybe there is another chance to go back to the total Government-run health care system that America says it clearly does not want. It wants the targeted reform, just as I have described. So he has taken this medical savings account and set it out as the red herring, as I would call it.

Just what is a medical savings account? A medical savings account is a great new idea and product for the marketplace. It would lower costs for people trying to get health insurance. A lot of small companies in America do not offer health insurance. A large number of Americans who do not have access to health insurance are employed by the very, very small companies who cannot afford a health insurance program. The medical savings account gets at this target and would take millions of Americans off the uninsured rolls and get them into insurance.

It is a great idea because it basically eliminates the front-end deductible and the back-end copayment and at the same time lowers costs. I am going to come back to that in just a moment and talk some more about medical savings accounts.

We have been joined by the assistant majority leader, the Senator from Oklahoma. I yield up to 10 minutes to the Senator from Oklahoma on this subject.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Thank you very much, Madam President. I compliment my friend and colleague from Georgia for bringing to the attention of the American people issues which the Senate needs to work, and it needs to move forward with the Nation's business. We have found it increasingly difficult because we have been frustrated by the obstructionist tactics by Members of the Democratic Party in the Senate.

The Senate is a great body in which to serve. It is a body that has rules that are open for debate. I like that. It is a body where it is easy to have

amendments. You can amend anything. You can have any amendment on any issue. It does not have to be germane. I happen to like that. I will defend that right. It gives the minority enormous power to influence and delay and obstruct. Right now we have seen the minority using a lot of the Senate rules to obstruct, to delay, and to make it very difficult to pass legislation. Unfortunately, a lot of that legislation is very much needed.

We have before the Senate right now for example the Department of Defense appropriations bill. I have been around here a long time. I cannot remember anybody ever filibustering that bill because we all know it needs to pass. We know we need to fund the military. We need to make decisions on how many people we are going to have in the Armed Forces and what we are going to pay them. We need to have decisions made on what we are going to buy as far as airplanes, as far as equipment, as far as munitions, and as far as research and development. We may have differences of opinion on how much, but we have to make those decisions. You cannot make the decision unless you have the bill on the floor.

In this case, we have Senators INOUYE and STEVENS, two of our more respected Members and two of our more talented legislators, who have been totally frustrated for 3 days trying to bring that bill to the floor. They are ready to go to work. I remember seeing both Senators having their notebooks and ready to go to work. That was on Wednesday afternoon. We have yet to have any substantive, real debate on the Department of Defense appropriations bill because a couple of Senators—and I respect their rights—are filibustering that bill because they think this will delay consideration of the nuclear waste disposal bill, which may come up after DOD. So, if they can filibuster and tie up the DOD appropriations bill, maybe that will help protect them as far as the nuclear waste bill. I disagree with that strategy.

I respect the Senators from Nevada, and I respect their right to try to protect their State. But by delaying action on the Department of Defense bill, I do not think they are helping their case one iota as far as Nevada is concerned. That is just the latest tactic. That is rather unusual—very unusual, I might say—to filibuster one bill, particularly a bill as important as the Department of Defense bill, to hopefully influence legislation on the nuclear waste bill, or a bill that is coming subsequently; very unusual in my opinion; not a good tactic, in my opinion; not helpful for the Senate.

The Senate needs to do its work on the appropriations bills. If people have philosophical differences on different issues which they feel strongly about, they have a right to filibuster those, but not really on appropriations bills. It does not make any sense to filibuster appropriations bills. We know we have to pass these appropriations bills. They are all important. They probably all spend money that we should not spend, however, if Senators disagree with the way some of the money is spent, they can have amendments to strike that spending, to reduce the spending or to increase the spending. That is the way the system should work.

We should not filibuster appropriations bills. We should give priority to appropriations bills over many others because we know we have to do that. We have to pass these bills.

Again, we can fight, wrestle, argue, and amend over what the amount of money should be in those bills. But I think all of them agree that we should spend some money in each one of those 13 accounts for appropriations. To date, in the Senate, unfortunately, we have only passed one—military construction. We need to pass the Department of Defense appropriations bill. Hopefully, we will be able to get back to that on Tuesday and move forward.

That is not the only case of obstruction that we have seen from our Democratic colleagues. Senator COVERDELL mentioned the health care bill, the so-called Kassebaum-Kennedy bill. That bill passed the Senate in April by a vote of 100 to 0. The House has already passed it. The normal course of procedure is that we would appoint conferees and work out the differences between the House and the Senate.

We have some differences between the House and the Senate—however, these are not real substantive differences in too many areas. But we need to go to conference to work them out. Senator KENNEDY has obstructed that. He has objected to appointing conferees indicating he would filibuster any effort to appoint conferees. He may well have the opportunity to filibuster it.

I think we need to make a decision. Are we going to allow one Senator to deny us the opportunity to go to conference for final action on a bill that passed the Senate 100 to 0? I think Senator KENNEDY is wrong in objecting to this bill. This bill is an important bill. It bears his name—the Kassebaum-Kennedy bill. It has a lot of provisions that are agreed upon with strong bipartisan support. We made some improvements in that bill as originally introduced.

I remember some of our colleagues saying that we cannot amend that bill, that, if we amend it, we threaten the bill. We did amend it.

We put in a provision that I know is of interest to the Presiding Officer that allows the self-employed to have deductions for health insurance rising from 30 to 80 percent. That is a very important provision, a good provision, one that passed. Nobody objected to it. We included it in the Finance Committee action. No one objected to it on the Senate floor. It must be a great provision. It certainly is common sense. It has some equity for taxes as far as health care is concerned. Major corporations get to deduct 100 percent. Why would a self-employed person only get to deduct 30 percent? It does not make sense. Now at least that is increased to 80 percent. It takes 7 years to get there. But that is a positive provision.

Senator KENNEDY right now is objecting to that provision because we are not able to get this bill to conference. I find that very important. He has objected now for 80 days; almost a record. I cannot find any bill that anybody has objected to longer for appointing conferees. If he wants to filibuster the bill when it comes out of conference, he has that right, and I respect that right. I may not agree with him, but at least I respect somebody who is abiding by the rules. Under the rules, you can filibuster appointment of conferees. That is what he is doing. But what he is doing is denying 25 million Americans portability between group insurance and individual insurance. In other words, if they leave a group—maybe they are working for a company that has health insurance and they are fired, or they quit, or they have to move, for whatever reason, and they want to go into a different plan—this bill says they will be able to move their insurance. They will be able to get coverage either in an individual policy or another group policy.

That is a good provision. It has strong bipartisan support. By blocking the appointment of conferees, Senator KENNEDY is not allowing us to take that up and pass it, and put it on the President's desk and have it become law.

Ostensibly the reason the Democrats are objecting to appointing conferees is they do not like medical savings accounts. The House has a medical savings accounts provision that basically makes it available as an option for, I believe, most Americans. The Senate had a close vote, 52 to 46, on medical savings accounts. We were not successful in having a broad medical savings accounts provision. And so since the Democrats do not want medical savings accounts they have refused to let the conference go forward. Even yesterday, the minority leader, Senator DASCHLE, said if you will give us the medical savings accounts provision or let us define it, then we will go to conference.

That is not the way we do business. If we did business that way, the minority would say, well, we will not let you go to conference until we see the final outcome. In other words, the conference does not make any difference; we will write the final package or we do not have a bill or we will not go to conference.

I disagree with that. That is a crummy way to legislate. That is not good, and we should not let it happen. And, frankly, we are not going to let it happen.

The proposals we have made in an effort to compromise on this bill are several. We have already said that we

would drop medical malpractice liability reform that the House had in their bill and we did not have in our bill. We have already said, well, that will be dropped. We dropped purchasing alliances for small businesses. In my opinion, we should not have dropped it, but we did.

So we have made several compromises. On medical savings accounts, we said that instead of making the medical savings accounts open for all people in the country, as I think we should, we will confine it to small business, to businesses with 50 or less, and the self-employed. I think that is a very minimal move toward medical savings accounts. As of yesterday, Senator KENNEDY and others think that is still too generous. They do not want to give self-employed people the right to have a medical savings account or they do not want to give a small business with 50 or less employees the right to start a medical savings account.

What are they afraid of? That it is going to work? Are they afraid they are going to be popular? Are they afraid they are going to take off and be a real success? Frankly, they will be. They will prove you can save money and you can provide an option.

We are not mandating that anybody in America has to have a medical savings account. We are saying that should be an option. And if they choose it, great. If they do not choose it, that is great. It would be their option. It would be another method of obtaining health insurance. Individuals and small companies could decide for themselves where they would take that couple of thousands of dollars a year and say, well, if I do not use it on medical care, I can save if for long-term care.

Madam President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Madam President, I yield another 5 minutes to the Senator from Oklahoma.

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

Mr. NICKLES. So we would allow small businesses the right to offer to their employees medical savings accounts as an option—not a mandate, as an option—so they could use that money. It would be their money. People are a lot more frugal with their own money than they are with Government money or they are with their employer's money. So there will be savings involved. That is positive. That is good.

What is Senator KENNEDY afraid of, that this is going to work? I have heard him say something about, well, this would be utilized by the wealthy and the healthy. I disagree with that. We had hearings and listened to people, school teachers and others, who really like this opportunity.

The States have given them a small tax advantage. What we would do on the Federal level is allow them to have medical savings accounts, treat it somewhat like an individual retirement account, and if they do not use it for health care purposes, they could use it for long-term health care purposes. If they do not use it today, they would accumulate it. They do not have to use it or lose it. So people would have an incentive not to run up their medical expenses. They could save it and use it, if not this year, next year. They could save it for a real problem in the future or perhaps save it for dental care that their health care did not cover. Or maybe they could use it for long-term health care, which most people in this country do not save for, which makes eminent good sense.

Madam President, I am very disappointed that my colleagues on the Democrat side have objected to appointing conferees on the health care bill which benefits up to 25 million Americans. We should move forward on that bill, and we should move forward on it now.

I appreciate the fact that the majority leader yesterday tried to get unanimous consent to move to the health care bill, and once again, I think for probably about the eighth time, the Democrats have objected. I know that he will be making that motion again on Tuesday. I hope that they will reconsider. I have stated my intention to make sure that we move toward the health care conferees before we appoint conferees on the minimum wage. I think both conferences should be appointed. I do not make any bones about that. Both conferences should be appointed.

We should not be objecting to conferees. We should let the majority will of the Senate go forth. But I do think it is important, for a little leverage, for Senator KENNEDY and others, if they really want minimum wage, they are going to have to allow appointment of conferees on the health care bill. I hope they will see the wisdom in allowing the conferences go forward on both and see that the will of Congress can go forward on two very important issues.

Madam President, again, I thank my friend and colleague from Georgia for his time and also for his leadership on this issue.

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I thank the assistant majority leader for his presentation and knowledge on this subject, his assistance in participating in our controlled time.

Madam President, I yield up to 10 minutes to the distinguished Senator from Kentucky.

The PRESIDING OFFICER (Mr. NICKLES). The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I thank my friend from Georgia for his leadership and giving us an opportunity to express ourselves on what appears to be the state of the Senate today.

Far be it for me to come over here and argue that it is inappropriate for someone to filibuster, and I will not make that argument. The Senator from Kentucky is familiar with the procedure, has employed it on numerous occasions over the years, to good end, for the Nation.

What I would like to say to my colleagues this morning, Mr. President, is I am not trying to turn the Senate into the House here. I understand the Senate is not the House. We all know from high school civics that in the House of Representatives, if you have a majority, you can run the place. The House of Representatives can be sort of like a triangle, with the Speaker and the chairman of the Rules Committee at the top of the triangle, and with the concurrence of a mere majority the place can be run like a fast train out of the station. The House of Representatives was constructed by the framers of our Constitution to be a place of great passion and quick reaction. That is the way it has always been, and we understand that.

Many people in the House over the years have referred to the Senate as ''the House of Lords,'' with some degree of derision. The Senate was a ponderous place, a place in which things were contemplated for quite some time. And, boy, that is the way it has worked for 200 years, and, in fact, that was the way it was designed. Frequently, we heard the Senate described as the saucer underneath the coffee cup where the coffee sloshed down the cup into the saucer and cooled off.

I am here to object to none of that. I am not in favor of changing the rules of the Senate. I am not in favor of diminishing the rights of the minority. But it seems to me what is going on right now in the Senate is different in several measurable ways from what has been experienced in the past. I could be wrong about this, but I cannot remember in any of the years I have been here in the minority that we tried to stop appropriations bills. It is one thing to attempt to stop, to pull together 41 people to try to do what you think is best for America by stopping a bad piece of legislation.

We saved the country from ''Clintoncare,'' the Nation's most aggressive effort to take over all of health care by the Federal Government through the use of the filibuster. I make no apologies about that. I am proud of that. We stopped the stimulus package in 1993 through the use of the filibuster, saved 20-odd billion dollars in waste. I make no apologies about that. We stopped an effort by the Government to take over all of the political campaigns and snuff out the voices of Americans and hand the check to the Treasury to support political campaigns. I make no apologies for that.

However, never in the years I was here in the minority did we try to stop appropriations bills, the essential element of operating the Government.

It seems to me that is what is going on here; an orchestrated effort on the

part of our friends on the other side of the aisle, maybe in conjunction and concurrence with the administration, to simply create a situation where the Government must come to a standstill, and to try to do it subtly, somehow to try to get it done in a way that everybody does not figure out what is going on.

By any standard that is a new low. That is not trying to stop an issue on the merits because you think it is bad for America. That is saying we will not engage in the elementary, basic function of Government for which the Congress remains responsible, and that is discretionary spending. We cannot control interest on the national debt; we cannot control, at least on an annual basis, the entitlements; but the one thing we do do around here every year, at a bare minimum, is the 13 appropriations bills, the fundamental function of Government.

So let me cite an example. I am chairman of the Foreign Operations Subcommittee. It is not a huge amount of money in the grand scheme of things around here, but this year we will be appropriating about $12 billion to pursue America's interests around the world through the use of means other than sending in the troops; another tool for the No. 1 country in the world to pursue its interests around the world without the deployment of troops.

Last year we had nine different votes on the foreign operations appropriations bill in the House and the Senate on the issue of population control, admittedly a very divisive issue upon which Members of this body and the other body are divided, on a bipartisan basis. But finally, after 5 months of ping-ponging this bill back and forth from the House to the Senate, trying to work out some kind of compromise on the population control issue that would bring the President's signature, we were able to do that. The President signed the bill. He signed the bill.

This year I would say, Mr. President, in an effort to secure a signature on the foreign operations bill, the House of Representatives inserted into their version of the foreign operations bill exactly the language that the President signed in February—exactly. It was an effort to reach out to the administration and say, ''Let's not have a fight over this issue this year. It was a difficult compromise to achieve last year, so we will just put in exactly the language you signed in February—now.''

''Oh, but that is not good enough. What was good enough in February is not good enough now. We will not sign it again. The standard somehow has evolved from February until now.''

What is going on here, Mr. President? There is no other conceivable explanation for that, than that the President would like to veto this appropriations bill. We have not sent it down to him yet. Hope springs eternal. Maybe that will not happen. But it is very difficult to deal with an administration that will not stay stuck to any position. These people can change positions in the middle of a sentence, and do—frequently. Why? They are looking for a reason to stop the Government.

Mr. President, that is what is going on here. I do not know whether there is sort of daily coordination between the White House and our friends on the other side of the aisle or not, but the effort here is to do the country harm—harm, by creating a crisis that does not exist. Because we are not arguing, here, in many of these instances, over freestanding policy matters. Although we are having a dispute here on the minimum wage and the health care bill, I want to say to the distinguished occupant of the chair, as someone who has filibustered appointment of conferees in the past myself, I think it was entirely appropriate for the assistant majority leader to take the position that what is good for the goose is good for the gander. If we are going to object to going to conference on health care, then why not object to going to conference on the minimum wage and small business tax bill? I think that linkage is appropriate. I think it makes sense. It seems to me it might bring about a condition where we can pass two bills that at this point clearly ought to pass the Senate and the House.

But what I fear we are going to see here in the next few months, not only on that side of the aisle but also downtown, is an effort to create reasons to not engage in the basic function of Government, which is to pass these annual appropriations bills. I think it is important for the American people to understand what is going on here; basic functions of Government, not big ideological disputes about the future of the country, but the fundamental activity of the Congress.

Hopefully, this will not continue much longer. I commend the majority leader, who is not on the floor at the moment, but I want to commend the majority leader for finally going on and talking about it in public. We have been sort of sensing what has been going on around here. Everybody has been sort of exasperated about it. You kind of hate to admit publicly this body has declined to that level, but it is time to talk about it and I commend him for doing that. Hopefully our public discussion of this will bring about a more cooperative framework for advancing the business of the U.S. Senate.

With that I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, before the Senator from Kentucky leaves, he has given us a good civics lesson on the nature of the Senate, with which I agree. I concur that the rules ought not to be changed. But, if I might just make one point that I made before the Senator arrived, the Senator has conducted filibusters, and on very contentious issues for which there were deep divisions. But we opened the 104th Congress on the unfunded mandate bill which passed here 98 to 2, which was filibustered by the other side for 3 weeks. That is a distinction. That was not a filibuster over the issue embraced in the bill. It was a strategic design to thwart the interests of the American people and it is not families first, it is America last.

Mr. MCCONNELL. Will the Senator yield?

Mr. COVERDELL. I yield.

Mr. MCCONNELL. The Senator makes a very important point. I thought we wanted to pass a health care bill. This is essentially the same bill we wanted to pass in 1991. I thought they wanted to pass the minimum wage bill. The Senator from Georgia, I think, makes a very important point as to what is going on here. This is not about principle. There is no principle involved here. This is pure sabotage. I thank my friend from Georgia.

Mr. COVERDELL. I thank the Senator from Kentucky and I turn to the distinguished Senator from Texas and yield up to 10 minutes to Senator HUTCHISON of Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank my colleague from Georgia, who wanted to talk about the gridlock that has come over the Senate, really in the last year and a half. But I think it is beginning to show, because our distinguished majority leader made the eloquent effort yesterday to bring up nine separate bills, and had objections raised to every one of them.

These are bills that range from the health care reform bill that was passed overwhelmingly by the Senate, which is being held up from even having conferees appointed for it, to a stalking bill that was passed unanimously by the House of Representatives and would be passed unanimously out of the U.S. Senate but for the objection of one colleague from the Democratic side.

Mr. President, we have had, in the last year and a half since Senator DASCHLE became minority leader, over 65 cloture motions that have been required to try to get on with the business of the Senate. Let me just give a list of a few of those.

Unfunded mandates, to keep the States from having to pay for the mandates that are dreamed up in Washington, D.C. It took four cloture motions to bring the bill up, and once it was brought up the bill passed nearly unanimously.

Balanced budget amendment to the Constitution: That is what the people of this country have been asking for, a balanced budget amendment so that when we do finally balance the budget, hopefully, we will never again see the spectacle of a Congress that will tax our future generations for the programs that we ask for today. It took

three cloture motions before we could debate that bill. And when we finally did, we lost it by one vote.

Striker replacement, line-item veto, health insurance tax deductions for the self-employed and the small businesses of this country: Every one of these required cloture votes before we could even talk about them on the floor, debate the differences and pass them.

Let's go one step beyond. When we are talking about gridlock, it is not just the Democrats in the Senate, it is also President Clinton. It is the other end of Pennsylvania Avenue. President Clinton has vetoed 15 bills, 15 bills that have finally made it through this Congress, and of those 15, I want to read you what they are, because I think it is important to see the differences between President Clinton and the Democrats in Congress and what they would do versus what the Republicans would do, as shown by what we have passed in Congress.

The Bosnia-Herzegovina Self-Defense Act, vetoed by the President. This would have allowed the Moslems to arm and train themselves so that we might not have had to send Americans with a NATO force to bring peace to that country. They might have settled it 2 years earlier if we had given them the right to have free access to defend themselves. It was vetoed by the President.

Seven-year balanced budget: The President promised the American people a balanced budget. So did Members of Congress. Congress produced, and the President vetoed it.

Securities litigation reform: We were trying to have litigation reform that would cut the costs of the securities industry in this country and for the investors in this country. It was vetoed by the President. That one was overridden.

Welfare reform: Another promise of the President to the American people, a promise kept by the Republican Congress, vetoed by the President.

A ban on partial-birth abortions; a ban on killing babies that are halfway out of the mother's womb: Vetoed by the President.

Product liability reform: The single most important litigation reform bill that has been passed by this Congress that would have tried to bring down the costs of regulation and the prices to consumers, product liability reform, vetoed by the President.

The rest of the bills vetoed by the President were appropriations bills for specific agencies and departments of Government or authorization bills to run the departments of Government.

I think we are beginning to see a pattern here, a pattern of gridlock and obstruction, a pattern of broken promises. I think the American people deserve to know what Congress is trying to do and what we are being obstructed from doing.

Let's talk about some of the items that our majority leader tried to bring up yesterday. He mentioned the stalking bill. The stalking bill is my bill. It was passed unanimously by the House of Representatives. It is being held up because one Senator wants to put a gun control amendment on the bill.

Other Senators had amendments that they had hoped to offer on this bill. Senator FEINSTEIN had an amendment. Senator GRAMM of Texas had an amendment. They were willing to step back because they knew if we opened up the bill, we might not be able to get it passed, and, of course, we were hoping to send it directly to the President after its unanimous passage by the House of Representatives. So they agreed to step back and not change it so that it could go directly to the President and give to the stalking victims of this country another measure to help protect them from threats and harassment that might be fulfilled, because we have not passed this bill that would allow the FBI to come in and track a stalker that goes from one State to another.

This is especially important in a State like New York, where many of the people who work in the New York metropolitan area live in Connecticut or New Jersey. It is especially important where the threats become so great that a victim moves to another State to elude the threat and harassment and is followed by the stalker, and there is no way to have the ability to clamp down on that stalker before he fulfills his mission of beating up or murdering the victim. This bill is being held up for no good reason.

Why would we have a holdup on health insurance reform? The American people have asked for health insurance reform. They have asked for portability so that if they lose their jobs, they will not worry about losing their health care coverage. They have asked that we do away with preexisting condition clauses because they are worried that if they do change jobs, their insurance company will say, ''No, I'm sorry, we cannot take you on because you or someone in your family has an illness that might be expensive.''

That is what the bill does that was passed overwhelmingly by the Senate and by the House. Why would it be held up? Why would it be filibustered for 2 months?

The Senator from Massachusetts has raised the objections because——

Mr. FORD. Will the Senator yield for a question?

Mrs. HUTCHISON. I will be happy to yield for a question.

Mr. FORD. It is medical savings accounts that the Senate turned down, and the conferees are all for MSA's. Therefore, we will get something that the Senate turned down, and that is the basic objection.

Mrs. HUTCHISON. How would we know——

Mr. FORD. We absolutely know, if you know what is going on in the Senate.

Mrs. HUTCHISON. If you do not even appoint conferees——

The PRESIDING OFFICER. Senators will go through the Chair.

Mrs. HUTCHISON. To the conference committee, because we do not know how it is going to come out. MSA's were passed by the House—they were not passed by the Senate—by a narrow majority. So why should we not be able to work that out? Why would one Senator object to even appointing conferees so that we could sit down and work out the differences between our two bills? Is that not the way this process works?

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

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to have 5 additional minutes.

Mr. FORD. Reserving the right to object, we have already gone beyond the 11 o'clock period of time. I had changed appointments to be here at 11 o'clock because that was the unanimous-consent agreement. I do not want to interfere with the distinguished Senator from Texas, but somehow or another we are going to have to stay on track. That was the unanimous-consent agreement last night, that we would have 11 o'clock. Now it is 11:10. And if I give——

Mr. COVERDELL. Mr. President, if I might, for parliamentary information, our control of time, as adjusted by unanimous consent, runs to 11:10, so it would be under my control to determine whether I extend additional time to the Senator from Texas. I yield another 2 minutes because we have other speakers besides the Senator from Texas.

The PRESIDING OFFICER. The Senator from Georgia has that right.

Mrs. HUTCHISON. Thank you, Mr. President.

Mr. President, I think it is unconscionable to hold up health care reform that the people of this country expect and that both Houses of Congress have passed because we do not want conferees to sit down and work out a compromise on medical savings accounts.

Medical savings accounts, Mr. President, are something very important for health care reform in this country. It allows a business to give to an employee the amount of money that that employee would have anyway and have choices, so that the employee could take that money and perhaps save by going to different health care coverage or perhaps save money for future rainy day expenses for their health care needs for themselves and for their families. What we want is for them to have that option and to have the tax breaks to be able to save for those health care needs.

So, Mr. President, we are talking about not allowing the appointment of conferees so we can move health care reform as we have promised the American people we would do. Mr. President, I also have to say I do not know why the Senator from Massachusetts would be so concerned about the ability to have medical savings accounts. I will

just read from his very own health care reform bill in 1994, just 2 years ago, where his bill says:

It is the sense of the Committee on Labor and Human Resources of the Senate that provisions encouraging the establishment of medical savings accounts be included in any health care reform bill passed by the Senate.

So, Mr. President, the Senator from Massachusetts' own bill includes language encouraging the establishment of medical savings accounts. So why will the Senator from Massachusetts not allow us to have conferees appointed for that reason? Is he afraid that we cannot sit down and discuss it and get the health care reform?

Mr. President, it does not wash. There is gridlock in the Senate, and it has to stop. The majority in the Senate is trying to make that happen. I thank you, Mr. President, and I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I thank the Senator from Texas. I think she makes an excellent point when she reminds us that medical saves accounts—which is apparently what is holding this up—was an issue for the Senator from Massachusetts in his own legislation. That is a very important point. I commend the Senator for bringing that to the attention of the Senate.

I now yield 8 minutes, if I might, to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. I thank the Chair.

Mr. President, although I am a new Senator, in my first term, I have had association with the Senate going back some 30 years. I started as an intern between school years some 30-odd years ago. I have served on the Senate staff, been associated with the Senate for a number of years. I want to draw on that experience to give a little historical perspective to what I think is going on in the Senate here.

I remember in the days that I have referred to that filibusters used to be very rare. When a filibuster occurred, it was a real filibuster. I remember the time when the Senators were told, ''Get out the cots. You're going to be here around the clock. We're going to have quorum calls at 3 o'clock in the morning and do everything we can to break the filibuster.'' It was reserved, if you will, for those issues about which certain Senators felt most powerfully. The filibuster was not an ordinary tool that was used whenever a bill came up that a Senator objected to.

You contrast that to today's strategy when the filibuster is used almost routinely, when cloture votes are the most common votes that we cast, and you realize something rather fundamental has happened in the Senate.

I think what has happened is that people have discovered that through the use of the filibuster, in the present circumstance, they can change the political dynamic. It is no longer necessary to have a majority in order to work your will in the Senate. Through the use of the filibuster, all you need is 40 votes and you can control the Senate and you can force your opposition to cast votes that they might not want to cast so that you can then go home and campaign against them. The Senate has ceased to be a legislative arena and has turned into a campaign arena that seems to be ongoing and continuous.

I will obviously confess to having participated in filibusters in the last Congress. There were two issues that were very important, in my view, that we engaged in filibusters on. No. 1 was the stimulus package offered by the President of the United States. A group of us felt that was a serious mistake. We took the floor. We held the floor. We ultimately forced the President to back down on that issue. Looking back on it, we were right. The stimulus package that he was calling for was clearly nothing more than pork. I do not apologize for having tied up the Senate to prevent the $19 billion worth of pork that the President proposed.

Other filibusters—I will not take the time to describe them—but the one common thread was I participated in filibusters against bills I was opposed to. We have seen that going on here now. The two Senators from Nevada are involved in a filibuster against a bill that they are opposed to.

What is different in this Congress is that we are seeing filibusters against bills that people are for. Yes, they are doing their best to delay consideration of bills they intend to vote for. I have had to ask myself, what is the motivation behind a filibuster against a bill you are for? I have come to this conclusion, Mr. President—I may be wrong; and I will be happy to have someone demonstrate that I am wrong—but until that demonstration is convincing, I have come to the conclusion that the reason filibusters are currently being mounted against bills that the participants in the filibuster are, in fact, for is that they wish to embarrass the current leadership of the Senate for political purposes in November.

I could understand that when the majority leader was the Republican nominee. I did not approve of it, but I could at least understand it, people saying, ''OK, we will filibuster this bill. We will make it look as if Bob Dole is impotent as a leader so that we can then attack him as being an ineffective leader as the nominee.'' Senator Dole recognized that that was going on, so he did the thing that surprised all of us, and I think perhaps probably disappointed the opposition a little, he said, ''OK. I will resign as the majority leader. I will even resign from the Senate.''

He made an interesting comment to us when he announced to Members of his own party that he was resigning. He said, ''The people of Kansas deserve a full-time Senator, and I can't do that being the nominee. The Republicans deserve a full-time leader, and I can't do that being the nominee. And the people who nominated me deserve a full-time nominee, and I can't do that and stay in the Senate.'' So out of a great sense of duty and responsibility, Senator Dole resigned his position in the Senate, obviously stepping down as majority leader.

I thought that would solve it. I thought once Senator Dole was gone as a target, that the filibusters slowing down the work of the Senate would stop and we could then get ahead with the work of the Senate. It turns out I was wrong. I have come to the conclusion that there is a deliberate strategy to try to make the leadership of the Senate look bad in an effort to then go to the people in the election and say, ''Change leadership. We will be able to get things through.'' I hope I am wrong, but I have come to the conclusion that that is the strategy and that that is why people are filibustering bills that they favor.

So, Mr. President, I hope we will step back and look at this in a historic context and say, is this the right thing to do in the Senate? Is it the right thing to get us in the habit and the pattern of deciding everything that comes before us in a purely political context, both sides perhaps equally guilty if we get into that circumstance? Or should we all say, let us step back, let us recognize that the Presidential campaign is going to be between Bob Dole, no longer a Senator, and Bill Clinton, who is not a Member of this body, and let them fight their issues out? Let us take our constitutional responsibilities seriously and get on with the business of the Senate.

Let us stop dilatory tactics that are geared not to change the content of legislation but to simply slow down the process and tarnish the image of the leadership. Let us take our lumps. If we lose, we lose. If we feel passionately about an issue, use the filibuster about the issue we feel passionately about; but if there is an issue that can be decided and will be decided by a majority vote, go ahead and decide it by a majority vote and not try to tarnish the effectiveness of the leaders we have chosen.

I voted for Senator LOTT as the leader because I feel he is committed to moving the business of the Senate forward in a proper, professional way, regardless of his ideological position. I think we should give him the chance to do that. I think we owe him the courtesy of doing that. I think the same would be true if Senator DASCHLE were the majority leader. I would not engage in a filibuster myself on any bill I intended to vote for. I think it should be reserved for those bills that we opposed.

Mr. COVERDELL. Mr. President, I thank the Senator from Utah. I yield up to the balance of the time remaining to the Senator from Arizona.

Mr. MCCAIN. Out of curiosity, how much time remains?

The PRESIDING OFFICER. The Senator has 8½ minutes.

Mr. MCCAIN. I thank my friend from Georgia, and I thank my colleagues for their indulgence.

Mr. President, I am worried about our ability to serve the American people. I am worried about the impression that we are creating and giving the taxpayers of America that sent us here to do their work to achieve a better Government, to meet the needs of those in our society who are less fortunate than we, to fulfill our obligations to national security as embodied by the Department of Defense appropriations bill. There is no higher calling that this body has than to provide for national security. All of that has obviously ground to a halt.

Mr. President, a lot of things have been said about the gridlock that is here today. Unfortunately, it seems to be continuing, particularly in light of the fact that we have only a handful of weeks left remaining in session.

Mr. President, I have only been here about 10 years. It is a pretty long time in the view of some, too long in the view of a few—I hope only a few—but not nearly as long as some Members of the Senate. One of the Members of the Senate that I have grown to admire over the years, that I have engaged in fierce and sometimes partisan debates with, is the senior Senator from the State of West Virginia, Senator BYRD, who all of us respect and revere as sort of the institutional conscience here.

Not too long ago, Mr. President, Senator BYRD stated it most succinctly and in a most compelling fashion. Senator BYRD, back in December of last year, December 15, 1995, said in the CONGRESSIONAL RECORD:

> Under the Constitution, the only real responsibility we elected Members of Congress have to worry ourselves with is that of ensuring the passage of the 13 appropriations bills that fund the Federal Government. That is all we really have to do. This year, while Members of Congress have spent months and months raising the public's expectations for an end to the legislative gridlock and a new blueprint for governing, we seem to be more preoccupied with one petty nuance after another. Instead of ensuring that the people's needs are met, we are arguing over the size of the negotiating table, how many people can attend, and which door of the airplane we can use. All of this is an unnecessary and unwarranted diversion. This year, as always, there are differences in priorities between the Democrats and Republicans and the Congress and the White House.

Mr. President, we are rapidly approaching a position where we cannot carry out what Senator BYRD described as the only real responsibility we have in Congress. Mr. President, it is interesting what a difference a couple years can make in one's viewpoint. It is always interesting to me, because back on October 26, 1994, the Vice President of the United States, Vice President GORE, was quoted in an Associated Press story of October 26, 1994, which read, in part:

> With the President overseas, Vice President Al Gore stepped in to launch a blistering attack on Republicans, who he said were ''determined to wreck Congress in order to control it, and to wreck the Presidency in order to recapture it.'' Urging Americans to rethink their votes 3 weeks before election day, Gore, on Tuesday, labeled Republicans ''advocates of isolationism and defeatism abroad and of a reckless strategy of partisan paralysis at home,'' chastised by name several GOP leaders and a handful of Republican candidates in close Senate races, saying ''their campaign platform would result in giant tax breaks for the wealthy.''

He takes particular aim, Mr. President, at Senate GOP leader Bob Dole and House GOP whip, then-GOP whip, GINGRICH. GORE mocked their recent statements that they are already planning a transition to a Republican-controlled Congress. ''We must not and we will not let the future of America be trapped in the dark corner of Dole and deadlock GINGRICH and gridlock reaction and recession,'' GORE said.

I hope the Vice President of the United States would come over and treat us to his views today as to what is going on here in the U.S. Senate.

Mr. President, I believe and we all believe that the rights of every Senator and the minority party have to be protected. Mr. President, for 8 of the 10 years I have been here, I was in the minority party. I understand and jealously guard those prerogatives and those rights.

Mr. President, I can cite example after example—and I see my friend from Kentucky here on the floor, one of the ferocious defenders of his party and its principles and a person who I have grown to know, admire and respect in many ways. On this issue, I think the Senator from Kentucky would agree with me that there is a time when we have to do the people's work we are sent here to do, and we must give the votes and the debate to the issues of the day or we are basically derelict in our duty.

Mr. President, I cite several issues I was involved in for years, the line-item veto, which I was able to bring up time after time on the floor of this body. The gift ban, recently the campaign finance reform bill, which, through bipartisan agreement, was allowed a vote. The recent progress we made in the Department of Defense authorization bill, an agreement we made in order to move forward with a vote on the chemical weapons convention, and others. We should be able to sit down and reach agreements on these issues.

Mr. President, I am not in the business of predicting. I always keep in mind the words of the great philosopher, Yogi Berra, who said, ''Never try to predict, especially when you are talking about the future.'' But I do predict that the American people will display their dissatisfaction in these upcoming elections with Members of both parties, if they see we are unable to do the work they sent us here to do. I believe they will exact some kind of retribution on both parties and send people here who are committed to working out these issues which transcend partisanship and transcend personal agendas.

I hope, Mr. President, that we will all appreciate that their excuse that Senator Dole, now departed, now candidate Dole, is responsible for deadlock is no longer valid, for gridlock is no longer valid. I suggest we, together on both sides of the aisle, should sit down and work out an agenda for the rest of this year so we can, at a minimum, work out the 13 appropriations bills that are necessary—a continuing resolution is an abrogation of our responsibilities—and also the authorizing legislation, including important issues such as the chemical weapons convention and other issues that are important to the future of this Nation.

The PRESIDING OFFICER. The Chair advises the Senator from Arizona his time has expired.

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Chair advises that, under the previous order, the time until 12:10, by an earlier unanimous-consent agreement, shall be under the control of the Senator from Kentucky [Mr. FORD].

Mr. FORD addressed the Chair.

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

(The remarks of Mr. FORD, Mr. THURMOND, and Mr. HEFLIN pertaining to the introduction of S. 1951 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. FORD. Mr. President, I yield such time as the distinguished Senator from North Dakota may desire from the time that we have. I yield my portion of the time remaining to his control.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Dakota for the balance of the time until the hour of 12:10 p.m.

Mr. DORGAN. Mr. President, might I inquire, following 12:10, is there another 30 minute block of time under the control of the minority leader?

The PRESIDING OFFICER. The Chair advises the Senator from North Dakota that there would be another 30 minutes under the control of the Democratic leader or his designee.

GRIDLOCK IN THE SENATE

Mr. DORGAN. Mr. President, I appreciate that information. This morning, I listened with great interest to a menu of opinions that was offered on the floor of the Senate about why the Senate has not moved forward more expeditiously to address this issue or that issue, and why the Senate is not working as well as it really ought to work, who is at fault, what is wrong. The chorus was a well-rehearsed chorus. Obviously, a fair amount of time was spent on this tune, because everybody was singing almost in complete harmony on these issues.

Let me take the most obvious and the easiest one. The U.S. Senate

passed, by a vote of 100 to 0, a bill dealing with health care. It was a piece of legislation that almost every American believes is long past due. It says the kind of commonsense things like this: You ought to be able to take your health care with you when you move from one job to another. Your health care plan ought to be portable. This legislation says to every American family that when you move from one job to another, you are not going to be threatened by losing your health care benefits for you or your children.

It says that we ought not have a circumstance where insurance companies insure people as long as they are well and then cancel coverage when they are sick. It says we will not allow insurance companies forever now to say, if you have a child with a heart defect, a child with a preexisting condition of some sort, or a member of a family with a preexisting condition, that you are not going to get insurance coverage because that preexisting condition means you are no longer insurable.

This piece of legislation addresses all of those issues and more. It is a piece of legislation that every American family will want. It is something that should be done. And it was passed 100 to 0 in the U.S. Senate.

When we debated that bill, however, the then majority leader insisted that something else be added to it—something that was extraneous, an issue that was outside of the purview of what was in the Kennedy-Kassebaum or the Kassebaum-Kennedy bill called medical savings accounts. I must say, at least from my own standpoint, that I think it is useful to evaluate with a test program whether medical savings accounts are a good idea or bad idea, whether they work or do not work. That is fine with me. It is a new idea certainly. Let us figure out whether it works.

But to insist on a massive new approach—medical savings accounts, which many economists and other analysts say would undermine the whole circumstance of how we pay for health care costs in this country, I do not know whether they are right; I am just telling you there is a substantial amount of testimony about that—to suggest that must be added to this commonsense health care bill in order for it to move just is out of line. But the then majority leader insisted. He said this must be added to that bill.

So he brought it to the floor of the Senate, and we had what you call a democratic vote; two ways. A democratic vote means that we all have a chance to express our opinion; and, second, the then majority leader failed. Senator Dole failed. The Senate said no, we do not want to add medical savings accounts to the Kassebaum-Kennedy bill. No, we do not want to do it. We did not weigh the votes. We counted the votes. When the votes are counted, those who have the most votes win. The votes that had the largest tally were votes that said let us not laden this bill with something else. Let us pass this commonsense health care bill by itself the way it is, the way the Senate has crafted it. That is the way it left the Senate.

What has happened since that time? The bill is held hostage. No; not by the Senator from Massachusetts, or not by a dozen unnamed villains. The bill is held hostage by those who insist that the only way this commonsense health care bill will get through this Republican Congress is if it has medical savings accounts attached to it. If they are not attached to it, they have no interest in passing this legislation.

That is what is holding this legislation hostage. We are told that this Senator, that Senator, or some other unnamed Senator holds this bill, or that bill in the palm—well, it is nonsense. This bill, the Kassebaum-Kennedy bill, has not moved because of some people's insistence that the only way this will pass the Congress is if other things are included with it. If we are not able to put other freight on this train, then we are not going to let the train move. That is the attitude of some in this Chamber.

We heard a discourse yesterday about gridlock in the Senate. I think it is a curious thing to see in the U.S. Senate, which is a body where one would expect the issues of the day to be not just debated but debated fully, understood and thought out, reasoned, and compromised. I think it is unusual to see in the Senate a tactic in which the party that has the majority says the following: We are going to today, on Tuesday, or Wednesday, or whatever day it is, lay down a piece of legislation before the Senate. This will be the pending business of the U.S. Senate. This piece of legislation is what we will now begin working on today. Then on the same day—the same day—the majority party says, ''By the way, we have now decided today we will begin debate. We will also file cloture to shut off debate.'' The same day on which a bill is filed to begin debate, repeatedly cloture motions are filed to end debate.

Yesterday we heard from the majority leader that this has been done before. We are simply learning lessons from what happened in previous Congresses.

Well, we looked at the 103d Congress. On only one occasion did that happen, and then it happened because there was uniform agreement on the procedure by which it would occur. There was no disagreement about it. It was on product liability. There was agreement by which a procedure called for two cloture votes and then the bill being withdrawn. It was the only occasion on which the Democrats would have ever done that in this Chamber in the 103d Congress. It has been done repeatedly in the 104th Congress—not by consent of anyone, but in a way that is shoved down someone's throat, a demand that although we begin debating the bill today, we also insist on shutting off debate today.

That is no way to run the U.S. Senate. If someone wants cooperation in the Senate on issues, to debate the issues that are important to the people of this country and to others in the Senate, then they must allow debate on these matters—not concoct a strategy that says, ''By the way, we will offer our legislation as we have crafted it behind our closed doors without your involvement, and the day we offer it we will tell you, 'No debate; no debate.' We are going to shut off your ability to amend. We are going to shut off your ability to debate, and that is the way we legislate.''

If you come into this Chamber with that attitude and then wonder why your vehicle does not develop any speed, I will tell you why it does not develop any speed. Because that is not the kind of a vehicle you can drive through a legislative process in something constituted like the United States is constituted.

There have to be some people who serve in the Congress who believe that we ought to be debating, amending, and improving legislation that deals with real issues people are concerned about. There are, to be sure, substantial disagreements in our philosophies about how to govern. I understand that.

I think it is really interesting, by the way, that we have a bill on the floor of the Senate now that calls for $11 billion more in spending than the Pentagon asked for pushed primarily by people who insist they want to cut Federal spending—a bill that said let us spend hundreds of millions more for national missile defense, or a star wars program which the Pentagon does not want to deploy; a bill that chooses priorities that say we can afford the extra $11 billion but we have decided we cannot afford enough money to fully fund a Head Start Program. So we are going to tell a bunch of little kids that we do not have any room for you anymore in the Head Start Program. We know that program works. Do you believe that program does not deal with American security? Do you believe that program does not strengthen this country? That is the difference we have in priorities, I guess, in how we spend our money and how much we spend.

But I just think it is ironic that those who talk so much about wanting to cut spending on one of the biggest bills before Congress demands and insists that they spend $11 billion more than the generals and the admirals in this country felt was necessary to defend our country.

I am hoping that we will move ahead and deal with a series of issues in this Congress. I do not want a do-nothing Congress. I want a do-something Congress. I want to participate in a Congress that makes progress. I want to do something about the issue of jobs. I want to do something about shutting down the tax incentives that encourage runaway plants. I want to do something about health care. I want to pass

the Kassebaum-Kennedy bill; invest in education to make sure that every little kid in this country has an opportunity to go to Head Start.

There is a litany of issues that we need to address, and address in a thoughtful and an appropriate way.

I want the majority leader to be a successful majority leader. I consider him a friend. I want the Senate to succeed—not as Republicans or Democrats. I want us to succeed as a Senate by addressing the issues which we think are appropriate and necessary to address at this point.

But it does no good, it seems to me, for the Senate to spend all of its time just standing around in a circle pointing fingers saying, ''Well, this person is at fault; that person is at fault.'' The fact is that you cannot be laying down bills in the U.S. Senate and demanding on the same day that you are going to shut off debate and then say, ''Well, boy, I am surprised that you object to that. I mean, it doesn't make any sense that you would object to a procedure by which we say we have concocted what we want in a locked room someplace outside your view. Now we bring it to you to show it to you and demand that you have no voice in determining how it is going to be shaped. Shame on you.''

Well, no, not shame on us. If those who would begin developing this process would understand the quick way, the best way to get the Senate to act on these issues is to involve everyone and to reach sensible compromises and then faithfully represent those compromises as we move ahead, we would pass far more legislation that is far more beneficial to the American people than this 104th Congress has done to date.

I have some other things to say, Mr. President, but I will hold them for a bit. My colleague from North Dakota, Senator CONRAD, is here, and Senator Wyden from Oregon is present.

Mr. President, I yield such time as may be consumed to the Senator from North Dakota, Mr. CONRAD.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I thank the Chair and I thank my colleague from North Dakota for this time.

Mr. President, I was in my office this morning listening to activity in the Chamber of the Senate, and I must say I was amazed to hear the charges leveled at the minority side by those in the majority. I was listening in my office, and I heard a litany of complaints against the minority for bringing gridlock to this Chamber.

Mr. President, it was as if the majority has forgotten that they were once in the minority and it is though they have forgotten that they are now in the majority and they are controlling the flow of business in this Chamber.

I especially found it fascinating that our friends across the aisle accuse us of stopping Government when it was their side who shut down the entire Government just a year ago—shut down the entire Government in order to try to dictate the results of the legislative process. It was their side that shut down the entire Government of the United States to try to dictate the results in this Chamber.

That is not the way this Chamber is supposed to function. It is not the way democracy is supposed to function. If we go back and try to recall what they were trying to do, I think we can understand why they had to try to be so heavy-handed. What was it they were trying to do a year ago? They were trying to cut Medicare $270 billion in order to provide a $245 billion tax cut that would have been directed mainly at the wealthiest among us.

That is what they were up to. And there was a reaction against that because it was too heavy-handed. The other side themselves described what they were trying to do as ''a revolution.'' That is what they were seeking to impose on the American people, a revolution, and they did not want anybody standing in their way. They wanted to trample minority rights. They wanted to proceed. They had the arrogance of power, and they abused their power. And as a result there was a strong reaction against them not only in this Chamber but in the country as well because the American people did not want a revolution. They wanted change; they wanted us to get our fiscal house in order; they wanted to reform the welfare system; they wanted this country to work better; they wanted more opportunity; but they did not want a revolution, and they did not want folks taking from those who are middle class to give to those who are the wealthiest among us. That was not what the American people wanted.

The other side has engaged in a whole series of tactics to try to choke off the rights of the minority. We use a lot of words around here that are foreign to most people—cloture, cloture motion. What do those things mean? For most people it is not in their vocabulary. Most people I talk to back home in North Dakota have no idea what cloture is. I am not sure my colleagues understand all of what cloture means.

Very simply, the tactic that has been engaged by the other side is to prevent the minority here from being able to offer amendments. Now, that is basic to the legislative process. The majority leader said yesterday, ''I just learned this tactic from your leader.'' No, they did not. Not once when we were in the majority did we lay down cloture motions on bills that could be amended unless there was an agreement by the two sides that were in dispute, and that only happened once. That only happened once, that a cloture motion was laid down which choked off amendments on the day the bill was introduced. And the only time we did was when there was agreement between the two sides in dispute. The other side has engaged in that practice repeatedly, laying down a cloture motion to choke off, to prevent the minority from offering amendments, to act as though the minority is not even here, to act as though the Democratic Party does not exist in the U.S. Senate, to act as though we have one-party rule.

Mr. President, we do not have one-party rule, and we are not going to have one-party rule in this country or in this Chamber, and the majority, I hope, will recognize that that kind of dictatorial stance has led us to the gridlock we have today. They want to know why there is gridlock? It is because they have tried to choke off legitimate minority rights. That is not democratic, that is not American, and it is not going to be accepted.

There is another way. There is another way. We see what works. We see, when we work together and we respect each other, that things can actually get done here. This week we got the minimum wage bill through this Chamber by an overwhelming vote. This week we got through this Chamber a significant package of tax cuts for small businesses and reforms in the pension system and a whole series of other measures to assist small business. How did it happen? It happened by working together, not by one side, in a heavyhanded, arrogant way, trying to dictate to the other side. That way creates gridlock. But, instead, if we work together, if we respect each other, things can actually get done here. It happened in the telecommunications bill this year—a major piece of legislation—when both sides were allowed to participate in the legislative process.

I hope the majority will remember, this is an institution with two sides. This is an institution that was formed by our forefathers so that minority rights would not be trampled. This is a body that was formed by our forefathers to prevent a monopoly of power. This is a body that was formed by our forefathers to prevent the arrogance of power from trampling the legitimate rights of the minority.

I heard other things said on the floor this morning that require a response. I heard the attack on the President for vetoing some of the bills that were passed by the Republican majority. You bet the President vetoed some of those bills. He should have vetoed them. They were opposed by a majority of the American people.

The American people did not want to have a $270 billion cut in Medicare in order to finance tax cuts that disproportionately went to the wealthiest in our country. That is not what the American people wanted. Of course the President vetoed that legislation. I applaud him for it. He did exactly the right thing, and the American people agreed with him.

I also heard on the floor of the Senate this morning that we defeated the balanced budget amendment to the Constitution. I am very proud to have been one who rose in opposition to that

phony balanced budget amendment. Boy, if there was ever a hoax tried to be perpetrated on the American people it was that so-called balanced budget amendment to the Constitution. I tell you, as more people found out how they were proposing to balance the budget by looting every penny of Social Security trust fund surplus over the next 7 years and call that a balanced budget, the American people would be in overwhelming opposition to it. That is not any kind of honest balancing of the budget.

If a private company tried to take the retirement funds of their employees and throw those into the company's pot and call that a balanced budget, they would be in violation of Federal law. They would be headed to a Federal institution, and it would not be the Congress of the United States. They would be headed to a Federal prison, because that is a violation of Federal law. But that is exactly what our friends on the other side were proposing, that we have a balanced budget amendment to the Constitution that would have enshrined in the Constitution of the United States the definition of a balanced budget that included looting every penny of Social Security trust fund surplus over the next 7 years to call it a balanced budget. They were going to take $525 billion of Social Security surpluses, throw those into the pot, and call it a balanced budget. What a charade. What a hoax, to call that a balanced budget.

Mr. DORGAN. Will the Senator from North Dakota yield?

Mr. CONRAD. I will be happy to yield.

Mr. DORGAN. I wonder if the Senator recalls the discussions we had, actually inside the Cloakrooms, in which some members of the majority party were, in private, saying to us, ''We will stop using the Social Security funds in 2008,'' while others were out on the floor saying, ''We are not using Social Security funds to balance the budget.'' I said it was three stages of denial. Actually, there was a third person on the floor saying, ''There are no Social Security funds.''

So the three stages of denial that were orchestrated, all at the same time, in total harmony, and I might give them credit for that, are: First, there are no Social Security trust funds; or, second, there are Social Security trust funds, but we are not misusing them; and then, third, back in the Cloakroom here, in their own handwriting, which I still have, by the way, there are Social Security funds, we are misusing them, and we promise to stop by the year 2008.

Does the Senator recall that?

Mr. CONRAD. I recall it very well. The other side was negotiating with the Senator from North Dakota and myself. On the floor, they were saying, ''Oh, no, we have no intention of using Social Security surpluses. We have no intention of doing that.'' But right in that room, right in that Cloakroom, they were telling us, ''Well, yes, we are going to use them, but we will stop doing it in the year 2008.''

First they said, ''We will stop doing it in the year 2012,'' and we checked and we found out they were going to be using trillions of dollars of Social Security surpluses by that time. We said absolutely not.

They went back out and came back in and said, ''Well, we will stop using the Social Security surpluses in 2008.'' Again, they would have taken over $1 trillion of Social Security surpluses, spent every dime, every penny, and then said they would balance the budget. What a fraud that would be.

You know, as I was thinking about it, in considering my vote on that question, I thought if I was the only vote in this Chamber against that proposition, and if every one of my constituents was on the other side, I would vote no. Because I would never want it said of me that I had helped to put in the Constitution of the United States, the organic law of this country, the document that has made this the greatest country in human history, something that says you balance the budget when you have looted trust funds in order to call it balanced.

I just want to conclude by saying, there is gridlock here. There is gridlock. And there is gridlock because the majority has tried to stifle the rights of the minority. They have tried to dictate legislative results. That is not the American way. That is not democracy. That is not the constitutional role of the U.S. Senate.

The way to get things done here is to respect the legitimate rights of everyone, to respect everyone and to work together. When we do that, we get things done. We got the minimum wage passed that way. We got the telecommunications bill passed that way. We got a substantial package of tax relief for small business and reform of pension laws of this country that way. If anybody is serious about trying to get things done, the way to achieve results is to work together.

I yield the floor.

Mr. DORGAN. Mr. President, I yield as much time as he may consume to the Senator from Oregon.

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

Mr. WYDEN. Mr. President, let me say, as somebody who is new here, as a new Senator who campaigned for months on the idea that we have to come together, we have to find common ground, we have to get beyond some of the partisan labels, I want to come today and speak for a few moments about the importance of that approach and why I feel it is the only answer, and how I hope the Senate can get back on track and look at issues that way.

First, let me say, I have never considered myself particularly a partisan person. I come from a part of the world, the beautiful Northwest where we have a history of fresh and creative approaches to issues before the Government. Our citizens do not get up in the morning and say, ''Well, whose got the partisan answer? Is it a Democratic answer? Is it a Republican answer?''

They get up and talk about tackling major issues in a way that is fair and responsible and meets the needs of the public.

So I have tried to take that kind of philosophy, first as a Member of the House and now as a new Senator, in terms of attacking the need to address the concerns of the public.

As the Senator from North Dakota said very clearly, it is obvious that is how the Senate has made progress. Look at this minimum wage issue, for example. It seems to me when workers put out the maximum effort, they deserve a decent minimum wage. The Senate agreed and, fortunately, Senators of both parties came together, and passed an important small business package. My State is just chock-full of small businesses. We have only a handful of big businesses in the State of Oregon. You can almost count the big businesses on one hand, so we are a small business State, and those tax incentives that were passed with bipartisan support are going to make a real difference at home in Oregon and on Main Street in our country.

The same kind of bipartisan approach was used in the Kennedy-Kassebaum bill. I think that the health insurance system in our country needs to work for more than the healthy and the wealthy, and yet, so often, when somebody gets sick, the whole system falls apart. For a lot of families, you can only get coverage when you really do not need it, which is when you are well.

So the Senate came together, a bipartisan bill was passed, and it is going to make a real difference, because, for the first time, when citizens are trying to get ahead, when they work hard and play by the rules, they will not be limited in terms of their job advancement because they cannot get health insurance as they try to climb up the ladder in the free enterprise system.

So there have been real successes since I have been here, when Democrats and Republicans worked together on issues like health and the minimum wage. I am very hopeful that over the next 7 or 8 weeks of the session—and I just remind again our colleagues and our friends that there are only a handful of weeks left in the session. To get real results on issues like welfare and crime and aviation reforms—many of us are concerned about the situation with aviation in this country and want to pass real changes to make sure that the Federal Aviation Administration's mandate is safety first; that there can be public disclosure of the safety records of airlines in our country. To get this kind of work done on crime and welfare and transportation, we are going to have to have a bipartisan kind of approach, once again, in the Senate.

I think it has been very unfortunate. I have seen it over the last couple of

weeks and hope that it will not be the practice in the last few weeks in the session that as soon as a bill is essentially introduced—and my friends from North Dakota, Senator DORGAN and Senator CONRAD, are very right to say, let's get away from some of these arcane, technical terms—''cloture'' and the like.

What the bottom line is all about is that for the last few weeks, as soon as a major bill has been introduced, there has been an effort to immediately cut off the debate. That bars the minority, especially, but certainly Members of the majority may have differing views on some of these issues, and debate, reasonable debate, is what the Senate is supposed to be all about.

The Senator from North Dakota [Mr. DORGAN] and I both served in the House. One of the things that we thought was possible about service in the Senate was to have a bit more time, a reasonable amount of time, for all sides to have a fair airing of an issue. Sometimes that time is not available in the House, and sometimes the public's business suffers as a result of it. So I think this practice of, in effect, trying to shut off debate, almost as soon as it starts, is something that is especially unfortunate and is going to make it tougher to get the public's business done in the last few weeks of this session.

Mr. President, I say to my colleagues, let me reiterate my interest and desire in looking at these issues in a bipartisan way. I think, for example, there are a variety of procedural reforms that would be very helpful in terms of the work of the Senate.

We know, again, for the last few weeks of the session, one of the practices that is often abused is a Senator puts a hold on a bill and does it all in secret. I think the Senator's procedural rights ought to be protected, but I think there ought to be public disclosure. The hold is not the problem, but I think secrecy is. So what I have been trying to do is work with Senators on both sides of the aisle, Democrats and Republicans, to try to make a change, to try to get public disclosure when there is a hold that will make the Senate more open, more accountable and more efficient and be in the interest of the public, so that the public's right to know is protected.

I am not trying to do that in a partisan kind of way. I am talking to Senators on both sides of the aisle, because I think that is the way we have to do the public's business.

(Mr. STEVENS assumed the chair.)

Mr. WYDEN. So, Mr. President, I say to my colleagues, I come to take the floor today to say that in these last 7 or 8 weeks of the session, when there is so much important work to be done, let us make sure that the procedural rights of the minority are protected, let us get away from this unfortunate practice we have seen in the last few weeks of literally cutting off the debate almost as soon as it starts, and let's take the kind of approach that folks in my home region, the Pacific Northwest, take, and that is a bipartisan one.

I believe that it is possible to get some important work done in these next 7 weeks, to get a welfare reform bill. We have done that in Oregon. Senator HATFIELD, my senior colleague, has done yeoman work in terms of our jobs plus program. It has a tough work requirement, but we are also helping with child care and medical care. That kind of bipartisan approach can be an ideal model for helping the Senate to come together, Democrats and Republicans, to reform the welfare system in the last few weeks of this session.

But to reform welfare, to get a good crime bill, to have an important transportation bill—the Presiding Officer, Mr. STEVENS, for so many years has done outstanding work on these aviation issues. He knows I am anxious to work with him in the days ahead—to really have progress in these last few weeks of the session, we are going to have to protect the rights of the minority; we are going to have to work in a bipartisan way. That is how we best address the public's needs.

Mr. President, I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I appreciate the comments by the Senator from Oregon. We are delighted he is in the Senate. I expect he expected to come to the Senate from the House of Representatives where they have substantially different rules and be in a body where there is substantial debate. Probably a surprising discovery for him is a new trend here in the Senate of filing cloture motions on amendable issues in order to prevent amendments and shut off debate on the same day that a bill is filed in the Senate for debate.

I echo the sentiments of the Senator from Oregon [Senator WYDEN]. We have heard a good many Members come to the floor earlier this morning describing all the ills of the Senate to be laid at the feet of the President or the Democrats in the Congress.

Frankly, it is not our interest, it is not my interest, I think it is not Senator WYDEN's interest to impede the progress of the Senate in addressing the real issues that people want addressed. We are not going to roll over and play dead when we have people coming to the Senate saying to us, ''Here's our agenda. If you don't like it, tough luck. We're going to ram it down your throat and send it to the White House and demand the President sign it.''

There was a complaint this morning about President Clinton's veto of some bills. Well, let me say as well, I am glad he vetoed the piece of legislation that says, by the way, let us take $270 billion out of what is needed to fund Medicare, and let us use the funds we get by taking that out of what is needed for the Medicare Program and use it to give tax cuts, the majority of which will go to the wealthiest Americans. I am glad the President said, ''Not on my life you are going to do that.'' He vetoed that. He vetoed that. So a whole series of overreaching and ill-proposed issues that came to the floor of the Senate last year the President had to veto.

Now the question is, are we going to do this in a serious way? I noticed in the paper the other day, ''GOP To Press Missile Defense as Clinton Test.'' They are going to load the defense bill down with hundreds of millions of dollars extra for national missile defense, demanding that money be spent on the system the Pentagon says it does not want and the defense community says this country does not need, demanding it be done in order to confront the President with a defense issue so they can say the President is weak on defense. That is not from people who are serious about wanting to balance the budget. It is from people who want to use these issues as a political wedge.

My own interest is that we address the central questions facing American families. Are there good jobs available for them and for their children? Is there some security with those jobs? Do they pay well? What about the schools you send your kids to? Are they doing well? Do we have enough money for the Head Start Program, enough money for the WIC Program? Are we able to take care of the children in our country? What about welfare in this country? Are we going to get able-bodied people off welfare and to work?

I am proud to have helped construct something called the Work First Program. It does help enable people to go to work, but not injure the children. Do not say to a 10-year-old or 8-year-old, get off your behind and go to work. Two-thirds of those who are on welfare are under 16 years of age. I do not think anyone is suggesting we shove them out the door and say, ''Get a job.'' Let us take care of the children in this country, but let us insist able-bodied people go to work.

Let us reform the welfare system. There ought to be enough agreement on both sides of the aisle to do this in a way that is not politically gamed so they can construct it and have a veto at the White House, but in a way that really does reform the welfare system and in a thoughtful, sensible way.

Health care. I have said before, let us just pass the bill. Let us pass it through the House and the Senate that has already been passed. It passed the Senate 100 to 0 dealing with the Kennedy-Kassebaum bill.

Portability, preexisting condition, so many things the American family needs. Pass it. Be done with it. Get the President to sign it. He will. We will significantly advance the health care that the families need in this country in the right way.

There are other things that I want to see done. I am sure the Senator from Oregon shares that.

Crime. I tell you, I very much want to see us do another initiative on crime in the right way. I want everyone on parole and probation in this country to be drug tested, period. End of story. Everyone on parole and probation in America ought to be drug tested while they are on parole and probation. If they fail their drug test, it ought to be revoked.

I also want to change the system so that in every circumstance in this country, if you are convicted of a violent crime, if you are a violent criminal and convicted of a violent crime, you spend all of your time in jail, you do not get good time off for good behavior. No good time off for people who commit violent crimes. If you go to jail, you stay in jail and do not get out until the end of your term. Very simple. If you commit a violent crime, you go to jail. There is no good time off for good behavior. I would very much like to see us do that.

I would like to see us advance the proposition of victims' rights. Frankly, there is now a law, which I authored, dealing with, at least in the Federal court system, if you are a victim in the Federal court system you have a right to be in court and testify at the sentencing investigation. The victim has the right to come and say, ''Here is what this crime meant to me.''

What happens? The criminal comes in, the person that has been convicted comes in. They get them a new blue suit and haircut and they bring the minister and the neighbors in and say what a quiet young boy this was, what a wonderful young person. And you have this story about what the criminal is about. I want the victim to say, ''Here is what this person did to me and my family,'' or the victim's family to say, ''Here is what this meant to me.''

I am pleased to tell you that is now in Federal law because I wrote that provision in the last crime bill. But as you know, the Federal system only deals with less than 10 percent of the criminal justice system. I would like to see that in every State and local jurisdiction, in criminal justice all across America—victims' rights.

The issue of jobs.

Mr. WYDEN. Will the Senator yield on that point?

Mr. DORGAN. Yes.

Mr. WYDEN. This crime issue is so important. I share the Senator's view. I just add, this question of violent juvenile crime is especially important. Again, you see Senators of both parties who have done excellent work on this, Senators HATCH and THOMPSON—I have watched Senator BIDEN—all of whom have been very helpful to me and my staff in my early days as a Senator. I think they can help us put together a package dealing with violent juvenile crime.

In a lot of communities—the adult crime rate is still too high but has sort of leveled off—but the rate of violent juvenile crime has just gone through the stratosphere. In fact, the Justice Department had a study recently that showed, particularly between 3 and 7 o'clock, 3 in the afternoon and 7 in the evening, when you have these at-risk kids, that is when you really have a great portion of the violent crime in America.

There is nothing partisan about tackling violent juvenile crime. There are Senators of both political parties that have dealt with it and come up with innovative ideas. There are people like the criminologist, James Q. Wilson, who are advancing approaches that could be backed by both political parties to try to particularly make sure that these violent juvenile offenders are accountable.

But we are not going to get the important work done that the Senator from North Dakota is talking about without thoughtful debate that ensures that both sides have a reasonable opportunity. I hope the Senator from North Dakota takes the lead on this crime issue as a Member of leadership, and the kind of bipartisan approach the Senator is talking about will prevail, because issues like violent juvenile crime are issues that we can bring this body together on in a bipartisan way to deal with. I thank the Senator for yielding.

Mr. DORGAN. The fastest growing area of crime in this country is juvenile crime, especially violent juvenile crime. I find it interesting that if you access the NCIC or the III, the Interstate Identification Index, to find out who is on there, who committed crimes in this country, what you find is some of the most violent crimes committed are not in those records because they are committed by a juvenile. You will not have access, as a judge or a police officer, by accessing the identification index.

One of the things we worked on for years is very simple, and we are not there yet. It requires a lot of attention by Congress. That is having a computer system, so that on a computer in this country we have the records of every convicted felon in America.

If the Senator from Oregon would go to a department store this afternoon to buy a shirt and use a credit card to buy a shirt, they will take that credit card and run it through a little machine that is an imager that determines the magnetic strip on the card, and then in 20 seconds they will tell the Senator from Oregon whether his credit card is good or not. Let us assume the Senator from Oregon has a credit card that is good. But immediately they will tell everyone, is this a good credit card or is it not? Twenty seconds.

They can keep track of 200 million credit cards—more than 200 million credit cards—that way, and access in 20 seconds the credit status of someone going to buy a shirt. The question is this: Why do we not have access, for the several millions of people who have committed violent crimes in this country, to every criminal record that exists in America for judges when they sentence, for law enforcement officials when they pick someone up on the streets, to determine, after a crime, is this a suspect? Is this someone who has committed three other violent crimes?

The fact is, we have a system now in which about 80 percent of the available criminal records are not available in the one criminal justice record system we have. I know the FBI and others will say, ''Gee, this is a wonderful system. It works well.'' The fact is, a whole lot of States do not participate in it or do not participate fully in it, and the system does not have a lot of the criminal records we need.

To start addressing the crime issues, one of the first things we need to do is make sure we have a computer record of all convicted felons in this country, know who they are, what they have done and where they have done it, so that everyone—judges, law enforcement people and others—will have access to it instantly, in a complete manner.

The other thing I say to the Senator from Oregon on other issues, the central issues for most families is, are we going to have a decent job? Will our kids have opportunities to get a decent job after they have had an opportunity to go to a good school? Schools and jobs and your kids—that is what this is all about.

One of the things I would like to pass on the floor of the Senate is shutting down this insidious provision that says, ''Move your jobs and your plants overseas. We will give you a tax break.'' I tried last year to do that. They turned it down. I was promised they would hold hearings. They have not, but we will do it again this year. If you cannot take the first baby step of shutting down the tax incentive that says ''ship your jobs overseas and the American taxpayer will reward you to the extent of $2.2 billion''—$2.2 billion—''reward those who ship their jobs overseas,'' if we cannot shut that down, then, thinking has stopped in the U.S. Congress, in my judgment.

Finally, I do not want to hold the Senator from Oregon up, but one of the things I think is interesting, which this Congress ought to deal with, is not just the trade deficit—which I will talk about next week with some of my colleagues; I will introduce a piece of legislation on the trade deficit—but the trade deficit, merchandise trade deficit enjoyed in this country is higher than the fiscal policy, different by a substantial margin, and there is not a whisper of attention to it. But you can only repay the trade deficit with a lower standard of living in our country.

It is a threat to this country, and we must deal with it, not by shutting our borders, but by dealing with those countries with whom we have large trade deficits, dealing with those circumstances where it is resulting in a substantial export of American jobs. We have a $170 billion merchandise trade deficit, and this country has to

begin to confront the question of why do we have that and what do we do about it.

I wanted to mention one additional item today on the floor of the Senate. There was a story in the Washington Post this week that says, ''Federal Reserve policymakers are watching wages for clues to whether they need to raise interest rates again.'' Now, the point of this is that Federal Reserve policymakers are watching wages. What is the message there? The message is that we better not see an increase in wages, we better not see something that is good for American families, or we will clamp down. That is the message.

Now, what does this mean? It is because the financial markets took it on the chin last week. They said, ''A key factor was the report from the Labor Department that average hourly earnings jumped .8 of a percent last month, the largest increase since 1982.''

What John Berry, the reporter, does not say, and they never say, is that the increase in wages last month, which was a large jump, only takes wages back to where they were last December. You do not get a report in the Washington Post by Mr. Berry, month after month, that talks about how far wages have come down, and if you take a look at the drop of American wages month after month after month in real purchasing power, you do not see many stories or much in the headlines about that. But have a spike up in wages in 1 month, only to take us back to where it was in December of last year, and all of a sudden the market and all those who write about the market have an apoplectic seizure.

Every time you get a bit of good news for the family that maybe wages are stabilizing or going to start to come up just a little bit, what happens? Wall Street does a somersault. Wall Street looks for a window to jump out of. The unemployment rate drops to its lowest level in 6 years, a July 6 headline, ''Stocks, Bonds, Plunge on Jobs Report.'' Unemployment goes down, more people are working, it means the economy is better, and Wall Street says, ''Oh, my God, look what is happening to America. Woe are us. What on Earth is going to happen to our country? More people are working, and they are getting higher wages. America must be going to hell in a handbasket. What on Earth is going to happen to our economy next?''

Mr. WYDEN. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. WYDEN. This issue is really an interesting issue. I say, it seems to me, in today's economy we can have more noninflationary economic growth than you could in the past. You look at technology, for example, and technology is driving so much of today's economy. I think the Senator is making a very important point with respect to the role of growth and the Fed and the issues that, frankly, are not getting the kind of attention they ought to receive.

My sense has been the Government does not even really measure today's modern economy in an accurate kind of way. I served on the Joint Economic Committee for a period of time, and I was concerned that the Bureau of Labor Statistics was not in a position to have the resources, it was not in a position to have the tools to really measure the modern economy.

This whole idea about the relationship of inflation and growth, I think, really needs a fresh look. My sense is that because of technology, we can have a higher degree of noninflationary economic growth than we could in the past. I look forward to working with the Senator on these issues.

I also say, once again, we are talking about something that is not a partisan kind of issue. Everybody in this body wants to make sure that we grow the economy, that we incent the private sector in a way to have good-paying jobs, and we do not want to fan the fires of inflation.

These are not partisan kinds of issues. The Senator, talking about wages and the Fed, he did not mention Democrats, he did not mention Republicans. We are talking about kinds of approaches this body ought to be looking at in terms of the modern economy.

When I talk about noninflationary economic growth, I submit that what is driving it is the technological revolution, which, again, is not the special prerogative of Democrats or Republicans.

I thank the Senator for yielding.

Mr. DORGAN. I agree. There are two things that drive it. One is the technological revolution and the second is the global economy. Two or 3 billion new workers in the world are now eligible and able to compete in an open market, especially with the lower skilled American workers, the bottom two-thirds of the American work force, and those 2 or 3 billion people living elsewhere can make 10 cents an hour, 20 cents an hour, or 60 cents an hour. In many cases, what you have is 12-year-olds making 12 cents an hour, working 12 hours a day, competing against American workers, which drives down American wages. When American wages start to firm up a little bit, we simply climb back out of the hole to where we were last December, the stock market has a heart attack.

Let me go through a couple other headlines: ''Job and Wage Data Put Pressure on Fed,'' July 8; ''Unemployment Rate Hits 6-Year Level While Pay Posts Big Monthly Gains.'' Again, it just crawled back up to where it was the previous December. If you read this all in the Wall Street Journal, it would give you great cause for alarm if you are on Wall Street and have another agenda. So what happens is the stock market and the bond market has a seizure.

July 8, ''Jobs Data Sparks 115-Point Plunge.'' You would think maybe the jobs data was that it showed America was in deep trouble, deep unemployment, headed toward a massive recession. That is not what the jobs data was. The jobs data showed that fewer people were unemployed, more people were employed and the economy was getting better. What happens? A deep plunge in the stock market. News that even unemployment is at a 6-year low is not good news for Wall Street. NBC nightly news lead: ''The Economy Is Too Good for Markets.''

The data in February and March. ''Employment revealed increases in jobs prompting steep sell-offs on Wall Street.''

''Economy Surge Hailed by President, but Markets Fall.''

''Wall Street plummeted Friday''—this is March—''and major sell-off triggered by what seemed to be splendid economic news, a drop in unemployment, and the biggest jobs gain in more than a decade.''

February. ''When Federal Reserve Board Chairman Alan Greenspan hinted in testimony that the economy could grow at a 2.5 percent rate this year, the market gulped. The ensuing speculation sent the Dow Jones down 45 points.''

Just to show that it is not all irrational, some of it is politics, this says, ''GINGRICH blames White House for stock market plunge.'' But that is an aberration.

''U.S. Stocks Make Steep One-Day Drop.'' This is October of last year, on good economic news. But it is not all clearly irrational on that side. You get good economic news, and Wall Street looks for a window to jump out of. It happens the other way as well. ''Last year, bonds rose after the Labor Department said Friday morning that unemployment claims had risen by 5,000 last week.'' So you had some bad economic news, and Wall Street goes, ''Thank God, we got some bad economic news. That is good news for us on Wall Street.''

What kind of twisted logic is this? Felix Rohatyn wrote a piece that I will send to my colleagues, in which he said that many corporate leaders agree and believe that it is a false choice in this country now. Wall Street and the Fed, especially, have led us to believe that it is a false choice that we must choose between economic growth and inflation—a fundamentally false choice. But those who believe we must choose between either growing as a country or inflation are the ones who are causing us to drop anchor at the first hint of wind that gets in the sales of this economy. The first time the economy starts moving a bit, it is time to drop anchor.

What does all that mean? It means that the ups and downs—this casino in which there is daily betting with trillions of dollars, where people make money going up and make money going down, and people buy what they will never get from people who never had it, and they make money on both sides of the transaction—is all at the expense of working families, who sit around eating supper asking themselves: Well,

what is our life like? What about us? What is the situation in my job? Am I being paid more or less? Am I making progress or falling behind? Is my wage up, or is it deteriorating? Is my job more or less secure? What about my child, who is ready to go to college? Is the economy expanding sufficiently so that that child is going to have an opportunity to get some interviews and maybe have a choice of a job or two?

That is the central question. Those who believe they should scare this country into accepting a rate of economic growth of 2 or 2.5 percent, and decide that the standard practice in this country is to revel in bad economic news and despair in good economic news, have done a real disservice to the potential of this country's economy. Felix Rohatyn is fundamentally right. It is a false choice for us now in the global economy when wages have been going down, not up, to say that we must choose between economic growth or more inflation.

I do not want more inflation. I do not think it serves this country's interest. Inflation has been coming down for 5 years in a row. If you believe Alan Greenspan, that the consumer price index overstates inflation by a percent and a half, we have almost no inflation in America today. Yet, we have all these micromanagers who see themselves in the hold or the engine room of a ship of state, operating the controls to try to slow the ship down. My Uncle Joe could slow the ship down. If that is the job description of the Fed for serving on Wall Street, my Uncle Joe can do that job. I want this country to have an economy that expands and produces more jobs and better wages.

Mr. WYDEN. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. WYDEN. I share the Senator's interest in this Rohatyn analysis. What is interesting is that there really is a link between the growth issue and those concerns of working families that the Senator from North Dakota is right to zero in on.

There was a study a couple of weeks ago, a Census Bureau study, that showed that the gap between those at the very top and those at the bottom is widening again and, well, it confirms what a lot of us suspected. But there was also another study that did not get the attention, frankly, it should have, which said that the education gap is widening between folks at the top and folks at the bottom.

So there really is a link, a kind of interdependence between the issues that the Senator is talking about. We ought to be looking at a noninflationary economic growth rate that I think is increased beyond where we are today. I think we can get it if Democrats and Republicans in this body come together and pass the kind of policies that will complement that.

For example, if you want to attack that education gap, which was the study I mentioned last week, which complemented what the Census Department said, education is really the key. A lot of us here have said that what we ought to do, on a bipartisan basis, is say that when working families are making payments for college or vocational education, let us make that tax deductible. Let us let them write that off, so that we have a tax cut geared directly toward working families trying to deal with that wage crunch that the Senator from North Dakota is talking about. It gives us an opportunity to have the kind of growth that Felix Rohatyn and others are talking about.

I think the Senator is very much on target in bringing these issues up. There certainly is not anything partisan about these kinds of questions. I hope that as we go into the last few weeks of the session, this is the kind of approach we should take. I thank the Senator for letting me work with him on this morning's discussion.

Mr. DORGAN. Mr. President, I thank the Senator from Oregon, Senator WYDEN, for coming this morning, as well as Senator CONRAD and Senator FORD. Again, what he said last is, I think, most important. The Senate will work its will on issues. But we cannot have a circumstance where we are told we have made the decision in some room someplace, and we are bringing it to the floor, and we are cutting off your right to debate it and accept it, or else. That is not the way the Senate can work.

Most of us are anxious to work with the majority to get things done. I say that, despite the anxiety of the end of the week on the legislation that was pending, this was actually a pretty productive week in the Senate. We passed some very substantial pieces of legislation dealing with the minimum wage, with small business regulatory issues, and tax issues that will be very helpful to small business. The Defense authorization bill was passed on final passage. This was actually a productive week. I hope future weeks will be as productive. Our intention is to work, in a serious and conscientious way, with the majority. But we will not be rolled over by people who insist on doing things that prevent us from being part of the debate. That is a message that they need to understand, and I hope they will understand.

Mr. President, I yield the floor.

The PRESIDING OFFICER. In my capacity as a Senator from Alaska, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. 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

IN REMEMBRANCE OF LEE SCHOENHARD

Mr. DASCHLE. Mr. President, I rise today to honor the memory of Leland ''Lee'' Schoenhard, a good friend and one of the most charitable men South Dakota has ever known.

At the age of 4, Lee Schoenhard moved with his family to South Dakota in 1924. At the young age of 17, he moved to Chamberlain, SD, to begin a career in farming. He would change careers often in life. At different times, he made a living in the construction, trucking, and the lumber businesses. In 1965, he built and opened Lee's Motor Inn, a 60-unit motel that is still one of the finest places to stay in Central South Dakota. From 1973 to 1977, he owned and operated the Missouri Valley Grain Co. as well as a feed lot in central South Dakota that fed over 80,000 cattle. Lee's hard work and keen sense of business turned almost every opportunity he encountered into a success. Despite having attained only a sixth grade education, he became one of the most successful and wealthy businessmen in the State of South Dakota.

But, Lee Schoenhard's wealth extended far beyond his earnings.

After he passed away last month, Lee was remembered, not as a man of riches but rather as a man of compassion, and the fond recollections of the people he helped will forever remain the most powerful public statement that can be made about his life. People will remember him driving over 18,000 miles in 4 months to raise money for a hospital in Lyman County. They will remember the 22 carloads of scrap iron and the 500 carloads of wheat straw that he bought and delivered to the Army for material purposes in World War II. They will remember the $9,000 he gave every year in scholarships for area school children, and the $1 million foundation he created to fund community projects in his hometown and surrounding areas. Through these and other numerous gifts, his wealth will continue to help South Dakotans into the next century, and it is in these acts of kindness that the memory of Lee Schoenhard will continue to live.

I will remember Lee Schoenhard as a dear friend, and can truly say he was among the wisest and most caring men I have known. He embodied the South Dakota spirit with a kind and honest heart, and we will all miss him greatly.

SAUDI ARABIA BOMBING

Mr. KERREY. Mr. President, I rise to comment on a disturbing trend I see arising in the aftermath of the terrorist killing of our military personnel in Saudi Arabia. I am concerned because I believe we may be developing a response that plays right into the terrorists' hands.

I frankly question some of the responses coming out of the Congress. Some of these responses neglect answering the fundamental question: Why did the terrorists choose to kill Americans in Dhahran on June 25, 1996? This question is fundamental because if you answer it, you will immediately

reach some conclusions about the right and wrong response to the bombing.

I say to my colleagues, in order to understand the next steps we should be taking as a nation, you must try to put yourself in the mind of the terrorists to determine what they want. Based on all of the rhetoric and the history of terrorism in this region, there are, in my view, as least three things the terrorists want to have happen as a result of their attacks. First, they want to divide Saudi Arabia from the United States. Second, they want to force the United States out of Saudi Arabia. Third, they want to make it more difficult for the United States to deploy its forces overseas.

If these are in fact the goals of the terrorists, and I believe they are, some reactions in Congress and the media are playing right into the terrorists' hands. I have heard implications that cast doubt on the competence of the military chain of command to protect the troops. I have heard doubt cast on the sincerity and willingness of an important ally to cooperate with the United States. I have heard speculation about the stability of the government of that important ally. If I were the terrorist, I'd be pleased at these reactions and be confident that one more spectacular attack might just be good enough to finish the job and drive the Americans out of the region.

I say to my colleagues, these are not the appropriate responses when we are at war. And believe me, whoever they may be, the terrorists have declared war on the United States. And I think we can all agree, when we are at war, the appropriate response is not to do what your enemy wants.

The appropriate response is to support our military and its commanders. The appropriate response is to praise the airmen at Al Khobar Towers for the dedication and alertness which prevented greater casualties in the attack. The appropriate response is to pile on all of the intelligence and war-fighting resources we can marshal so as to put the perpetrators out of business and to punish their state sponsor, if we find one. The appropriate response is to be sure our troops enjoy the maximum protection consistent with the mission. The appropriate response is to continue with our vital mission in Saudi Arabia.

Mr. President, we should be making it clear, right now, the United States is angry. But we are not angry because a barrier was too close to a building. We should be making it very clear we are angry because someone attacked us. That someone should understand they are the focus of our anger, not our military commanders. We should be confirming our commitment the United States will not leave Saudi Arabia. We should make sure our enemy understands they will be punished and their organization will be destroyed. And this will happen to them no matter how far we have to go our how long it takes.

We Americans proved during Desert Storm that we will support a 72-hour war. We now need to prove we will support a war that lasts 72 weeks—or however long it takes to defeat this enemy.

The nervousness over vulnerabilities, the second-guessing of the chain of command, the search for an exit strategy should be going on in the terrorists' lair—not in the United States. Let's focus the anger where it belongs.

FLAWED ELECTIONS IN NIGER

Mrs. KASSEBAUM. Mr. President, early this week, the people of the Republic of Niger were denied their right to choose their own leadership and control their destiny. I want to express my deep disappointment in the Nigerian elections and in the military regime that chose to retain power through fraud and intimidation rather than honor its word to hold free and fair elections.

In January, immediately after Gen. Ibrahim Barre Mainassara deposed Niger's democratically elected president in a military coup, he pledged to return the country to democracy as soon as possible. At that time, the United States rejected the use of military solutions for political problems by suspending bilateral development and military assistance, as well as support for Niger in multilateral financial institutions. We urged Barre to keep his word and encouraged the military government to reestablish democracy quickly and transparently.

Balloting started on Sunday, despite the fact that the Independent Electoral Commission had twice requested a postponement in order to ensure that accurate voter lists and voter cares were in place. General Barre rejected these requests and, instead, extended the voting through Monday. On this second day of balloting, the general deployed security forces to the homes of his opponents, shut down private radio stations—including the Voice of America affiliate—and dissolved the Independent Electoral Commission.

Barre appointed a new commission which declared him the winner only hours later. Quickly after that declaration all demonstrations and public assemblies were banned. Political leaders are under house arrest, and political activists are being detained.

Mr. President, I join with the administration and other members of the international community in condemning these recent events. The age of accepting military coups and authoritarian regimes in Africa is over. France, with its unique influence in Niger, can have an especially powerful voice in articulating this message. For this reason, it is particularly disturbing that the bilateral French delegation on the ground claimed that, by Nigerian standards, this weekend's election was a sound one.

In this era of change and growth throughout much of the African Continent, Niger now stands out as a country moving against the tide of openness and progress. Development and economic growth cannot be achieved in a climate of instability, and human potential cannot be realized in an atmosphere of fear. If the people of Niger are to find their much-deserved place among the emerging markets and developing nations of Africa, Niger must return to democracy.

REPUBLICAN BUDGET SUPPORTS STUDENT AID

Mr. PRESSLER. Mr. President, today I would like to express my continued support for Federal student financial aid programs. I relied on student loans to fund my college education at the University of South Dakota, so I understand the importance of these loans for students and families. Low income levels should not deny young people the opportunity to achieve their dream of a college education. Programs such as Stafford loans, Pell Grants, and work study programs enable young people to fulfill that dream and pursue their ultimate dreams of personal and professional success.

One of the great challenges for American families is the rising cost of a college education. For the past two decades, tuition costs have risen twice as fast as inflation. Financial aid has not kept pace with these soaring price increases. The result? More and more students and their families are struggling to pay for college today. In my home State of South Dakota, 83 percent of students attending public colleges receive some type of Federal financial aid. As the number of students receiving loans continues to grow, the overall student aid debt accumulates along with it. Even more of a concern, the rising cost of tuition increases the size of the debt students pay off after college. South Dakota students now graduate with an average debt of more than $10,000. This means that college graduates are forced to divert a higher share of their earnings in order to pay off their student debts.

Students struggle to find ways to pay off these huge debts. Increasingly, they work while attending school. This trend tends to deflate the student's educational experience.

I am pleased the Republican budget that passed Congress earlier this year would respond to these trends. The budget includes responsible, cost-efficient reforms to student financial aid programs. These programs can be improved without harming the actual aid levels that students depend on. Reform can be achieved by eliminating small, specialized scholarship programs and Federal bureaucracy.

Unfortunately, liberal interests have tried to use the issue of student financial aid to their benefit. They have used false propaganda to scare young people and their parents. I urge Americans to look at the facts, not the falsehoods. The Republican plan for student aid would increase the amount of aid available to students, while downsizing inefficient Federal bureaucracy.

The Republican budget for student financial aid would do three things. First, it would increase the maximum Pell Grant level to $2,470—the highest level ever. Second, it would maintain current funding levels for the Federal Work-Study Program and the supplemental education opportunity grants. Lastly, it would maintain the in-school interest subsidy and postgraduation grace period for all students. I am proud we were able to maintain this funding during these tough budget times. Student aid is a priority in this Congress.

We could provide more for student aid if we abolished the Clinton administration's wasteful, expensive direct lending program. The Congressional Budget Office estimates that taxpayers would save more than $1.5 billion over 7 years if the direct lending program were abolished.

Faceless bureaucrats in Washington are not able to provide students and families in South Dakota with the same personal service offered by hometown banks and credit unions. This is just common sense. The people of South Dakota greatly prefer one-on-one consultation with a small bank or credit union in their hometown, not the endless maze of redtape that accompanies the direct-lending program. This is another example of how the Clinton administration believes big government is the answer and should be involved in our daily lives.

Frankly the single best way to show our support for student financial aid programs and most importantly, for our children, is to balance the budget and reduce the massive national debt. These issues are entwined. Young people today stand to inherit the responsibility of the national debt, which now totals $5 trillion. Interest payments on the debt alone are a considerable burden—more than $200 billion each year and rising. As the interest grows, it diverts Federal resources from programs like student financial aid. A balanced budget would protect worthwhile Government programs, reduce the debt and the size of interest payments. Just as important, it would lower overall interest rates, and increase more jobs. This means college graduates would have an easier time to find that first job, buy that first home, pay off their student loans, and provide for their children.

I believe the continuation of student financial aid programs is vital. These programs not only give students the opportunity to receive an education that is essential in today's society, but they also allow America to keep a competitive edge in competition in our increasingly global economy. It is essential that the U.S. work force be an educated one that is ready to compete with other countries of the world. Providing adequate financial support for students will achieve this essential goal. Young people should have the opportunity to fulfill their potential and achieve their dreams.

I will continue fighting for affordable, accessible student financial aid programs and to secure a better future for the young people of South Dakota.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, July 11, 1996, the Federal debt stood at $5,152,639,995,932.57.

On a per capita basis, every man, woman, and child in America owes $19,423.80 as his or her share of that debt.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Environment and Public Works.

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

MESSAGES FROM THE HOUSE

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

H.R. 3755. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1997, and for other purposes.

At 12:44 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 bill, in which it requests the concurrence of the Senate:

H.R. 2428. An act to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law.

MEASURES REFERRED

The following bill, previously received from the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 1861. An act to make technical corrections in the Satellite Home Viewer Act of 1994 and other provisions of title 17, United States Code; to the Committee on the Judiciary.

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–3341. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the Capitol Preservation Fund; to the Committee on Rules and Administration.

EC–3342. A communication from the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled ''Fisheries of the Northeastern United States,'' (RIN0648–AI21) received on July 2, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3343. A communication from the Office of the Managing Director, Federal Communications Commission, transmitting, pursuant to law, a report relative to the interstate average schedules; to the Committee on Commerce, Science, and Transportation.

EC–3344. A communication from the Acting Director of the Office of Fisheries Conservation and Management, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Groundfish of the Bering Sea and Aleutian Islands Area,'' received on June 28, 1996; to the Committee on Commerce, Science, and Transportation.

EC–3345. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report relative to the Broadband PCS Competitive Bidding and the Commercial Mobile Radio Service Spectrum Cap; to the Committee on Commerce, Science, and Transportation.

EC–3346. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, a report relative to the growth of the Univeral Service Fund; to the Committee on Commerce, Science, and Transportation.

EC–3347. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation to redesignate the title of the National Cemetery System and the position of the Director of the National Cemetery System; to the Committee on Veterans' Affairs.

EC–3348. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation to ensure that appropriated funds are not used for operation of golf courses on real property controlled by the Department of Veterans' Affairs; to the Committee on Veterans' Affairs.

EC–3349. A communication from the Director of the Office of Regulations Management, Office of the General Counsel, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled ''Reestablishing Rulemaking Procedures,'' (RIN2900–AI32) received on June 27, 1996; to the Committee on Veterans' Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–652. A resolution adopted by the Legislature of the State of Alaska; to the Committee on the Judiciary.

''LEGISLATIVE RESOLVE NO. 54

''Whereas the State of Alaska is within the jurisdiction of the United States Court of Appeals for the Ninth Circuit; and

''Whereas the Court of Appeals for the Ninth Circuit consists of the States of Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington and

the federal territories, possessions, and protectorates in the Pacific; and

''Whereas United States Representatives Bunn and White of Oregon, Representative Dunn of Washington, and Representative Young of Alaska have introduced H.R. 2935, a bill that would amend Title 28 of the United States Code to divide the Court of Appeals for the Ninth Circuit into two circuits, and that has the short title of the ''Ninth Circuit Court of Appeals Reorganization Act of 1996''; and

''Whereas H.R. 2935 proposes to remove the states of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington from the Court of Appeals for the Ninth Circuit and place them in a new Court of Appeals for the Twelfth Circuit to be headquartered in Portland, Oregon; and

''Whereas H.R. 2935 would make each circuit judge of the Court of Appeals for the Ninth Circuit whose duty station is in Alaska, Arizona, Idaho, Montana, Nevada, Oregon, or Washington a circuit judge of the new Court of Appeals for the Twelfth Circuit; and

''Whereas the membership of the Court of Appeals for the Ninth Circuit is heavily weighted toward the State of California and the court seems to concern itself predominately with issues arising out of California and the southwestern United States; and

''Whereas the Court of Appeals for the Ninth Circuit's case filings are greater than any other federal circuit; and

''Whereas members of the Court of Appeals for the Ninth Circuit have shown a surprising lack of understanding of Alaska's people and geography that has resulted in decisions that have often caused the people of Alaska unnecessary hardship; and

''Whereas, in the so-called ''Katie John'' subsistence case, which is of tremendous importance to the people of the State of Alaska, even though the Court of Appeals for the Ninth Circuit granted expedited consideration of that case, the court did not issue its decision for over 13 months; this expedited decision is now under reconsideration by the court; and

''Whereas Attorney General Bruce Botelho estimates that there are more than 200 Alaska cases currently pending before the Court of Appeals for the Ninth Circuit; and

''Whereas the Attorneys General of the States of Idaho, Montana, Oregon, and Washington have also found that similar issues of unnecessary delay concerning, lack of understanding of, and lack of consideration for cases and issues by the Court of Appeals for the Ninth Circuit exist in regard to those states; and

''Whereas the Attorneys General of the States of Alaska, Idaho, Montana, Oregon, and Washington have endorsed S. 956, the United States Senate counterpart to H.R. 2935; and

''Whereas the creation of a new Court of Appeals for the Twelfth Circuit encompassing the States of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington by H.R. 2935 would benefit these similar states by providing speedier and more consistent rulings by jurists who have a greater familiarity with the social, geographical, political, and economic life of the region;

''*Be it Resolved,* That the Alaska State Legislature supports creation of a new Court of Appeals for the Twelfth Circuit for the States of Alaska, Arizona, Idaho, Montana, Nevada, Oregon, and Washington headquartered in the Pacific Northwest; and respectfully requests the United States Congress to act in an expeditious manner.''

POM–653. A joint resolution adopted by the Legislature of the State of Rhode Island; to the Committee on Labor and Human Resources.

''JOINT RESOLUTION

''Whereas, Improving patient access to qualify health care is a paramount national goal; and

''Whereas, The key to improved health care, especially for persons with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products and medical devices; and

''Whereas, Minimizing the delay between discovery and eventual approval of a new drug, biological produce, or medical device derived from research conducted by innovative pharmaceutical and biotechnology companies could improve the lives of millions of Americans; and

''Whereas, Current limitations on the dissemination of information about pharmaceutical products reduce the availability of information to physicians, other health care professionals and patients, and unfairly limit the right of free speech guaranteed by the First Amendment to the United States Constitution; and

''Whereas, The current rules and practices governing the review of new drugs, biological products, and medical devices by the United States Food and Drug Administration can delay approvals and are unnecessarily expensive; now, therefore, be it

''*Resolved,* That this general assembly of the state of Rhode Island and Providence Plantations hereby respectfully urges the President and the Congress of the United States to address this important issue by enacting comprehensive legislation to facilitate the rapid review and approval of innovative new drugs, biological products, and medical devices, without compromising patient safety or product effectiveness;

''*Resolved,* That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and the Rhode Island delegation in Congress.

POM–654. A resolution adopted by the Council of the City and County of Honolulu, Hawaii relative to the draft of proposed legislation entitled ''Private Storage Facility Authorization Act of 1996''; to the Committee on Energy and Natural Resources.

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. LAUTENBERG:

S. 1950. A bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FORD (for himself, Mr. HOLLINGS, Mr. HELMS, Mr. WARNER, Mr. BYRD, Mr. HEFLIN, Mr. THURMOND, Mr. SHELBY, and Mr. COHEN):

S. 1951. A bill to ensure the competitiveness of the United States textile and apparel industry; to the Committee on Finance.

By Mr. THOMPSON (for himself and Mr. BIDEN):

S. 1952. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 278. A resolution to authorize testimony, production of documents, and representation of Senate employee in State of Florida v. Kathleen Bush; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LAUTENBERG:

S. 1950. A bill to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes; to the Committee on Environment and Public Works.

THE BEACHES ENVIRONMENT ASSESSMENT, CLOSURE AND HEALTH ACT OF 1996

Mr. LAUTENBERG. Mr. President, I rise to introduce the Beaches Environmental Assessment, Closure, and Health [BEACH] Act of 1996.

Mr. President, coastal tourism generates billions of dollars every year for local communities nationwide. Moreover, our coastal areas provide immeasurable benefits for millions of Americans who want to build sand castles, cool off in the water, take a walk with that special someone, or just relax. New Jersey's tourism sector is the second largest revenue-producing industry in the State. Without a doubt, the lure of my State's beaches generates most of this revenue—over $7 billion annually.

Mr. President, alarmingly, this heavily used natural resource can actually pose a threat to human health if it is not properly managed. Studies conducted during the past two decades show a definite relationship between the amount of indicator bacteria in coastal waters and the incidence of swimming-associated illnesses.

Viruses are believed to be the major cause of swimming-associated diseases—gastroenteritis and hepatitis are the most common ones worldwide. And because an individual afflicted with these diseases is contagious to others in his or her household, the risk of sewage-borne illness does not end with the bather. Additional diseases that can be contracted by swimmers include an infection caused by the toxigenic bacteria E. coli—the bacteria found in Jack-in-the-Box hamburgers which caused an outbreak of illnesses a few years ago.

Yet many current, EPA approved techniques to measure marine water quality appear to underestimate the true number of viable pathogens that are entering the marine environment. Existing EPA guidelines allow States to decide whether their beach waters are safe for swimming based on monthly averages. Waters may appear safe in the long term, but short-term violations of the public health standard go unrecognized.

The existing EPA guidelines are not useful for decisionmakers, who need to decide whether they should allow people to swim at the beach tomorrow or during the coming weekend. Using monthly water quality averages to determine if the beach is safe for swimming is like taking a patient's temperature average over a week to see if the patient is sick. The patient's average temperature could be just about normal. But in the meantime, the patient could die. EPA must develop new standards because existing EPA guidelines simply fall short.

While some States use these inadequate EPA guidelines, others have no programs for regularly monitoring their beachwater for swimmer safety. In a report released today, Testing the Waters: Who Knows What You're Getting Into, the Natural Resources Defense Council [NRDC] found that only five States—New Jersey, Connecticut, Delaware, Illinois, and Indiana—comprehensively monitor their beaches, and a mere five States consistently close beaches every time bacteria water quality standards are violated. Additionally, NRDC found that a high-bacteria level can cause a beach closure in one State while in another State people may be allowed to swim in the water despite equal health risks. This discrepancy among coastal States threatens public health.

The NRDC report also found that high levels of bacteria in coastal waters—primarily from raw human sewage—are responsible for the overwhelming majority of beach closures and advisories in the United States. In 1995, U.S. ocean, bay, and Great Lakes beaches were closed, or advisories were issued against swimming, on more than 3,522 occasions.

New Jersey has been aggressive when it comes to protecting public health at the beach. New Jersey is the only State to have a mandatory beach protection program that includes a bacteria standard, a monitoring program, and mandatory beach closure requirements when the bacteria standard is exceeded. The program is designed to address water quality from both a health and an environmental perspective. Beaches are closed when bacteria levels exceed the standard regardless of the pollution source.

Ironically, New Jersey suffers because it does more to protect public health. In some years, annual losses from beach closures in New Jersey have ranged from $800 million to $1 billion.

The bill that I am introducing today will address the uneven coastal commitment to protect beach goers by establishing uniform testing and monitoring procedures for pathogens and floatables in marine recreation waters. This bill also requires EPA to establish a nationwide public health standard for determining when States should notify the public of health risks due to pathogen contaminated waters.

This bill requires the EPA to establish procedures to monitor coastal waters to detect short-term increases in pathogenicity and to set minimum standards to protect the public from pathogen contaminated beach waters. And it will assure that the public is notified when beach waters exceed the standards and public health may be at risk.

Whether they're in the Carolinas or in California, in New Jersey or New York, people across the country have a right to know when the water is and is not safe to swim in. Beach goers should be able to wade or swim in the surf without the fear of getting sick. Going to the beach should be a healthy and rejuvenating experience. A day at the beach shouldn't be followed by a day at the doctor.

Mr. President, I urge my colleagues to join me in recognizing the importance of protecting public health at our Nation's beaches by cosponsoring 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. 1950

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 ''Beaches Environmental Assessment, Closure, and Health Act of 1996''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Nation's beaches are a valuable public resource used for recreation by millions of people annually;

(2) the beaches of coastal States are hosts to many out-of-State and international visitors;

(3) tourism in the coastal zone generates billions of dollars annually;

(4) increased population has contributed to the decline in the environmental quality of coastal waters;

(5) pollution in coastal waters is not restricted by State and other political boundaries;

(6) each coastal State has its own method of testing the quality of its coastal recreation waters, providing varying degrees of protection to the public; and

(7) the adoption of standards by coastal States for monitoring the quality of coastal recreation waters, and the posting of signs at beaches notifying the public during periods when the standards are exceeded, would enhance public health and safety.

(b) PURPOSE.—The purpose of this Act is to require uniform procedures for beach testing and monitoring to protect public safety and improve the environmental quality of coastal recreation waters.

SEC. 3. WATER QUALITY CRITERIA AND STANDARDS.

(a) ISSUANCE OF CRITERIA.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:

''(9) COASTAL RECREATION WATERS.—(A) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall issue within 18 months after the effective date of this paragraph (and review and revise from time to time thereafter, but in no event less than once every 5 years) water quality criteria for pathogens in coastal recreation waters. Such criteria shall—

''(i) be based on the best available scientific information;

''(ii) be sufficient to protect public health and safety in case of any reasonably anticipated exposure to pollutants as a result of swimming, bathing, or other body contact activities; and

''(iii) include specific numeric criteria calculated to reflect public health risks from short-term increases in pathogens in coastal recreation waters resulting from rainfall, malfunctions of wastewater treatment works, and other causes.

''(B) For purposes of this paragraph, the term 'coastal recreation waters' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar primary contact purposes.''.

(b) STANDARDS.—

(1) ADOPTION BY STATES.—A State shall adopt water quality standards for coastal recreation waters which, at a minimum, are consistent with the criteria published by the Administrator under section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)), as amended by this Act, not later than 3 years following the date of such publication. Such water quality standards shall be developed in accordance with the requirements of section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)). A State shall incorporate such standards into all appropriate programs into which such State would incorporate other water quality standards adopted under section 303(c) of the Federal Water Pollution Control Act (33 U.S.C. 1313(c)).

(2) FAILURE OF STATES TO ADOPT.—If a State has not complied with paragraph (1) by the last day of the 3-year period beginning on the date of publication of criteria under section 304(a)(9) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)(9)), as amended by this Act, the water quality criteria issued by the Administrator under such section shall become applicable as the water quality standards for coastal recreational waters for the State. The State shall use the standards issued by the Administrator in implementing all programs for which water quality standards for coastal recreation waters are used.

SEC. 4. COASTAL BEACH WATER QUALITY MONITORING.

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341–1345) is amended by adding at the end thereof the following new section:

''SEC. 406. COASTAL BEACH WATER QUALITY MONITORING.

''(a) MONITORING.—Not later than 9 months after the date on which the Administrator publishes revised water quality criteria for coastal recreation waters under section 304(a)(9), the Administrator shall publish regulations specifying methods to be used by States to monitor coastal recreation waters, during periods of use by the public, for compliance with applicable water quality standards for those waters and protection of the public safety. Monitoring requirements established pursuant to this subsection shall, at a minimum—

''(1) specify the frequency of monitoring based on the periods of recreational use of such waters;

''(2) specify the frequency of monitoring based on the extent and degree of use during such periods;

''(3) specify the frequency of monitoring based on the proximity of coastal recreation waters to pollution sources;

''(4) specify methods for detecting levels of pathogens and for identifying short-term increases in pathogens in coastal recreation waters; and

''(5) specify the conditions and procedures under which discrete areas of coastal recreation waters may be exempted by the Administrator from the monitoring requirements of this subsection, if the Administrator determines that an exemption will not impair—

''(A) compliance with the applicable water quality standards for those waters; and

''(B) protection of the public safety.

''(b) NOTIFICATION REQUIREMENTS.—Regulations published pursuant to subsection (a) shall require States to notify local governments and the public of violations of applicable water quality standards for State coastal recreation waters. Notification pursuant to this subsection shall include, at a minimum—

''(1) prompt communication of the occurrence, nature, and extent of such a violation, to a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which a violation is identified; and

''(2) posting of signs, for the period during which the violation continues, sufficient to give notice to the public of a violation of an applicable water quality standard for such waters and the potential risks associated with body contact recreation in such waters.

''(c) FLOATABLE MATERIALS MONITORING PROCEDURES.—The Administrator shall—

''(1) issue guidance on uniform assessment and monitoring procedures for floatable materials in coastal recreation waters; and

''(2) specify the conditions under which the presence of floatable material shall constitute a threat to public health and safety.

''(d) DELEGATION OF RESPONSIBILITY.—A State may delegate responsibility for monitoring and posting of coastal recreation waters pursuant to this section to local government authorities.

''(e) REVIEW AND REVISION OF REGULATIONS.—The Administrator shall review and revise regulations published pursuant to this section periodically, but in no event less than once every 5 years.

''(f) DEFINITIONS.—For the purposes of this section, the following definitions apply:

''(1) COASTAL RECREATION WATERS.—The term 'coastal recreation waters' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes.

''(2) FLOATABLE MATERIALS.—The term 'floatable materials' means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.''.

SEC. 5. STUDIES TO IDENTIFY INDICATORS OF HUMAN-SPECIFIC PATHOGENS IN COASTAL RECREATION WATERS.

(a) STUDIES.—The Administrator, in cooperation with the Under Secretary of Commerce for Oceans and Atmosphere, shall conduct studies to provide additional information to the current base of knowledge for use for developing better indicators for directly detecting in coastal recreation waters the presence of bacteria and viruses which are harmful to human health.

(b) REPORT.—Not later than 4 years after the date of the enactment of this Act, and periodically thereafter, the Administrator shall submit to the Congress a report describing the findings of the studies under this section, including—

(1) recommendations concerning the need for additional numerical limits or conditions and other actions needed to improve the quality of coastal recreation waters;

(2) a description of the amounts and types of floatable materials in coastal waters and on coastal beaches and of recent trends in the amounts and types of such floatable materials; and

(3) an evaluation of State efforts to implement this Act, including the amendments made by this Act.

SEC. 6. GRANTS TO STATES.

(a) GRANTS.—The Administrator may make grants to States for use in fulfilling requirements established pursuant to section 3 and 4.

(b) COST SHARING.—The total amount of grants to a State under this section for a fiscal year shall not exceed 50 percent of the cost to the State of implementing requirements established pursuant to section 3 and 4.

SEC. 7. DEFINITIONS.

In this Act, the following definitions apply:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) COASTAL RECREATION WATERS.—The term ''coastal recreation waters'' means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes.

(3) FLOATABLE MATERIALS.—The term ''floatable materials'' means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Administrator—

(1) for use in making grants to States under section 6 not more than $4,000,000 for each of the fiscal years 1997 and 1998; and

(2) for carrying out the other provisions of this Act not more than $1,500,000 for each of the fiscal years 1997 and 1998.

By Mr. FORD (for himself, Mr. HOLLINGS, Mr. HELMS, Mr. WARNER, Mr. BYRD, Mr. HEFLIN, Mr. THURMOND, Mr. SHELBY and Mr. COHEN):

S. 1951. A bill to ensure the competitiveness of the United States textile and apparel industry; to the Committee on Finance.

THE CUSTOMS ENFORCEMENT AND MARKET ACCESS ACT OF 1996

Mr. FORD. Mr. President, today I am introducing legislation that is badly needed by the American textile and apparel industry and its workers. It complements an effort in the other body spearheaded by JOHN SPRATT of South Carolina and supported by over 100 Members of the House. My legislation is aimed at opening markets around the world and at enforcing the rules of the road that govern trade in textile goods. Broadly speaking, it will do so in four ways.

First, by extending the same authority that now exists for enforcing intellectual property rights to opening markets for U.S. textile and apparel products. Second, by supporting U.S. textile and apparel producers in their ongoing efforts to modernize and become more internationally competitive. Third, by strengthening U.S. laws against illegal trading practices like piracy, undervaluation, and transshipment in the textile and apparel area. And lastly, by beefing up the ability of the U.S. Government to enforce its trade laws and trade agreements.

Mr. President, 2 years ago, Congress passed the GATT implementing bill which will end all limits on textile imports by the year 2005. Our textile and apparel industry, which argued for a longer phase-out period, very reluctantly accepted this outcome.

The industry accepted this outcome because it had already made a commitment to compete in the global economy. Our textile and apparel industry has invested billions of dollars in becoming more competitive—about $12 billion just since the GATT implementing bill was passed.

They've supported the aggressive efforts of the President and USTR to open markets to American products. And our industry has committed to exporting.

But what happens when American textile and apparel producers go to foreign markets to sell their products? Too often, they find a closed door. Worse still, those same countries that ship the most to the United States are often the ones whose markets are closed to U.S. products. China, for example, which is our No. 1 source of textile and apparel imports, shipped $6.6 billion worth of textile and apparel goods in 1995, but allowed the sale of only $63 million of United States goods. Likewise, our textile and apparel exports to India and Pakistan were just $19 million last year, while those two countries sent us $2.8 billion worth of textile goods.

Clearly, we can't tell our industry to sell its products overseas if overseas markets are closed to American goods. My bill will help by requiring that textile agreements include specific market access commitments and by providing for a regular evaluation of the market access given to U.S. products.

Mr. President, nearly 1.5 million Americans are employed directly in the textile and apparel industries, about 40,000 of them in my State of Kentucky. American textile and apparel workers are among the most productive in the world and make some of the finest goods anywhere. Unfortunately, during 1995, 150,000 of those workers lost their jobs, due in large part to surging levels of textile imports. Most of these workers live in rural areas where jobs, particularly good jobs, are not always easy to come by. For those workers, when the local textile mill or apparel facility closes, there simply aren't other jobs.

Now, it's bad enough that many of those imports and lost jobs are due to trade agreements that we should not have passed, like the NAFTA. But what's much worse is the fact that thousands upon thousands of jobs are lost because of illegal textile imports. This bill will give the Customs Service badly needed tools to fight against textile and apparel transshipments and counterfeit textile goods. And, it will raise the penalty for those who break our laws in textile trade.

Mr. President, I want to thank those Senators who have agreed to join me in

introducing this important legislation. I am particularly pleased that we have been able to work on this in a bipartisan fashion, as we have so many times in the past on the issues that affect our textile and apparel workers.

This bill is not about protectionism. It's not about special favors for a particular industry. It's about basic fairness in how we trade with other nations. It's about enforcing our trade laws and standing up for American textile and apparel workers.

Mr. President, my bill's message is a simple one: Our textile and apparel industry and its workers are ready to compete. We should pass the Customs Enforcement and Market Access Act this year to make sure they can compete, both here in the United States and in markets around the world.

Mr. President, I ask unanimous consent that my bill be printed in the RECORD at this time, along with the cosponsorship of Mr. HOLLINGS, Mr. HELMS, Mr. WARNER, Mr. HEFLIN, Mr. THURMOND, Mr. SHELBY, Mr. COHEN, and Mr. BYRD, and that it be referred to the appropriate committee.

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

Mr. FORD. Mr. President, I ask unanimous consent that the RECORD remain open until the close of business today so that other Senators may add their names to the bill as original cosponsors.

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

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

S. 1951

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 ''Customs Enforcement and Market Access Act of 1996''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the textile and apparel industry is a key part of the United States manufacturing base and the third largest manufacturing sector in the United States economy;

(2) textile and apparel facilities are often located in economically sensitive regions;

(3) the industry has demonstrated an ability to compete in the global economy where market access is available;

(4) the domestic textile and apparel industry has committed significant resources to be competitive and productive;

(5) workers in the industry make the highest quality textile and apparel goods in the world and are the world's most productive;

(6) the industry is preparing to compete in the world market without the protection of import quotas authorized by the Multifiber Arrangement; and

(7) United States trade policy should be oriented toward expanding exports and ensuring that United States trade laws are vigorously enforced.

(8) The Committee for the Implementation of Textile Agreements, the Office of Textiles, Apparel, and Consumer Goods of the Department of Commerce, and the Ambassador for Textiles and Apparel in the Office of the United States Trade Representative—

(A) play central and indispensable roles in administering the laws governing trade in textile and apparel goods;

(B) have diligently carried out laws enacted by the Congress and under powers delegated to them by the President; and

(C) have acted in accordance with United States and international law.

SEC. 3. MARKET ACCESS FOR UNITED STATES TEXTILE AND APPAREL PRODUCTS.

(a) ACCESSION PROTOCOLS.—In any case in which the United States negotiates a protocol for accession of a country to the World Trade Organization, the Trade Representative shall negotiate for inclusion in that protocol, in addition to any other provisions, the following:

(1) Provisions for effective market access to that country's domestic markets for textile and apparel products of the United States.

(2) Provisions allowing the suspension or revocation of the provisions of paragraph 14 (relating to increasing import levels based on growth rates) of the Agreement on Textiles and Clothing if the United States determines that the country has failed to enforce the provisions referred to in paragraph (1).

(b) BILATERAL AGREEMENTS WITH COUNTRIES THAT ARE NOT WTO MEMBERS.—In any case in which the United States negotiates a textile agreement with a country that is not a WTO member, including any agreement negotiated pursuant to section 5 of this Act, the Trade Representative shall negotiate for inclusion in that textile agreement, in addition to any other provisions, the following:

(1) Provisions for effective market access to that country's domestic markets for textile and apparel products of the United States.

(2) Provisions that recognize the right of the United States to pursue remedies under United States law, including section 301 of the Trade Act of 1974, to respond to the denial of market access described in paragraph (1).

(c) REVIEW OF TEXTILE AGREEMENTS.—The Trade Representative shall take into account the compliance of countries with the provisions negotiated under subsections (a) and (b) in identifying countries for purposes of section 183 of the Trade Act of 1974, as added by subsection (d) of this section.

(d) PRIORITY FOREIGN COUNTRIES.—

(1) IN GENERAL.—Chapter 8 of title I of the Trade Act of 1974 (19 U.S.C. 2241 and following) is amended by adding at the end the following new section:

''SEC. 183. IDENTIFICATION OF COUNTRIES THAT DENY MARKET ACCESS FOR TEXTILE AND APPAREL PRODUCTS.

''(a) IN GENERAL.—By no later than the date that is 30 days after the date on which the annual report is submitted to congressional committees under section 181(b), the United States Trade Representative (hereafter referred to as the 'Trade Representative') shall identify—

''(1) those foreign countries that deny fair and equitable market access to United States persons that produce or sell textile or apparel products, and

''(2) those foreign countries identified under paragraph (1) that are determined by the Trade Representative to be priority foreign countries.

''(b) SPECIAL RULES FOR IDENTIFICATIONS.—In identifying priority foreign countries under subsection (a), the following shall apply:

''(1) In identifying priority foreign countries under subsection (a)(2), the Trade Representative shall identify only those foreign countries—

''(A) that have the most onerous or egregious acts, policies, or practices that deny fair and equitable market access to United States persons that sell or produce textile or apparel products,

''(B) whose acts, policies, or practices described in subparagraph (A) have the greatest adverse impact (actual or potential) on the relevant United States products, and

''(C) that are not—

''(i) entering into good faith negotiations, or

''(ii) making significant progress in bilateral or multilateral negotiations,

to provide adequate and effective market access for textile and apparel products of the United States.

''(2) In identifying foreign countries under subsection (a)(2), the Trade Representative shall—

''(A) consult with the Chair of the Committee for the Implementation of Textile Agreements and other appropriate officers of the Federal Government, and

''(B) take into account information from such sources as may be available to the Trade Representative and such information as may be submitted to the Trade Representative in reports submitted under section 181(b) and petitions submitted under section 302.

''(3) The Trade Representative may identify a foreign country under subsection (a)(1) only if the Trade Representative finds that there is a factual basis for the denial of fair and equitable market access as a result of the violation of international law or an international agreement, or the existence of barriers referred to in subsection (d)(1).

''(4) In identifying foreign countries under paragraphs (1) and (2) of subsection (a), the Trade Representative shall take into account—

''(A) the history of market access laws and practices of the foreign country, including any previous identification under subsection (a)(2); and

''(B) the history of efforts of the United States, and the response of the foreign country, to achieve fair and equitable market access for textile and apparel products.

''(c) REVOCATIONS AND ADDITIONAL IDENTIFICATIONS.—

''(1) IN GENERAL.—The Trade Representative may at any time—

''(A) revoke the identification of any foreign country as a priority foreign country under this section, or

''(B) identify a foreign country as a priority foreign country under this section,

if information available to the Trade Representative indicates that such action is appropriate.

''(2) REPORTS TO CONGRESS.—The Trade Representative shall include in the semiannual report submitted to the Congress under section 309(3) a detailed explanation of the identification of any foreign country as a priority foreign country under this section.

''(d) DEFINITIONS.—For the purposes of this section—

''(1) a foreign country denies fair and equitable market access if the foreign country effectively denies access for textile or apparel products of the United States through the use of laws, procedures, practices, or regulations which—

''(A) violate provisions of international law or international agreements to which both the United States and the foreign country are parties, or

''(B) constitute discriminatory nontariff trade barriers;

''(2) a foreign country may be determined to deny fair and equitable market access for textile or apparel products, notwithstanding the fact that the foreign country may be in compliance with the specific obligations of the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act; and

''(3) fair and equitable market access is not demonstrated only by access for those textile and apparel products that are subsequently reexported to the United States as finished textile or apparel products.

In determining whether a foreign country denies fair and equitable market access, the Trade Representative shall consider whether the foreign country has enacted and is enforcing laws which prevent and punish the manufacture, sale, or exportation of counterfeit textile and apparel goods.

''(e) PUBLICATION.—The Trade Representative shall publish in the Federal Register a list of foreign countries identified under subsection (a) and shall make such revisions to the list as may be required by reason of action under subsection (c).''.

(2) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 182 the following new item:

''Sec. 183. Identification of countries that deny market access for textile and apparel products.''.

(3) TITLE III ACTION.—Section 302(b)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2412(b)(2)(A)) is amended by inserting ''or section 183(a)(2)'' after ''182(a)(2)''.

SEC. 4. TEXTILE GLOBAL COMPETITIVENESS RESEARCH FUND.

(a) ESTABLISHMENT.—There is established in the United States Treasury a Textile Global Competitiveness Research Fund (hereafter in this Act referred to as the ''Fund'').

(b) USE OF FUND.—Amounts in the Fund shall be available, as provided in appropriations Acts, in accordance with subsection (c)—

(1) for programs aimed at enhancing the international competitiveness of the United States textile and apparel manufacturers; and

(2) to the Customs Service for the enforcement of laws governing trade in textile and apparel goods.

(c) FUNDING.—

(1) DEPOSITS.—There shall be deposited in the Fund in each fiscal year the amount, if any, by which—

(A) the amount collected in fines by virtue of the amendments made by section 9 exceed

(B) the total amount collected for violations involving textile and apparel goods during fiscal year 1996 under section 592 of the Tariff Act of 1930, as in effect on the day before the date of the enactment of this Act, adjusted in accordance with paragraph (2).

(2) ADJUSTMENT.—(A) The amount referred to in paragraph (1)(B) shall be increased in each fiscal year beginning in fiscal year 1998 by an amount equal to the amount described in paragraph (1)(B) multiplied by the cost-of-living adjustment.

(B) For purposes of subparagraph (A), the cost-of-living adjustment for any fiscal year is the percentage (if any) by which—

(i) the CPI for the preceding fiscal year, exceeds

(ii) the CPI for the fiscal year 1996.

(C) For purposes of subparagraph (B), the CPI for any fiscal year is the average of the Consumer Price Index as of the close of the 12-month period ending on August 31 of such fiscal year.

(D) For purposes of subparagraph (C), the term ''Consumer Price Index'' means the last Consumer Price Index for all-urban consumers published by the Department of Labor.

(E) If any increase determined under this paragraph is not a multiple of $100, such increase shall be rounded to the nearest multiple of $100.

(3) ALLOCATIONS.—(A) 25 percent of the amounts deposited in the Fund in each fiscal year shall be made available to the Customs Service under subsection (b)(2).

(B) 75 percent of the amounts deposited in the Fund in each fiscal year shall be made available for programs designated pursuant to subsection (b)(1).

(d) ANNUAL REPORT TO CONGRESS.—The Secretary of Commerce shall submit to the Congress, not later than April 1 of each year, a report on the contribution to the United States economy of the domestic textile and apparel industry.

SEC. 5. TEXTILE AND APPAREL QUOTA LEVELS.

(a) FOR COUNTRIES THAT ARE NOT WTO MEMBERS AND DO NOT HAVE TEXTILE AGREEMENTS WITH THE UNITED STATES.—

(1) IF EXPORTS TO THE UNITED STATES EXCEED $100,000,000 ANNUALLY OR ARE CREATING SERIOUS DAMAGE OR ACTUAL THREAT THEREOF.—The Trade Representative shall take the necessary steps to negotiate an agreement, in accordance with paragraph (2), between the United States and any country that—

(A) is not a WTO member and is not a country to which section 3(a) applies,

(B) is not a party to a textile agreement with the United States, and

(C) whose exports to the United States of textile and apparel goods—

(i) are valued at more than $100,000,000 in the most recent 12-month period ending on the last day of the preceding month; or

(ii) are creating serious damage or actual threat thereof to the domestic industry in the United States in any textile category established by CITA.

(2) CONTENTS OF AGREEMENTS.—It is the sense of the Congress that an agreement negotiated with a country under paragraph (1) should establish maximum amounts of textile and apparel products of that country that may be imported into the United States that do not exceed—

(A) in the first 12-month period that the agreement is in effect, an increase of more than 8 percent of the total volume in square meter equivalents of all textile and apparel products of that country imported in the 12-month period ending on the date the negotiations began; and

(B) in each subsequent 12-month period that the agreement is in effect, an increase of not more than the percentage of growth in the domestic market in the United States for all textile and apparel products in the preceding 12-month period.

(3) INCLUSION OF OTHER PROVISIONS.—Those provisions required to be included in an agreement under section 3(b) may be included in the agreement negotiated under this subsection.

(4) DETERMINATIONS OF SERIOUS DAMAGE OR ACTUAL THREAT THEREOF.—CITA shall make the determinations of serious damage or actual threat thereof referred to in paragraph (2), using the criteria set forth in paragraph 3 of Article 6 of the Agreement on Textiles and Clothing.

(b) FOR COUNTRIES THAT ARE NOT WTO MEMBERS AND HAVE TEXTILE AGREEMENTS WITH THE UNITED STATES.—In the case of a country that is not a WTO member but is a party to a textile agreement with the United States, the Trade Representative shall take the necessary steps to negotiate a textile agreement to go into effect when the current agreement expires, that allows imports of textile and apparel products of that country, during each 12-month period that the agreement is in effect, to increase by not more than the percentage of growth in the domestic market in the United States for all textile and apparel products in the preceding 12-month period.

(c) FOR COUNTRIES THAT ARE ACCEDING TO THE WTO.—In any case in which the United States negotiates a protocol for accession to the WTO under section 3(a), the Trade Representative shall negotiate for inclusion in that protocol provisions that require that the 10-year period provided in the Agreement on Textiles and Clothing for phasing out of quotas under that Agreement begin, with respect to that country, on the day on which that country accedes to the WTO.

SEC. 6. CIRCUMVENTION OF TEXTILE AGREEMENTS.

(a) POLICY FOR COUNTRIES THAT ARE NOT WTO MEMBERS.—In the case of any country that is not a WTO member and—

(1) is negotiating a protocol with the United States for that country's accession to the World Trade Organization,

(2) is a party to a bilateral agreement with the United States that governs imports into the United States of textile and apparel products of that country, or

(3) is a country with which the United States is negotiating an agreement under section 5(a),

the Trade Representative shall ensure that the protocol under paragraph (1), a subsequent agreement to replace the agreement under paragraph (2) when it expires, or the agreement described in paragraph (3), as the case may be, provides for a reduction in the quantity of textile and apparel goods of that country that may be imported into the United States if CITA determines that the agreement is being circumvented and that no, or inadequate measures, are being applied by that country to take action against such circumvention. Any determination by CITA under the preceding sentence shall be made in accordance with the standards set forth in section 8.

(b) DEFINITIONS.—For purposes of this section, a reduction in a country's textile and apparel quotas is a reduction in quantitative limitations otherwise applicable to imports into the United States of that country's textile and apparel products that is equal to—

(1) the quantity of the goods involved in the circumvention if the circumvention is the first within the most recent 36-month period;

(2) twice the quantity of goods involved in the circumvention if the circumvention is the second in the most recent 36-month period; or

(3) three times the quantity of goods involved in the circumvention if the circumvention is the third or more in the most recent 36-month period.

(c) POLICY FOR WTO MEMBERS.—In any case in which a WTO member is found by CITA to have circumvented the Agreement on Textiles and Clothing or any other textile agreement, CITA shall pursue the maximum penalty consistent with the WTO.

SEC. 7. CUSTOMS ENFORCEMENT ACTION.

(a) SHARING OF CUSTOMS INFORMATION WITH CITA.—The Customs Service shall, upon initiating an investigation relating to a violation of the laws of the United States governing international trade in textile and apparel goods, inform CITA of the investigation in any case in which the alleged violation, if true, would constitute a circumvention of any textile agreement. In any such case, the Customs Service shall provide to CITA—

(1) all information CITA requests that is relevant to the alleged violation and required in order for CITA to pursue a charge against the quotas on imports of textile and apparel products of that country as a result of the violation; and

(2) notification, at least every 30 days until the investigation is referred to the Department of Justice or the Customs Service closes the investigation, of the progress of the investigation.

(b) FACTORS IN PROCEEDING WITH CHARGES AGAINST QUOTAS.—In deciding whether to pursue a charge described in subsection (a)

as a result of an alleged violation described in subsection (a), CITA, in addition to any other relevant factors which CITA may consider, shall weigh the impact of proceeding with such charge on potential prosecutions or civil penalties and future enforcement of textile agreements, and shall consider the amount of the alleged violation, the probability of successful criminal prosecution, the degree of compliance by the true country of origin with textile agreements, and the damage the alleged violation would inflict on the domestic textile and apparel industry.

(c) DECISION NOT TO PURSUE A CHARGE.—In any case in which CITA decides under subsection (b) not to pursue a charge, the Customs Service shall, as long as that decision is in effect, report to CITA, in lieu of the reports under subsection (a)(2)—

(1) at least once every 6 months from the date on which the Customs Service initiated the case, on the status of the investigation; and

(2) within 10 business days after the Customs Service obtains new information or evidence materially relevant to the alleged violation.

(d) STANDING NOT PROVIDED.—Nothing in this Act shall be construed to provide standing in any court or administrative proceeding for legal action against the United States arising from actions taken in carrying out the laws governing trade in textile or apparel goods.

(e) REFERRAL OF CASES TO DEPARTMENT OF JUSTICE.—In any case in which—

(1) the Customs Service refers an alleged violation described in subsection (a) to the Department of Justice for prosecution, and

(2) no indictment has been brought in the case within 6 months after the referral,

the Attorney General shall provide to CITA all information relevant to imposing a charge against the quotas on imports of textile and apparel products of the country concerned as a result of the violation. CITA may extend the 6-month period referred to in paragraph (2) if requested to do so by the Attorney General.

(f) DISCLOSURE OF CERTAIN CONFIDENTIAL INFORMATION NOT REQUIRED.—Nothing in this section shall be construed to require the disclosure by the Customs Service or the Department of Justice of confidential information relevant to possible imposition of criminal or civil penalties when that information is not relevant to the imposition of a charge by CITA against the quotas on imports of textile and apparel products of a country.

(g) INITIATION OF INVESTIGATIONS.—

(1) BASIS FOR INITIATION.—Subject to paragraph (2), whenever the Customs Service receives credible evidence that circumvention of a textile agreement has occurred, the Customs Service shall initiate an investigation, to which a customs officer shall be assigned, to determine if such circumvention has occurred, unless such evidence is directly related to an open investigation commenced prior to the receipt of such evidence.

(2) WAIVER.—The head of the Division of Textile Enforcement established under section 10 may determine not to initiate an investigation under paragraph (1) if he or she transmits to CITA a report setting forth the reasons for that determination.

SEC. 8. STANDARDS OF PROOF.

(a) IN GENERAL.—CITA may determine that a country has circumvented a textile agreement if CITA determines, after consultations with the country concerned, that there is a substantial likelihood that the circumvention occurred.

(b) FAILURE OF COUNTRY TO COOPERATE.—

(1) RELIANCE ON BEST AVAILABLE INFORMATION.—If a country fails to cooperate with CITA in an investigation to determine if a textile agreement has been circumvented, CITA shall base its determination on the best available information.

(2) ACTS CONSTITUTING FAILURE TO COOPERATE.—Acts indicating failure of a country to cooperate under paragraph (1) include, but are not limited to—

(A) denying entry of officials of the Customs Service to investigate violations of, or promote compliance with, any textile agreement;

(B) providing appropriate United States officials with inaccurate or incomplete information, including information demonstrating compliance with United States rules of origin for textile and apparel products; and

(C) denying appropriate United States officials access to information or documentation relating to production capacity of, and outward processing done by, manufacturers within the country.

SEC. 9. PENALTIES FOR VIOLATIONS OF CUSTOMS LAWS INVOLVING TEXTILE AND APPAREL GOODS.

(a) PENALTIES.—Section 592 of the Tariff Act of 1930 (19 U.S.C. 1592) is amended by adding at the end the following:

''(g) PENALTIES INVOLVING TEXTILE AND APPAREL GOODS.—

''(1) FRAUD.—Notwithstanding subsection (c), the civil penalty for a fraudulent violation of subsection (a) involving textile and apparel goods—

''(A) shall, subject to subparagraph (B), be double the amount that would otherwise apply under subsection (c)(1); and

''(B) shall be an amount not to exceed 300 percent of the declared value in the United States of the merchandise if the violation has the effect of circumventing any quota on textile and apparel goods.

''(2) GROSS NEGLIGENCE.—Notwithstanding subsection (c), the civil penalty for a grossly negligent violation of subsection (a) involving textile and apparel goods—

''(A) shall, subject to subparagraphs (B) and (C), be double the amount that would otherwise apply under subsection (c)(2);

''(B) shall, if the violation has the effect of circumventing any quota of the United States on textile and apparel goods, and subject to subparagraph (C), be 200 percent of the declared value of the merchandise; and

''(C) shall, if the violation is a third or subsequent offense occurring within 3 years, be the penalty for a fraudulent violation under paragraph (1) (A) or (B), whichever is applicable.

''(3) NEGLIGENCE.—Notwithstanding subsection (c), the civil penalty for a negligent violation of subsection (a) involving textile and apparel goods—

''(A) shall, subject to subparagraphs (B) and (C), be double the amount that would otherwise apply under subsection (a)(3);

''(B) shall, if the violation has the effect of circumventing any quota of the United States on textile and apparel goods, and subject to subparagraph (C), be 100 percent of the declared value of the merchandise; and

''(C) shall, if the violation is a third or subsequent offense occurring within 3 years, be the penalty for a grossly negligent violation under paragraph (2) (A) or (B), whichever is applicable.''.

(b) MITIGATION.—Section 618 of the Tariff Act of 1930 (19 U.S.C. 1618) is amended—

(1) by striking ''Whenever'' and inserting ''(a) IN GENERAL.—Whenever'', and

(2) by adding at the end the following new subsection:

''(b) MITIGATION RULES RELATING TO TEXTILE AND APPAREL GOODS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of law, the Secretary of the Treasury may remit or mitigate any fine or penalty imposed pursuant to section 592 involving textile or apparel goods only if—

''(A) in the case of a first offense, the violation is due to either negligence or gross negligence; and

''(B) in the case of a second or subsequent offense, prior disclosure (as defined in section 592(c)(4)) is made within 180 days after the entry of the goods.

''(2) SPECIAL RULE FOR PRIOR DISCLOSURES AFTER 180 DAYS.—In the case of a second or subsequent offense where prior disclosure (as defined in section 592(c)(4)) is made after 180 days after the entry of the goods, the Secretary of the Treasury may remit or mitigate not more than 50 percent of such fines or penalties.''.

(c) SEIZURE AND FORFEITURE.—Section 596(c)(2) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)(2)) is amended—

(1) in subparagraph (E), by striking ''or'' after the semicolon;

(2) in subparagraph (F), by striking the period and inserting ''; or''; and

(3) by inserting after subparagraph (F) the following:

''(G) consists of textile or apparel goods introduced into the United States for entry, transit, or exportation, and

''(i) the merchandise or its container bears false or fraudulent markings with respect to the country of origin, unless the importer of the merchandise demonstrates that the markings were made in order to comply with the rules of origin of the country that is the final destination of the merchandise; or

''(ii) the merchandise or its container is introduced or attempted to be introduced into the United States by means of, or such introduction or attempt is aided or facilitated by means of, a material false statement, act, or omission with the intention or effect of—

''(I) circumventing any quota that applies to the merchandise, or

''(II) undervaluing the merchandise.''.

(d) CERTIFICATES OF ORIGIN.—Notwithstanding any other provision of law, all importations of textile and apparel goods shall be accompanied by—

(1)(A) the name and address of the manufacturer or producer of the goods, and any other information with respect to the manufacturer or producer that the Customs Service may require; and

(B) if there is more than one manufacturer or producer, or there is a contractor or subcontractor of the manufacturer or producer with respect to the manufacture or production of the goods, the information required under subparagraph (A) with respect to each such manufacturer, producer, contractor, or subcontractor, including a description of the process performed by each such entity;

(2) a certification by the importer that the importer has exercised reasonable care to ascertain the true country of origin of the textile and apparel goods and the accuracy of all other information provided on the documentation accompanying the imported goods, as well as a certification of the specific action taken by the importer to ensure reasonable care for purposes of this paragraph; and

(3) a certification by the importer that the goods being entered do not violate applicable trademark, copyright, and patent laws.

Information provided under this subsection shall be sufficient to demonstrate compliance with the United States rules of origin for textile and apparel goods.

SEC. 10. DIVISION ON TEXTILE ENFORCEMENT.

(a) ESTABLISHMENT.—The Commissioner of Customs shall, not later than 6 months after the date of the enactment of this Act, establish in the Customs Service a Division on Textile Enforcement (hereafter in this section referred to as the ''DTE''), using existing resources available to the Customs Service. The head of the DTE shall be an officer

of the Customs Service in a position at the level of an Assistant Commissioner of Customs.

(b) FUNCTIONS.—The DTE shall be responsible for enforcing all laws of the United States, and all bilateral and multilateral treaties and agreements, governing the importation of textile and apparel goods, that the Customs Service is responsible for enforcing.

(c) PERSONNEL.—The Commissioner of Customs shall assign personnel to the DTE who have expertise in textile and apparel goods, including, but not limited to, import specialists, investigators, attorneys, accountants, laboratory technicians, and members of the textile production verification teams.

(d) SUBDIVISIONS.—The DTE shall establish a separate subdivision for each geographic region which is a major source of textile and apparel goods imported into the United States, including a subdivision for each of the following:

(1) The Far East.
(2) South Asia.
(3) South America.
(4) Central America and the Caribbean.
(5) The Middle East and Africa.

(e) ASSIGNMENTS ABROAD.—

(1) TO CERTAIN COUNTRIES.—If permitted by the host country, at least 1 customs officer shall be assigned in each country, other than Canada or Mexico, whose annual exports to the United States of textile and apparel goods equal or exceed 500,000,000 square meter equivalents. Each such customs officer shall be responsible only for matters relating to exports to the United States of textile and apparel goods.

(2) RESPONSIBILITY OF SECRETARY OF STATE.—The Secretary of State shall take the necessary steps to facilitate the assignment abroad of customs officers under paragraph (1), by seeking to obtain the approval of the foreign governments concerned for such assignments.

(f) REPORTS.—

(1) REPORTS BY CUSTOMS OFFICERS.—Each customs officer assigned under subsection (e)(1) shall prepare and submit to the Commissioner of Customs, at least monthly, reports summarizing his or her activities, assessing the compliance with applicable textile agreements by the country concerned, and assessing the intellectual property protection provided to textile and apparel goods in that country.

(2) REPORTS BY DTE.—The DTE shall prepare and submit to the Commissioner an annual report—

(A) evaluating the extent of circumvention of textile agreements with the United States, the extent of compliance with the rules of origin of the United States relating to textile and apparel goods, the extent to which countries act in compliance with Article XX of the GATT 1994 (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)) with respect to textile and apparel goods, and the adequacy of intellectual property protection provided to textile and apparel goods; and

(B) recommending new methods, if necessary, to address the matters evaluated under subparagraph (A).

(3) AVAILABILITY OF REPORTS.—Each report submitted under this subsection shall be made available to appropriate agencies of the executive branch, including the Office of Textiles, Apparel, and Consumer Goods of the Department of Commerce.

SEC. 11. WITHDRAWAL OF UNILATERAL TRADE CONCESSIONS.

(a) WITHDRAWAL OF CONCESSIONS.—In any case in which—

(1) CITA determines that a country—

(A) has demonstrated a consistent pattern of circumventing textile agreements with the United States,

(B) refuses to cooperate with investigations by the United States of any such alleged circumvention,

(C) fails to provide adequate enforcement of intellectual property rights with respect to textile and apparel goods, or

(D) fails to provide fair and equitable market access for textile and apparel products of the United States, and

(2) the United States extends to the products of that country preferential tariff or quota treatment other than pursuant to a bilateral or multilateral agreement,

then such preferential treatment shall be withdrawn from the textile and apparel goods that are products of that country for such period as shall be determined by the Trade Representative, in consultation with CITA.

(b) NATIONAL INTEREST WAIVER.—The President may waive the application of subsection (a) with respect to a country if the President determines that the waiver will allow the United States to secure effective commitments from that country to prevent future circumvention of textile agreements with the United States, or is otherwise in the national interest. The President shall publish any such waiver, and the reasons for the waiver, in the Federal Register.

SEC. 12. DEFINITIONS.

As used in this Act:

(1) AGREEMENT ON TEXTILES AND CLOTHING.—The term ''Agreement on Textiles and Clothing'' means the Agreement on Textiles and Clothing referred to in section 101(d)(4) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(4)).

(2) CIRCUMVENT AND CIRCUMVENTION.—The terms ''circumvent'' and ''circumvention'' refer to a situation in which a country—

(A) takes no, or inadequate measures to prevent illegal transshipment of goods that is carried out by rerouting, false declaration concerning country or place of origin, falsification of official documents, evasion of United States rules of origin for textile and apparel goods, or any other means; or

(B) takes no or inadequate measures to prevent being used as a transit point for the shipment of goods in violation of an applicable textile agreement.

(3) CITA.—The term ''CITA'' means the Committee for the Implementation of Textile Agreements established under Executive Order 11651 of March 3, 1972 (7 U.S.C. 1854 note), or any successor entity or officer performing functions of that committee after the date of the enactment of this Act.

(4) COUNTRY.—The term ''country'' includes a separate customs territory, within the meaning of Article XII of the WTO Agreement or other applicable international agreement.

(5) CUSTOMS SERVICE.—The term ''Customs Service'' means the United States Customs Service.

(6) MULTIFIBER ARRANGEMENT.—The term ''Multifiber Arrangement'' means the Arrangement Regarding International Trade in Textiles referred to in Article 1(3) of the Agreement on Textiles and Clothing.

(7) TEXTILE AGREEMENT; TEXTILE AGREEMENT WITH THE UNITED STATES.—The terms ''textile agreement'' and ''textile agreement with the United States'' mean an agreement relating to textile and apparel goods that is negotiated under section 204 of the Agricultural Act of 1956 (7 U.S.C. 1854), including the Agreement on Textiles and Clothing.

(8) TRADE REPRESENTATIVE.—The term ''Trade Representative'' means the United States Trade Representative.

(9) WORLD TRADE ORGANIZATION AND WTO.—The terms ''World Trade Organization'' and ''WTO'' mean the organization established pursuant to the WTO Agreement.

(10) WTO AGREEMENT.—The term ''WTO Agreement'' means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

(11) WTO MEMBER.—The term ''WTO member'' means a state, or separate customs territory (within the meaning of Article XII of the WTO Agreement.

SEC. 13. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on October 1, 1996.

Mr. HOLLINGS. Mr. President, I rise today to support the efforts of my good friend from Kentucky, Senator FORD, and the tireless efforts of my colleague in the House, Congressman JOHN SPRATT. Mr. President, in the last year alone we have lost over 150,000 jobs in the textile and apparel industry. Just last week, Springs Industries announced it would close several plants and lay off 850 employees.

Our trade deficit in textiles and apparel stands at an appalling $35 billion.

As bad as that number is, the sad fact is that $35 billion underestimates the true size of the trade deficit. Because of the massive amounts of transhipment that have flooded our shores, the actual trade deficit is some $6 billion larger. What is left of the quota system has become a porous sieve, subject to the manipulation of shady importers and retailers who look the other way at fraudulent schemes designed to evade our quota system, and steal jobs from the American worker.

The legislation being introduced will shut down the illegal evasion of our quotas. It slaps harsh penalties on customs offenders, and it provides customs with adequate resources to enforce our textile agreements.

Mr. President, the time has come for the administration to crack down on this lawless behavior and stand up for the American worker.

Mr. HELMS. Mr. President, this is important legislation that will be beneficial to an enormous number of Americans because it will open foreign markets to U.S. products and countries that engage in dishonest activities in international trade. Those that violate trade laws and trade agreements will pay for it. This bill establishes a level playing field for U.S. textile companies and takes an unmistakable stand for American workers. If foreign markets can be opened, and U.S. trade with countries overseas increased, it will be a tremendous boost for U.S. jobs.

Mr. President, the economic name of the game as we approach the 21st century lies in increasing our exports.

This bill addresses a pressing need. American workers, as matters now stand, are being squeezed from every direction. Many countries, especially Mainland China, are deliberately violating their trade agreements; they are transshipping their goods through other nations deliberately to circumvent United States textile import laws. American workers should not be forced to compete against foreign companies that deliberately engage in illegal and immoral trade practices.

Such countries, Communist China, India, Macau, Hong Kong, to name a few, pump billions of dollars of products into our markets, cheating every step of the way. The Winston-Salem Journal pointed out the other day that the United States Customs Service estimates that China alone illegally transships $4 to $6 billion per year. This banditry costs American businesses—and, therefore, consumers—up to $4 billion a year, not to mention the loss of countless thousands of American jobs.

Mr. President, S. 1951—the Textile and Apparel Global Competitiveness Act of 1996—will, when it becomes law, impose stiff sanctions on countries that transship textile products into the United States. Current penalties will be doubled—in some cases tripled—and more reliable proof of the country of origin will be required for textile imports entering the United States. S. 1951 enables the Customs Service to seize goods imported illegally by the use of false or misleading statements or acts.

So, Mr. President, this bill S. 1951, of which I am a principal cosponsor, is about fair trade and reciprocity. Since U.S. markets are open, it is only fair to demand that other countries open their markets. As matters now stand countless countries close their markets to American products while pouring their exports through our open doors. China, Pakistan, and India together ship 9.4 billion dollars' worth of goods to United States markets—more than 100 times the $92 million in United States goods that were, at last reports, allowed into their countries.

S. 1951, when enacted, will require United States negotiators to secure effective access to foreign markets for United States textile and apparel products; in other words, it will press open markets of countries that have shut their doors in Uncle Sam's face. If we are going to be hospitable to foreign imports, it's only fair to require the same of them. One specific benefit of this bill is that it will deny to China the free trade benefits of the World Trade Organization until China dismantles her iron fence against United States textiles. China must not be permitted to hold membership in the WTO until China removes her arrogant trade barriers.

Moreover, Mr. President, Communist China competes with American workers with unspeakable use of slave labor and child labor. Chinese slave laborers are often political prisoners. Exploitation of children as workers is rampant, especially in Asia.

Mr. President, the United States must never forget that we become a part of what we condone. Therefore, the need for this bill is obvious in the light of the tremendous loss of U.S. jobs inflicted on American workers—particularly in North Carolina—by the illegal practices of foreign countries. The United States lost 53,000 textile jobs last year. North Carolina lost as many as in the 3 previous years combined, with plant shutdowns and layoffs costing 11,316 North Carolina jobs. Fruit of the Loom alone was forced to abolish 3,200 jobs in 1995, and a Fruit of the Loom spokesman blamed it on ''the cumulative impact of NAFTA and GATT'' trade agreements.

Headline after headline has announced major company shutdowns or job layoffs. An eye-popping review article in the Winston-Salem Journal provided a long list of companies—including, among others, Sara Lee, Fieldcrest Cannon, Dupont, and Tultex—that have closed plants and laid off workers in North Carolina in the first part of this year. Overall, 2,918 layoffs in 26 North Carolina cities and towns were announced in the first 4 months of 1996.

Mr. President, I ask unanimous consent that the aforementioned Winston-Salem Journal article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HELMS. Mr. President, while foreign imports are pouring in like a tidal wave, North Carolina workers are being forced onto the unemployment lines. This obviously is having a devastating impact on families and communities across America. Mr. President, this bill isn't ''protectionism,'' it's ''survivalism.'' United States business should—and must—demand access to the international market so that American workers can have a fair shot in world competition.

EXHIBIT 1

[From Winston-Salem Journal, July 7, 1996]

SOCK IT TO 'EM?

CONGRESS TAKES AIM AT ASIA IN TEXTILE BILL

(By John Hoeffel)

WASHINGTON.—Stories of textile plants closing and laid-off workers scrambling to find scarce low-skilled jobs in this high-tech world have been commonplace for at least 20 years. The number of textile employees has been in a steady slide.

But the news appears to be getting worse.

Last year, North Carolina lost as many textile jobs as in the previous three years combined. Plant closing and layoffs cost the state 11,316 jobs.

In the first four months of this year, 22 companies announced 2,918 layoffs in 26 North Carolina cities and towns.

North Carolina is the nation's No. 1 textile-producing state, and it has almost a third of the employees.

Nationwide, 53,500 textile jobs were lost in 1995.

Even with those stunning losses, textiles and apparel are still the top manufacturing industry in North Carolina, with annual sales averaging about $25 billion. Three of the state's top five employers are textile companies, including Sara Lee Corp., which has several divisions based in Winston-Salem.

At the end of last year, 261,641 North Carolinians still worked in the industry, which is concentrated in the Piedmont. Forsyth, Guilford and Surry counties all rank in the top 10 counties for textile and apparel employment.

The politically powerful companies have a long record of looking to Washington for help, and the South's congressmen have an equally long record of hastening to erect barriers to cheap imports.

But this is a new economic era.

Free trade is now the mantra of centrists in both the Republican and Democratic parties. The North American Free Trade Agreement and the General Agreement on Tariffs and Trade dismantled many trade barriers, including protectionist textile quotas that will be completely eliminated by 2005.

Faced with mounting job losses, congressmen from the South cast about for another avenue and found it with a bill that was introduced last month.

That bill, called the Textile and Apparel Global Competitiveness Act, aims not at keeping imports out, but at cracking open foreign markets that are closed to American exports. ''We expect their door to be more than slightly ajar,'' said Rep. Howard Coble, the 6th District Republican who is the chairman of the House textile caucus and an original co-sponsor of the bill. ''We're not building a wall around ourselves and trying to block imports.''

The bill also aims at ending transshipments, the illegal practice of sneaking textiles from one country into the United States under another country's quota by diverting them through that third country. The bill is targeted at Asia in general and China in particular.

The United States exported $1.96 billion in textiles to the top 14 textile producing countries in Asia. Those countries exported $24.79 billion in textiles to the United States.

A source with the U.S. Customs Service says that China transships $4 billion to $6 billion through such places as Hong Kong and Macau, where the products are relabeled ''Made in Hong Kong'' or ''Made in Macau.''

Sen. Jesse Helms, R–N.C., who is no fan of China and has railed against transshipping, plans to sponsor a version of the bill in the Senate. ''It requires retaliation against countries that just flout honest and decency in international trade and countries that are closed to us and do business in our country,'' he said. ''It's time for us to stand up for American workers.''

The bill strengthens the roles of the U.S. trade representative in negotiating agreements and the Customs Service in investigating illegal shipments. It establishes steep penalties for violations. It doubles some fines and reduces quotas by an amount equal to three times the volume of transshipped goods when a country is caught transshipping for the third time.

Textile importers, who could be socked with stiff penalties for importing illegal products, oppose the bill.

''It's the same industry coming back after many, many years of protection wanting more special favors from government,'' said Laura E. Jones, the executive director of the U.S. Association of Importers of Textiles and Apparel. ''They still don't want to compete.''

The bill's supporters, sensitive about their protectionist past, react defensively, bringing up the subject of protectionism on their own. ''We're going to have to do a good marketing job in making it clear that this is not a protectionist proposal,'' Coble said.

But Jones said that the bill amounts to back-door protectionism, making it easier for a select industry to pursue sanctions against importers and foreign countries. ''They do not need to have standards lowered for them so they can go around harassing our industry,'' she said.

As with the old protectionist legislation, Jones said, the consumers lose. ''I just think the consumers end up paying more in the end.'' she said.

She also charged that Customs has not discovered massive transshipment because they

don't exist. ''The Customs Service can find cocaine and heroin, but they can't find bras and underpants,'' she said sarcastically. ''If they can't find it now, this isn't going to be an incentive to them to find it later.''

The bill is not expected to pass this session because the schedule is too crowded.

''We just don't want this shoved off the table,'' Coble said.

Rep. John Spratt, D–S.C., was the main author and introduced the bill. But in an election-year press release, Rep. Richard Burr, the 5th District Republican and an original co-sponsor, claimed credit for introducing it.

By all accounts, Burr worked hard to collect co-sponsors to help demonstrate wide support for the bill. It has more than 100.

Some in the industry have criticized the Clinton administration, arguing that it has done little to enforce textile treaties. Helms, though, was more expansive in directing his criticism. ''I have got to be honest and say that previous administrations and the present administration have not done enough. It's a bipartisan folly,'' he said.

Work on the bill seemed to rattle the administration's cage.

Customs announced last month that it was taking measures designed to stem Chinese transhipments through Macau and Hong Kong, requiring greater verification that textiles shipped from those countries were made there. Customs just this month received the power to block shipments from factories that won't allow Customs investigators inside.

Whether the bill and this Customs effort, will half the job losses is unclear. Burr said that it is imperative to introduced the bill because of continuing plant closings, citing the two that Sara Lee Knit Products announced in Sparta, costing 250 jobs, and in Jefferson, costing 589.

But Sara Lee officials said that both plants closed because of weak domestic sales and that opening foreign markets would not have prevented the move. ''It's really completely unrelated,'' Nancy Young said.

Textile and apparel companies are suffering through an extended retail slowdown. But the companies are also cutting jobs, as Gordon A. Berkstresser III notes, because of continuing automation and other efficiencies.

And Berkstresser, a professor of textile and apparel management at N.C. State University, also questioned whether the companies are prepared to sell in Indonesia or Malaysia. ''We haven't gone over and done the kind of market research to see what kind of products we can sell in Asia,'' he said.

But Dennis M. Julian the executive vice president of the N.C. Textile Manufacturers Association, said he thinks that the bill would help stabilize the industry.

Jerry Cook, the director of international trade for Sara Lee Knit Products, said: ''Anything that helps open market access, I think we'd be really supportive of. It's a tough market out there.''

TEXTILE TRADE WITH ASIA

[In millions of dollars]

U.S. Exports to:	
Bangladesh	
China	63.0
Taiwan	93.5
Hong Kong	268.3
India	14.9
Indonesia	21.4
Japan	145.6
South Korea	136.7
Macau	
Malaysia	23.0
Pakistan	
Philippines	53.1
Singapore	103.6
Thailand	41.3
Total	1,964.4
U.S. Imports from:	
Bangladesh	1,114.5
China	4,802.5
Taiwan	2,757.8
Hong Kong	4,390.8
India	1,614.9
Indonesia	1,336.2
Japan	481.1
South Korea	2,271.1
Macau	764.3
Malaysia	745.2
Pakistan	964.8
Philippines	1,704.0
Singapore	425.5
Thailand	1,419.8
Total	24,792.5

TEXTILE AND APPAREL PLANT CLOSINGS AND LAYOFFS IN NORTH CAROLINA—ANNOUNCED IN THE FIRST FOUR MONTHS OF THIS YEAR

Company	Location	Jobs lost	Reason given
Champion Products	Weaverville	200	Cutting costs
CMI Industries	Elkin, Boonville	100	Slow sales
Comar industries	Monroe	105	Decreased demand
Dupont	Kinston	200	Cutting costs
	Wilmington	50	Cutting costs
Fieldcrest Cannon	Concord	150	Relocating operations
Ithaca Industries	Gastonia	70	Reduction in force
	Wilkesboro	50	Reduction in force
Jaspar Textiles	Angler	75	Consolidation
Jonbil	Henderson	62	Import competition
Lucia	Winston-Salem	55	Restructuring
	Elkin	13	Restructuring
N.C. Garment Co.	High Point	32	Import competition
Oxford industries	Burgaw	90	Import competition
Rocky Mount Mills	Monroe	320	Competition
Royals	Skyland	50	Import competition
Sarah Lee Hosiery	Winston-Salem	45	Slow sales
Sare Lee Knit Products	Lumberton	370	Cutting costs
SCT Yarns	Cherryville	180	Foreign competition
SOft Care Apparel Co.	Fuquay-Varina	100	Economics
Southern Apparel Co.	Robersonville	80	Lost contract
The Bibb Co.	Rockingham	250	Downsizing
Tultex	Marion	141	Production moved overseas
U.S. Colors	Rocky Mount	50	Ceased product line
Whisper Soft Mills	Kenansville	80	Decreased profits
Total jobs lost to closings and layoffs		2,918	

Source: Newspaper articles supplied to the N.C. Employment Security Commission.

Mr. BYRD. Mr. President, I wholeheartedly support the bill that the Senator from Kentucky [Mr. FORD] has just introduced. The Textile and Apparel Global Competitiveness Act of 1996 will provide needed protections for struggling U.S. textile and apparel producers from unfair competition caused by overseas producers who seek to exceed U.S. quotas. These overseas producers ship excess goods through circuitous routes so that they appear to originate in third countries whose U.S. import quotas have not been met. The Customs Service and industry estimates put the cost of this practice to American industry and its workers at $2 to $4 billion.

The Textile and Apparel Global Competitiveness Act requires more equitable trade negotiations on textile and apparel goods, with greater access to foreign markets for U.S.-produced textile and apparel goods. It also provides for increased enforcement of existing trade laws, with higher fines providing additional trade adjustment assistance to U.S. textile and apparel producers.

In West Virginia, two companies that sew clothing proudly bearing ''Made in the USA'' labels, Hodges Apparel and Safety Stitch, have been feeling the squeeze created by that kind of overseas competition. This spring, both manufacturers were notified that their major supplier would be forced to move its work offshore in order to regain profitability. Unless these West Virginia firms can garner other orders, the last 200 talented and dedicated garment workers in Harrisville will be out of work. In this economically challenged area, job losses on this scale constitute more than a minor unravelling of the economic fabric of Ritchie County—they are a tear in the very fabric of American society.

Mr. President, these potential job losses are not occurring because the quality of clothing produced in the United States is poor; quite the contrary. U.S.-made clothing and textiles are competitive with their overseas competitors on the basis of design, quality, and any standard other than cost. But U.S. production costs must include pension and health care payments for workers, and costs to meet workplace safety and environmental standards. Overseas producers are not required to cover these costs and meet these standards. They may overwork and underpay their workers, forcing

them to labor in unsafe factories that pollute the air and water around them.

The United States is proud of its laws protecting workers and the environment. The Senate this week voted to increase the minimum wage, so that working men and women can provide an adequate standard of living for their families. None of us wants to reduce that standard of living, or give up workplace safety or clean air and water in order to ''compete'' with inexpensive goods produced by workers paid just pennies a day before they return to squalid homes under skies laden with pollutants. But if we are to preserve our jobs in the face of such undercutting competition, we must ensure that U.S. producers are needed in order to meet the demand for clothing and textile goods. That is, in part, why quotas exist—to prevent overseas producers from saturating the market for U.S. goods, undercutting U.S. products produced at higher cost.

Attempts by these overseas producers to evade U.S. import quotas, or to evade other U.S. trade laws and treaties, must be firmly and effectively halted. Enforcement, fines and other remedies must be sufficient to deter this kind of behavior. The bill introduced by the Senator from Kentucky accurately targets these problems. It also provides a source of additional revenue for trade adjustment assistance for U.S. textile and apparel producers, helping them to modernize and more effectively compete on a cost basis with overseas competitors, both here and in foreign markets. I am proud to be a cosponsor, and I thank Senator FORD for his leadership in introducing this bill.

Mr. HEFLIN. Mr. President, I am pleased to join my colleague from Kentucky and others in introducing the Textile and Apparel Global Competitiveness Act. This important legislation addresses a problem of grave consequence in my State and others where the textile and apparel industry has been hurt dramatically in recent years due to job relocation and factors resulting from the enactment of NAFTA and GATT. This bill does nothing to undo these agreements, but it does go a long way toward strengthening protections for the textile and wearing apparel sector of the economy and the millions of workers affected by the changes which are occurring.

This legislation requires the U.S. Trade Representative, when negotiating textile agreements with nations who are not members of the World Trade Organization to secure effective market access for American textile and apparel producers. It includes provisions allowing penalties for noncompliance with these market-access agreements under WTO rules and U.S. law. Furthermore, it creates a special 301 list for market access for these products and requires the Secretary of Commerce to issue a report to Congress each year that outlines the economic contribution of the American textile and apparel industries.

While the industry enjoys broad support in Congress and in the administration, it has been the target of aggressive attacks during the last several years. Most of these attacks have been thwarted, but they have come at a time when the textile and apparel industry is undergoing major transformation as it pushes to increase productivity and to become more global in its perspective and methods of operation.

The American textile and apparel industry is seeking to make a successful transition to a quota-free environment within a 10-year timeframe. This transition must have the safeguards provided by this measure in order to allow the industry to realize that success.

I congratulate Senator FORD for his leadership on this issue and urge my colleagues to join us in supporting the Textile and Apparel Global Competitiveness Act.

Mr. THURMOND. Mr. President, I rise today to join with several of my colleagues to sponsor the Customs Enforcement Act of 1996. This legislation is designed to strengthen our laws which fight illegal trade in textile and apparel items and open foreign markets to more American products. A companion measure, H.R. 3654, was recently introduced in the House of Representatives.

Mr. President, I have often stated that trade with other countries should be fair, as opposed to free. This means that when exporters from another country seek unlimited access to our markets, then our U.S. producers should likewise have open access to their country's markets. Many examples exist where the United States has given another country access to our marketplace, only to have our access limited in their country. The legislation we are introducing today attempts to mitigate this practice. This measure will require the USTR to secure effective market access for U.S. produced textile and apparel products. Further, if these markets are not opened, the USTR has the ability to impose penalties in an attempt to force these markets open.

Mr. President, another major concern this legislation attempts to address is transshipping. This is a practice where an exporter ships goods through a third country to avoid U.S. import quotas. The worst offenders in the area of transshipment countries are China, India, and Pakistan. It is estimated that transshipments account for at to least 4 billion dollars' worth of the textile and apparel items shipped into the United States in a year and this figure could be as high as $8 billion. This bill, Mr. President, tightens the requirements for importing items into this country and provides for better documentation so that transshipping can be more easily traced. Further, penalties are increased for each transshipping violation.

Mr. President, this is not a protectionist bill. Nor does it limit textile imports. This measure attempts to level the playing field for the domestic textile and apparel industry. I hope my colleagues will support this measure and move it expeditiously through the legislative process.

ADDITIONAL COSPONSORS

S. 1397

At the request of Mr. KYL, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 1397, a bill to provide for State control over fair housing matters, and for other purposes.

S. 1868

At the request of Mr. BREAUX, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1868, a bill to amend the Deepwater Port Act of 1974 to promote the use of deepwater ports to transport Outer Continental Shelf oil by reducing unnecessary and duplicative regulatory requirements, and for other purposes.

S. 1938

At the request of Mr. BOND, the names of the Senator from Virginia [Mr. WARNER] and the Senator from Missouri [Mr. ASHCROFT] were added as cosponsors of S. 1938, a bill to enact the model Good Samaritan Act Food Donation Act, and for other purposes.

S. 1943

At the request of Mr. GRAHAM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1943, a bill to amend the Fair Labor Standards Act of 1938 to exempt inmates from the minimum wage and maximum hour requirements of such Act, and for other purposes.

SENATE RESOLUTION 278—TO AUTHORIZE TESTIMONY

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 278

Whereas, in the case of *State of Florida* v. *Kathleen Bush*, Case No. 96–6912 CF10(A), pending in the Circuit Court for Broward County, Florida, testimony and document production has been requested from Mary Chiles, an employee on the staff of Senator Bob Graham;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently

with the privileges of the Senate: Now, therefore, be it

Resolved, That Mary Chiles, and any other employee from whom testimony may be required, are authorized to testify and to produce documents in the case of *State of Florida* v. *Kathleen Bush,* except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Mary Chiles, and any other employee from whom testimony or document production may be required, in connection with *State of Florida* v. *Kathleen Bush.*

AMENDMENTS SUBMITTED

THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1997

NUNN (AND OTHERS) AMENDMENT NO. 4453

(Ordered to lie on the table.)

Mr. NUNN (for himself, Mr. LUGAR, and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill (S. 1894) making appropriations for the Department of Defense for the fiscal year ending September 30, 1997, and for other purposes; as follows:

At the appropriate place in the bill, insert:

SEC. . In addition to amounts provided elsewhere in this act, $150,000,000 is appropriated for defense against weapons of mass destruction, including domestic preparedness, interdiction of weapons of mass destruction and related materials, control and disposition of weapons of mass destruction and related materials threatening the United States, coordination of policy and countermeasures against proliferation of weapons of mass destruction, and miscellaneous related programs, projects, and activities as authorized by law: *Provided,* That the total amount available under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for the Joint Technology Insertion Program shall be $2,523,000: *Provided further,* That the total amount appropriated under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' is hereby reduced by $12,000,000: *Provided further,* That the total amount appropriated under the heading ''Operation and Maintenance, Defense-Wide'' is hereby reduced by $138,000,000.

NUNN AMENDMENTS NOS. 4454–4459

(Ordered to lie on the table.)

Mr. NUNN submitted six amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4454

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

SEC. . The total amount appropriated under the heading ''Former Soviet Union Threat Reduction'' is hereby increased by $150,000,000: *Provided,* That the total amount appropriated under the heading ''Operation and Maintenance, Defense-Wide'' is hereby reduced by $138,000,000: *Provided further,* That the total amount appropriated under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' is hereby reduced by $12,000,000.

AMENDMENT NO. 4455

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

SEC. . The total amount appropriated under the heading ''Former Soviet Union Threat Reduction'' is hereby increased by $150,000,000: *Provided,* That the total amount appropriated under the heading ''Operation and Maintenance, Defense-Wide'' is hereby reduced by $150,000,000.

AMENDMENT NO. 4456

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

SEC. . Of the amounts appropriated under the heading ''Operation and Maintenance, Defense-Wide'', $150,000,000 is available only for matters related to defense against weapons of mass destruction: *Provided,* That the total amount available for other purposes under the heading ''Operation and Maintenance, Defense-Wide'' is hereby reduced by $150,000,000.

AMENDMENT NO. 4457

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

SEC. . The total amount appropriated under the heading ''Former Soviet Union Threat Reduction'' is hereby increased by $150,000,000.

AMENDMENT NO. 4458

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

SEC. . The total amount appropriated under the heading ''Operation and Maintenance, Defense-Wide'' is hereby increased by $150,000,000.

AMENDMENT NO. 4459

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

SEC. . The total amount appropriated under the heading ''Operation and Maintenance, Defense-Wide'' is hereby reduced by $150,000,000.

DORGAN AMENDMENT NO. 4460

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 30, strike lines 12 through 13 and insert in lieu thereof: ''$8,890,092,000, to remain available for obligation until September 30, 1998: *Provided,* That, of the amount appropriated under this heading, not more than $508,437,000 shall be available for national missile defense.''

FEINSTEIN AMENDMENTS NOS. 4461–4462

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4461

On page 29, line 20, strike out ''Forces.'' and insert in lieu thereof ''Forces: *Provided further,* That of the funds available under this paragraph, $18,000,000 shall be available for the Pulse Doppler Upgrade modification to the AN/SPS–48E radar system.''.

AMENDMENT NO. 4462

On page 29, line 10, strike out ''1998.'' and insert in lieu thereof ''1998: *Provided further,* That of the funds available under this paragraph, $4,000,000 shall be available for the procurement of a real-time, automatic cargo tracking and control system.''.

GRASSLEY AMENDMENT NO. 4463

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Funds appropriated by this Act may not be used for supporting more than 68 general officers on active duty in the Marine Corps.

PELL AMENDMENT NO. 4464

(Ordered to lie on the table.)

Mr. PELL submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Of the amount appropriated or otherwise made available for the Department of Defense under title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY'' for the National Oceanographic Partnership Program, there shall be available such funds as the Secretary of the Navy shall require for the establishment of the National Coastal Data Centers required by section 7901(c) of title 10, United States Code, as added by the National Defense Authorization Act for Fiscal Year 1997.

GRASSLEY AMENDMENT NO. 4465

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Funds appropriated by this Act may not be used for supporting more than 68 general officers on active duty in the Marine Corps until—

(1) the Inspector General of the Department of Defense—

(A) has conducted a comprehensive review of all headquarters within the department and all general and flag officer positions that involves—

(i) an evaluation of the structure of headquarters within the department and the general and flag officer positions in relation to past, current, and future changes in the force structure of the Armed Forces, including consideration of the increasing importance of joint headquarters since enactment of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 and the roles and missions of the headquarters in the headquarters structure; and

(ii) a determination of the adjustments in such headquarters and positions that are necessary to provide an appropriate relationship between the headquarters structure and the force structure and between the number of general and flag officer positions and the force structure; and

(B) has submitted to the Secretary of Defense a report on the results of the review, including the Inspector General's recommendations for eliminating any headquarters and general and flag officer positions that the Inspector General considers redundant or otherwise unnecessary;

(2) the Secretary of Defense—

(A) after considering the Inspector General's report (including the recommendations), has developed a plan, including a schedule, for a phased elimination of excess headquarters and general and flag officer positions; and

(B) has submitted the plan to Congress; and

(3) Congress has enacted a joint resolution the matter after the enacting clause states only the following: ''Congress approves the plan for elimination of headquarters and general and flag officer positions in the Armed Forces that was submitted to Congress by the Secretary of Defense on .'', the blank being filled in with the date on which the Secretary submits the report to Congress.

INOUYE AMENDMENT NO. 4466

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 8, on line 15 after the words ''Transaction Fund'' insert the following:

''*Provided*, That from funds available for the Asia-Pacific Center for Security Studies, such sums as may be necessary may be made available to reimburse the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian official of foreign nations if the Secretary of Defense determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States''.

STEVENS AMENDMENTS NOS. 4467–4477

(Ordered to lie on the table.)

Mr. STEVENS submitted 11 amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4467

On page 8, line 1, strike the number ''$17,700,859,000'' and insert in lieu thereof ''$17,696,659,000''.

AMENDMENT NO. 4468

On page 9, line 11, strike the number ''$9,953,142,000'' and insert in lieu thereof ''$9,887,142,000''.

AMENDMENT NO. 4469

On page 12, line 22, strike the number ''$1,069,957,000'' and insert in lieu thereof ''$1,140,157,000''.

AMENDMENT NO. 4470

On page 32, line 18, strike the number ''$10,256,108,000'' and insert in lieu thereof ''$10,251,208,000''.

AMENDMENT NO. 4471

On page 32, line 19, strike the number ''$9,936,638,000'' and insert in lieu thereof ''$9,931,738,000''.

AMENDMENT NO. 4472

On page 9, line 4, strike the number ''$17,331,309,000'' and insert in lieu thereof ''$17,326,909,000''.

AMENDMENT NO. 4473

On page 4, line 3, strike the number ''$17,021,810,000'' and insert in lieu thereof ''$17,026,210,000''.

AMENDMENT NO. 4474

On page 3, line 3, strike the number ''$16,943,581,000'' and insert in lieu thereof ''$16,948,481,000''.

AMENDMENT NO. 4475

On page 32, line 18, strike the number ''$10,256,108,000'' and insert in lieu thereof ''$10,251,208,000'';

On page 32, line 19, strike the number ''$9,936,638,000'' and insert in lieu thereof ''$9,931,738,000'';

On page 9, line 4, strike the number ''$17,331,309,000'' and insert in lieu thereof ''$17,326,909,000'';

On page 3, line 3, strike the number ''$16,943,581,000'' and insert in lieu thereof ''$16,948,481,000'';

On page 4, line 3, strike the number ''$17,021,810,000'' and insert in lieu thereof ''$17,026,210,000''.

AMENDMENT NO. 4476

On page 26, line 11, before the period, insert:

'': *Provided*, That of the funds appropriated under this heading, $11,500,000 shall be made available only for modifications to B–52 bomber aircraft''.

AMENDMENT NO. 4477

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) Of the amounts appropriated or otherwise made available by this Act for the Department of the Air Force, $2,000,000 shall be available to provide comprehensive care and rehabilitation services to children with disabilities who are dependents of members of the Armed Forces at Lakeland Air Force Base, Texas.

(b) Subject to subsection (c), the Secretary of the Air Force shall grant the funds available under subsection (a) to the Children's Association for Maximum Potential (CAMP) for use by the association to defray the costs of designing and constructing the facility referred to in subsection (a).

(c)(1) The Secretary may not make a grant of funds under subsection (b) until the Secretary and the association enter into an agreement under which the Secretary leases to the association the facility to be constructed using the funds.

(2)(A) The term of the lease under paragraph (1) may not be less than 25 years.

(B) As consideration for the lease of the facility, the association shall assume responsibility for the operation and maintenance of the facility, including the costs of such operation and maintenance.

(3) The Secretary may require such additional terms and conditions in connection with the lease as the Secretary considers appropriate to protect the interests of the United States.

CRAIG (AND KEMPTHORNE) AMENDMENT NO. 4478

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. CRAIG, for himself, and Mr. KEMPTHORNE) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

Before the period on page 20, line 29, insert: '': *Provided further*, That of the funds appropriated under this heading, $2,000,000 shall be available for titanium processing technology''.

HELMS AMENDMENT NO. 4479

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. HELMS) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 9, line 22, before the period, insert: '': *Provided further*, That of the funds appropriated under this heading, $1,000,000 shall be made available, by grant or other transfer, to the Harnett County School Board, Lillington, North Carolina, for use by the school board for the education of dependents of members of the Armed Forces and employees of the Department of Defense located at Fort Bragg and Pope Air Force Base, North Carolina''.

SPECTER AMENDMENT NO. 4480

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 29, line 20, before the period, insert: '': *Provided further*, That of the funds appropriated under this heading $46,600,000 shall be made available only for the Intercooled Recuperated Gas Turbine Engine program''.

STEVENS AMENDMENT NO. 4481

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 8, line 15, before the period, insert: '': *Provided*, That advance billing for services provided or work performed by the Navy's defense business operating funds activities is prohibited; *Provided further*, That of the funds appropriated under this heading, $2,976,000,000 shall be available only for depot maintenance activities and programs, and $989,700,000 shall be available only for real property maintenance activities''.

LIEBERMAN AMENDMENT NO. 4482

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 30, line 13, before the period, insert: '': *Provided*, That of the funds appropriated under this heading, $56,200,000 shall be available for the Corps Surface-to-Air Missile (CORPS SAM) program and $515,743,000 shall be available for the Other Theater Missile Defense/Follow-On TMD Activities program''.

KEMPTHORNE (AND CRAIG) AMENDMENT NO. 4483

(Ordered to lie on the table.)

Mr. SEVENS (for Mr. KEMPTHORNE, for himself, and Mr. CRAIG) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 33, on line 16 before the period, insert: '': *Provided*, That of the funds provided under this heading for Research, development, test and evaluation, $3,000,000 shall only be for the accelerated development of advanced sensors for the Army's Mobile Munitions Assessment System''.

STEVENS AMENDMENTS NOS. 4484–4488

(Ordered to lie on the table.)

Mr. STEVENS submitted five amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4484

On page 8, line 3 before the period, insert: '': *Provided*, That funds appropriated under

this heading for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided further,* That for the purpose of this section, supervision and administration costs includes all in-house government costs''.

AMENDMENT NO. 4485

On page 8, line 15 before the period, insert: '': *Provided,* That funds appropriated under this heading for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided further,* That for the purpose of this section, supervision and administration costs includes all in-house government costs''.

AMENDMENT NO. 4486

On page 8, line 19 before the period, insert: '': *Provided,* That funds appropriated under this heading for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided further,* That for the purpose of this section, supervision and administration costs includes all in-house government costs''.

AMENDMENT NO. 4487

On page 9, line 6 before the period, insert: '': *Provided,* That funds appropriated under this heading for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided further,* That for the purpose of this section, supervision and administration costs includes all in-house government costs''.

AMENDMENT NO. 4488

At an appropriate place in the bill, insert:

SEC. . Funds appropriated in title II of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided,* That for the purpose of this section, supervision and administration costs includes all in-house government costs.

BINGAMAN AMENDMENT NO. 4489

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 70, line 8, strike out ''$1,218,000,000'' and insert in lieu thereof ''$1,118,000,000''.

BINGAMAN (AND OTHERS) AMENDMENT NO. 4490

(Ordered to lie on the table.)

Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. SANTORUM) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 30, line 13, insert before the period the following: '': *Provided,* That, of such amount, $10,000,000 is available for the United States-Japan Management Training Program''.

HARKIN AMENDMENTS NOS. 4491–4492

(Ordered to lie on the table.)

Mr. HARKIN submitted two amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4491

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. None of the funds appropriated or otherwise made available for the Department of Defense by this Act may be obligated or expended to pay a contractor under a contract with the Department for any costs incurred by the contractor when it is made known to the Federal official having authority to obligate or expend such funds that such costs are restructuring costs associated with a business combination that were incurred on or after August 15, 1994.

AMENDMENT NO. 4492

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a)(1) Not later than February 1, 1997, the Comptroller General shall, in consultation with the Inspector General of the Department of Defense and the Director of the Office of Management and Budget, submit to Congress a report which shall set forth recommendations regarding the revisions of statute or regulation necessary—

(A) to assure that the amount paid by the Department of Defense for restructuring costs associated with a business combination does not exceed the expected net financial benefit to the Federal Government of the business combination;

(B) to assure that such expected net financial benefit accrues to the Federal Government; and

(C) in the event that the amount paid exceeds the actual net financial benefit, to permit the Federal Government to recoup the difference between the amount paid and the actual net financial benefit.

(2) For purposes of determining the net financial benefit to the Federal Government of a business combination under this subsection, the Comptroller General shall utilize a 5-year time period and take into account all costs anticipated to be incurred by the Federal Government as a result of the business combination, including costs associated with the payment of unemployment compensation and costs associated with the retraining of workers.

(b) No funds appropriated or otherwise made available for the Department of Defense by this Act may be obligated or expended to process or pay any claim for restructuring costs associated with a business combination under the following:

(1) Any contract, advance agreement, or novation agreement entered into on or after July 12, 1996.

(2) Any contract, advance agreement, or novation agreement entered into before that date unless the contract or agreement specifies that payment for costs associated with a business combination shall be made under the contract using funds appropriated or otherwise made available for the Department by this Act.

HELMS AMENDMENT NO. 4493

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. HELMS) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 9, line 22, before the period, insert: '': *Provided further,* That of the funds appropriated under this heading, $1,000,000 shall be made available, by grant or other transfer, to the Harnett County School Board, Lillington, North Carolina, for use by the school board for the education of dependents of members of the Armed Forces and employees of the Department of Defense located at Fort Bragg and Pope Air Force Base, North Carolina''.

SIMON AMENDMENT NO. 4494

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 35, line 18, before the period, insert the following: '': *Provided,* That any individual accepting a scholarship or fellowship from this program agrees to work for and make their language skills available to any agency or office of the Federal Government having national security responsibilities, unless the award recipient demonstrates, in accordance with guidelines developed by the Secretary, that no such position is available in which case the recipient may work in the field of higher education in a discipline relating to the foreign country, foreign language, area study or international field of study for which the scholarship or fellowship was awarded, for a period specified by the Secretary''.

BRYAN AMENDMENTS NOS. 4495–4508

(Ordered to lie on the table.)

Mr. BRYAN submitted 14 amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4495

On page 30, line 1, strike ''$14,778,540,000'' and insert ''$10,778,540,000''.

AMENDMENT NO. 4496

On page 29, line 16, strike ''$8,067,543,000'' and insert ''$6,067,543,000''.

AMENDMENT NO. 4497

On page 30, line 1, strike ''$14,778,540,000'' and insert ''$11,778,540,000''.

AMENDMENT NO. 4498

On page 29, line 16, strike ''$8,067,543,000'' and insert ''$7,067,543,000''.

AMENDMENT NO. 4499

On page 21, line 10, strike ''$3,295,486,000'' and insert ''$2,295,486,000''.

AMENDMENT NO. 4500

On page 21, line 10, strike ''$3,295,486,000'' and insert ''$2,795,486,000''.

AMENDMENT NO. 4501

On page 22, line 3, strike ''$7,239,704,000'' and insert ''$5,239,704,000''.

AMENDMENT NO. 4502

On page 22, line 3, strike ''$7,239,704,000'' and insert ''$6,239,704,000''.

AMENDMENT NO. 4503

On page 26, line 10, strike ''$6,630,370,000'' and insert ''$4,630,370,000''.

AMENDMENT NO. 4504

On page 27, line 19, strike ''$5,577,787,000'' and insert ''$3,577,787,000''.

AMENDMENT NO. 4505

On page 27, line 19, strike ''$5,577,787,000'' and insert ''$4,577,787,000''.

AMENDMENT NO. 4506

On page 23, line 19, strike ''$3,909,072,000'' and insert ''$2,509,072,000''.

AMENDMENT NO. 4507

On page 23, line 19, strike ''$3,909,072,000'' and insert ''$2,909,072,000''.

AMENDMENT NO. 4508

On page 26, line 10, strike ''$6,630,370,000'' and insert ''$5,630,370,000''.

GRAMM AMENDMENTS NOS. 4509–4510

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4509

At the appropriate place, insert the following:

SEC. . PLANS FOR MEDICARE SUBVENTION DEMONSTRATION PROGRAMS.

(a) PROGRAM FOR ENROLLMENT IN TRICARE MANAGED CARE OPTION.—(1) Not later than September 12, 1996, the Secretary of defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report that sets forth a specific plan and the Secretaries' recommendations regarding the establishment of a demonstration program under which—

(A) military retirees who are eligible for medicare are permitted to enroll in the managed care option of the TRICARE program; and

(B) the Secretary of Health and Human Services reimburses the Secretary of Defense from the medicare program on a capitated basis for the costs of providing health care services to military retirees who enroll.

(2) The report shall include the following:

(A) The number of military retirees projected to participate in the demonstration program and the minimum number of such participants necessary to conduct the demonstration program effectively.

(B) A plan for notifying military retirees of their eligibility for enrollment in the demonstration program and for any other matters connected with enrollment.

(C) A recommendation for the duration of the demonstration program.

(D) A recommendation for the geographic regions in which the demonstration program should be conducted.

(E) The appropriate level of capitated reimbursement, and a schedule for such reimbursement, from the medicare program to the Department of Defense for health care services provided enrollees in the demonstration program.

(F) An estimate of the amounts to be allocated by the Department for the provision of health care services to military retirees eligible for medicare in the regions in which the demonstration program is proposed to be conducted in the absence of the program and an assessment of revisions to such allocation that would result from the conduct of the program.

(G) An estimate of the cost to the Department and to the medicare program of providing health care services to medicare eligible military retirees who enroll in the demonstration program.

(H) An assessment of the likelihood of cost shifting among the Department and the medicare program under the demonstration program.

(I) A proposal for mechanisms for reconciling and reimbursing any improper payments among the Department and the medicare program under the demonstration program.

(J) A methodology for evaluating the demonstration program, including cost analyses.

(K) As assessment of the extent to which the Tricare program is prepared to meet requirements of the medicare program for purposes of the demonstration program and the provisions of law or regulation that would have to be waived in order to facilitate the carrying out of the demonstration program.

(L) An assessment of the impact of the demonstration program on military readiness.

(M) Contingency plans for the provision of health care services under the demonstration program in the event of the mobilization of health care personnel.

(N) A recommendation of the reports that the Department and the Department of Health and Human Services should submit to Congress describing the conduct of the demonstration program.

(b) FEASIBILITY STUDY FOR PROGRAM FOR ENROLLMENT IN TRICARE FEE-FOR-SERVICE OPTION.—Not later than January 10, 1997, the Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report on the feasibility and advisability of expanding the demonstration program referred to in subsection (a) so as to provide the Department with reimbursement from the medicare program on a fee-for-service basis for health care services provided medicare-eligible military retirees who enroll in the demonstration program. The report shall include a proposal for the expansion of the program if the expansion is determined to be advisable.

(c) APPROPRIATIONS.—$75,000,000 shall be made available to carry out the demonstration program referred to in subsection (a) if Congress authorizes the program by the end of the Second Session of the 104th Congress.

AMENDMENT NO. 4510

At the appropriate place, insert the following:

SEC. . PLANS FOR MEDICARE SUBVENTION DEMONSTRATION PROGRAMS.

(a) PROGRAM FOR ENROLLMENT IN TRICARE MANAGED CARE OPTION.—(1) Not later than September 6, 1996, the Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report that sets forth a specific plan and the Secretaries' recommendations regarding the establishment of a demonstration program under which—

(A) military retirees who are eligible for medicare are permitted to enroll in the managed care option of the Tricare program; and

(B) the Secretary of Health and Human Services reimburses the Secretary of Defense from the medicare program on a capitated basis for the costs of providing health care services to military retirees who enroll.

(2) The report shall include the following:

(A) The number of military retirees projected to participate in the demonstration program and the minimum number of such participants necessary to conduct the demonstration program effectively.

(B) A plan for notifying military retirees of their eligibility for enrollment in the demonstration program and for any other matters connected with enrollment.

(C) A recommendation for the duration of the demonstration program.

(D) A recommendation for the geographic regions in which the demonstration program should be conducted.

(E) The appropriate level of capitated reimbursement, and a schedule for such reimbursement, from the medicare program to the Department of Defense for health care services provided enrollees in the demonstration program.

(F) An estimate of the amounts to be allocated by the Department for the provision of health care services to military retirees eligible for medicare in the regions in which the demonstration program is proposed to be conducted in the absence of the program and an assessment of revisions to such allocation that would result from the conduct of the program.

(G) An estimate of the cost to the Department and to the medicare program of providing health care services to medicare eligible military retirees who enroll in the demonstration program.

(H) An assessment of the likelihood of cost shifting among the Department and the medicare program under the demonstration program.

(I) A proposal for mechanisms for reconciling and reimbursing any improper payments among the Department and the medicare program under the demonstration program.

(J) A methodology for evaluating the demonstration program, including cost analyses.

(K) An assessment of the extent to which the Tricare program is prepared to meet requirements of the medicare program for purposes of the demonstration program and the provisions of law or regulation that would have to be waived in order to facilitate the carrying out of the demonstration program.

(L) An assessment of the impact of the demonstration program on military readiness.

(M) Contingency plans for the provision of health care services under the demonstration program in the event of the mobilization of health care personnel.

(N) A recommendation of the reports that the Department and the Department of Health and Human Services should submit to Congress describing the conduct of the demonstration program.

(b) FEASIBILITY STUDY FOR PROGRAM FOR ENROLLMENT IN TRICARE FEE-FOR-SERVICE OPTION.—Not later than January 3, 1997, the Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to Congress and the President a report on the feasibility and advisability of expanding the demonstration program referred to in subsection (a) so as to provide the Department with reimbursement from the medicare program on a fee-for-service basis for health care services provided medicare-eligible military retirees who enroll in the demonstration program. The report shall include a proposal for the expansion of the program if the expansion is determined to be advisable.

(c) APPROPRIATIONS.—$75,000,000 shall be made available to carry out the demonstration program referred to in subsection (a) if Congress authorizes the program by the end of the Second Session of the 104th Congress.

CHAFEE AMENDMENT NO. 4511

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. CHAFEE) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

Before the period on page 30, line 13, insert: '': *Provided further*, That of the funds appropriated under this heading, $3,000,000 shall be available for a defense technology transfer pilot program''.

NUNN (AND OTHERS) AMENDMENTS NOS. 4512–4513

(Ordered to lie on the table.)

Mr. NUNN (for himself, Mr. LUGAR, Mr. DOMENICI, and Mr. HARKIN) submitted two amendments intended to be proposed by them to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4512

At the appropriate place in the bill, insert:

SEC. . In addition to amounts provided elsewhere in this act, $150,000,000 is appropriated for defense against weapons of mass destruction, including domestic preparedness, interdiction of weapons of mass destruction and related materials, control and disposition of weapons of mass destruction and related materials threatening the United States, coordination of policy and countermeasures against proliferation of weapons of mass destruction, and miscellaneous related programs, projects, and activities as authorized by law: *Provided,* That the total amount available under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' for the Joint Technology Insertion Program shall be $2,523,000: *Provided further,* That the total amount appropriated under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' is hereby reduced by $12,000,000: *Provided further,* That the total amount appropriated under the heading ''Operation and Maintenance, Defense-Wide'' is hereby reduced by $138,000,000.

AMENDMENT NO. 4513

On page 17, line 24, strike out ''$327,900,000'' and insert in lieu thereof ''$477,900,000''.

On page 9, line 11, strike out $9,953,142,000'' and insert in lieu thereof ''$9,815,142,000''.

On page 30, line 12, strike out ''$9,190,092,000'' and insert in lieu thereof ''$9,178,092,000''.

NUNN AMENDMENTS NOS. 4514–4522

(Ordered to lie on the table.)

Mr. NUNN submitted nine amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4514

On page 17, line 24, strike out ''$327,900,000'' and insert in lieu thereof ''$477,900,000''.

AMENDMENT NO. 4515

On page 9, line 11, strike out ''$9,953,142,000'' and insert in lieu thereof ''$9,815,142,000''.

AMENDMENT NO. 4516

On page 30, line 12, strike out ''$9,190,092,000'' and insert in lieu thereof ''$9,178,092,000''.

AMENDMENT NO. 4517

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

SEC. . The total amount appropriated under the heading ''Former Soviet Union Treat Reduction'' is hereby increased by $150,000,000; *Provided,* That the total amount appropriated under the heading ''Operation and Maintenance, Defense-Wide'' is hereby reduced by $138,000,000; *Provided further,* That the total amount appropriated under the heading ''Research, Development, Test and Evaluation, Defense-Wide'' is hereby reduced by $12,000,000.

AMENDMENT NO. 4518

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

SEC. . The total amount appropriated under the heading ''Former Soviet Union Threat Reduction'' is hereby increased by $150,000,000; *Provided,* That the total amount appropriated under the heading ''Operation and Maintenance, Defense-Wide'' is hereby reduced by $150,000,000.

AMENDMENT NO. 4519

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

SEC. . Of the amounts appropriated under the heading ''Operation and Maintenance, Defense-Wide'', $150,000,000 is available only for matters related to defense against weapons of mass destruction; *Provided,* That the total amount available for other purposes under the heading ''Operation and Maintenance, Defense-Wide'' is hereby reduced by $150,000,000.

AMENDMENT NO. 4520

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

SEC. . The total amount appropriated under the heading ''Former Soviet Union Threat Reduction'' is hereby increased by $150,000,000.

AMENDMENT NO. 4521

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

SEC. . The total amount appropriated under the heading ''Operation and Maintenance, Defense-Wide'' is hereby increased by $150,000,000.

AMENDMENT NO. 4522

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

SEC. . The total amount appropriated under the heading ''Operation and Maintenance, Defense-Wide'' is hereby reduced by $150,000,000.

D'AMATO AMENDMENT NO. 4523

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. None of the unobligated funds made available before the date of enactment of this Act for activities under title III of the Defense Production Act of 1950 (50 U.S.C. App. 2091 et seq.) may be expended until all such funds available on the day before the date of enactment of this Act to carry out the aluminum metal matrix composite program (approved as recorded in the purchases, purchase commitments, and cost sharing letter and notification of the President dated October 5, 1995) are fully obligated for such purchases, purchase commitments, and cost sharing arrangement for discontinuously reinforced aluminum.

BUMPERS (AND OTHERS) AMENDMENTS NOS. 4524–4526

(Ordered to lie on the table.)

Mr. BUMPERS (for himself, Mr. FEINGOLD, and Mr. KOHL) submitted three amendments intended to be proposed by them to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4524

On page 22, strike lines 3 through 4, and insert in lieu thereof the following: ''$5,394,948,000, to remain available for obligation until September 30, 1999: *Provided,* That no funds provided under this heading shall be expended or obligated for F/A–18E/F aircraft.''

AMENDMENT NO. 4525

On page 22, strike lines 3 through 4, and insert in lieu thereof the following: ''$6,372,948,000, to remain available for obligation until September 30, 1999: *Provided,* That of the funds made available under this heading $1,467,000,000 shall be made available for procurement of 36 F/A–18C/D aircraft, and no funds shall be expended or obligated for F/A–18E/F aircraft.''

AMENDMENT NO. 4526

On page 22, strike lines 3 through 4, and insert in lieu thereof the following: ''$7,005,704,000, to remain available for obligation until September 30, 1999: *Provided,* That of the funds made available under this heading, no more than $255,000,000 shall be expended or obligated for F/A–18C/D aircraft.''

KEMPTHORNE AMENDMENT NO. 4527

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. KEMPTHORNE) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 33, on line 16 before the period, insert: '': *Provided,* That of the funds provided under this heading for Research, development, test and evaluation, $3,000,000 shall only be for the accelerated development of advanced sensors for the Army's Mobile Munitions Assessment System''.

FRAHM AMENDMENT NO. 4528

(Ordered to lie on the table.)

Mrs. FRAHM submitted an amendment intended to be proposed by her to the bill, S. 1894, supra; as follows:

At the appropriate place, insert the following:

None of the funds provided for the purchase of the T–39N may be obligated until the Under Secretary of Defense for Acquisition certifies to the defense committees that the contract was awarded on the basis of and following a full and open competition consistent with current federal acquisition statutes.

WELLSTONE AMENDMENTS NOS. 4529–4530

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4529

On page 35, between lines 20 and 21, insert the following:

SEC. 8000. (a) Notwithstanding any other provision of this Act, the total amount appropriated by this Act is $243,406,197,000.

AMENDMENT NO. 4530

On page 35, between lines 20 and 21, insert the following:

SEC. 8000. (a) Notwithstanding any other provision of this Act, the total amount appropriated by this Act is $243,406,197,000.

(b) The Secretary of Defense shall allocate reductions in appropriations under subsection (a) so as not to jeopardize the military readiness of the Armed Forces or the quality of life of Armed Forces personnel.

LEVIN AMENDMENTS NOS. 4531–4533

(Ordered to lie on the table.)

Mr. LEVIN submitted three amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4531

On page 30, line 12, strike out ''$9,190,092,000'' and insert in lieu thereof ''$9,238,092,000''.

AMENDMENT NO. 4532

On page 26, line 10, strike out ''$6,630,370,000'' and insert in lieu thereof ''$6,582,370,000''.

AMENDMENT NO. 4533

On page 26, line 10, strike out ''$6,630,370,000'' and insert in lieu thereof ''$6,582,370,000''.

On page 30, line 12, strike out ''$9,190,092,000'' and insert in lieu thereof ''$9,238,092,000''.

On page 88, between lines 6 and 7, insert the following:

''SEC. 8099. None of the funds appropriated in title III of this Act may be obligated or expended for more than six new production F–16 aircraft.

MURKOWSKI AMENDMENT NO. 4534

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. Not later than six months after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a cost-benefit analysis of consolidating the ground station infrastructure of the Air Force that supports polar orbiting satellites.

REID AMENDMENTS NOS. 4535–4544

(Ordered to lie on the table.)

Mr. REID submitted 10 amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4535

On page 19, line 22, strike out ''$1,449,714,000'' and insert in lieu thereof ''$1,226,014,000''.

AMENDMENT NO. 4536

On page 19, line 22, strike out ''$1,449,714,000'' and insert in lieu thereof ''$1,287,014,000''.

AMENDMENT NO. 4537

On page 19, line 22, strike out ''$1,449,714,000'' and insert in lieu thereof ''$1,322,514,000''.

AMENDMENT NO. 4538

On page 19, line 22, strike out ''$1,449,714,000'' and insert in lieu thereof ''$1,342,514,000''.

AMENDMENT NO. 4539

On page 19, line 22, strike out ''$1,449,714,000'' and insert in lieu thereof ''$1,392,514,000''.

AMENDMENT NO. 4540

On page 25, line 19, strike out ''$660,507,000'' and insert in lieu thereof ''$565,507,000''.

AMENDMENT NO. 4541

On page 25, line 19, strike out ''$660,507,000'' and insert in lieu thereof ''$590,507,000''.

AMENDMENT NO. 4542

On page 25, line 19, strike out ''$660,507,000'' and insert in lieu thereof ''$630,507,000''.

AMENDMENT NO. 4543

On page 25, line 19, strike out ''$660,507,000'' and insert in lieu thereof ''$650,507,000''.

AMENDMENT NO. 4544

On page 25, line 19, strike out ''$660,507,000'' and insert in lieu thereof ''$655,507,000''.

FEINGOLD (AND OTHERS) AMENDMENTS NOS. 4545–4547

(Ordered to lie on the table.)

Mr. FEINGOLD (for himself, Mr. BUMPERS, and Mr. KOHL) submitted three amendments intended to be proposed by them to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4545

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a)(1) Not later than March 30, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the F/A–18E/F aircraft program.

(2) The report shall contain the following:

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

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

(i) 18 aircraft.

(ii) 24 aircraft.

(iii) 36 aircraft.

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

(b)(1) None of the funds appropriated or otherwise made available by this Act for the procurement of F/A–18E/F aircraft may be obligated or expended for the procurement of such aircraft until the end of the 30-day period beginning on the date on which the Defense Acquisition Board makes the milestone decision for the F/A–18E/F program to enter into low-rate initial production.

(2) If the Secretary of Defense has not submitted the report required by subsection (a) by the end of the period referred to in paragraph (1), not more than 90 percent of the funds appropriated or otherwise made available by this Act for the procurement of F/A–18E/F aircraft may be obligated or expended for the procurement of such aircraft after the period until the date that is 45 days after the date on which the congressional defense committees receive the report.

(c) In this section, the term ''congressional defense committees'' means the following:

(1) The Committees on Appropriations and Armed Services of the Senate.

(2) The Committees on Appropriations and National Security of the House of Representatives.

(d) Not later than 30 days after the Secretary of Defense has submitted the report required by subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an analysis of the report submitted by the Secretary.

(e) None of the funds appropriated or otherwise made available by this Act for the procurement of the F/A–18E/F aircraft may be obligated or expended for the procurement of such aircraft if the Congress within the forty-five calendar days after receiving the report required by subsection (a) enacts a joint resolution prohibiting the obligation or expenditure of funds for such purpose.

AMENDMENT NO. 4546

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. None of the funds appropriated or otherwise made available by this Act for the procurement of F/A–18E/F aircraft may be obligated or expended for the procurement of such aircraft until the end of the 30-day period beginning on the date on which the Defense Acquisition Board makes the milestone decision for the F/A–18E/F program to enter into low-rate initial production.

AMENDMENT NO. 4547

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) Not more than 90 percent of the funds appropriated or otherwise made available by this Act for the procurement of F/A–18E/F aircraft may be obligated or expended for the procurement of such aircraft until 30 days after the Secretary of Defense has submitted to the congressional defense committees a report on the F/A–18E/F aircraft which contains the following:

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

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

(i) 18 aircraft.

(ii) 24 aircraft.

(iii) 36 aircraft.

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

(b) In this section, the term ''congressional defense committees'' means the following:

(1) The Committees on Appropriations and Armed Services of the Senate.

(2) The Committees on Appropriations and National Security of the House of Representatives.

FEINGOLD (AND OTHERS) AMENDMENT NO. 4546

(Ordered to lie on the table.)

Mr. FEINGOLD (for himself, Mr. BUMPERS, and Mr. KOHL) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. None of the funds appropriated or otherwise made available by this Act for the procurement of F/A–18E/F aircraft may be obligated or expended for the procurement of such aircraft until the end of the 30-day period beginning on the date on which the Defense Acquisition Board makes the milestone decision for the F/A–18E/F program to enter into low-rate initial production.

BINGAMAN AMENDMENTS NOS. 4548–4549

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4548

On page 70, line 8, strike out ''$1,218,000,000'' and insert in lieu thereof ''$1,118,000,000''.

AMENDMENT NO. 4549

On page 30, line 13, insert before the period the following: '': *Provided*, That, of such amount, $10,000,000 is available for the United States-Japan Management Training Program''.

LAUTENBERG AMENDMENT NO. 4550

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) Not later than March 1, 1997, the Deputy Secretary of Defense shall submit to the Defense Committees a report on Department of Defense procurements of propellant raw materials.

(b) The report shall include the following:

(1) The projected future requirements of the Department of Defense for propellant raw materials, such as nitrocellulose.

(2) The capacity, ability, and production cost rates of the national technology and industrial base, including Government-owned, contractor-operated facilities, contractor-owned and -operated facilities, and Government-owned, Government-operated facilities, for meeting such requirements.

(3) The national security benefits of preserving in the national technology and industrial base contractor-owned and -operated facilities for producing propellant raw materials, including nitrocellulose.

(4) The extent to which the cost rates for production of nitrocellulose in Government-owned, contractor-operated facilities is lower because of the relationship of those facilities with the Department of Defense than such rates would be without that relationship.

(5) The advantages and disadvantages of permitting commercial facilities to compete for award of Department of Defense contracts for procurement of propellant raw materials, such as nitrocellulose.

REID AMENDMENTS NOS. 4551–4560

(Ordered to lie on the table.)

Mr. REID submitted 10 amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4551

On page 25, line 5, strike out ''$2,944,519,000'' and insert in lieu thereof ''$2,897,119,000''.

AMENDMENT NO. 4552

On page 25, line 5, strike out ''$2,944,519,000'' and insert in lieu thereof ''$2,909,619,000''.

AMENDMENT NO. 4553

On page 25, line 5, strike out ''$2,944,519,000'' and insert in lieu thereof ''$2,917,619,000''.

AMENDMENT NO. 4554

On page 25, line 5, strike out ''$2,944,519,000'' and insert in lieu thereof ''$2,934,519,000''.

AMENDMENT NO. 4555

On page 26, line 10, strike out ''$6,630,370,000'' and insert in lieu thereof ''$5,955,132,000''.

AMENDMENT NO. 4556

On page 26, line 10, strike out ''$6,630,370,000'' and insert in lieu thereof ''$6,027,132,000''.

AMENDMENT NO. 4557

On page 26, line 10, strike out ''$6,630,370,000'' and insert in lieu thereof ''$6,237,132,000''.

AMENDMENT NO. 4558

On page 26, line 10, strike out ''$6,630,370,000'' and insert in lieu thereof ''$6,441,632,000''.

AMENDMENT NO. 4559

On page 26, line 10, strike out ''$6,630,370,000'' and insert in lieu thereof ''$6,522,970,000''.

AMENDMENT NO. 4560

On page 25, line 5, strike out ''$2,944,519,000'' and insert in lieu thereof ''$2,888,119,000''.

GREGG AMENDMENT NO. 4561

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE.

(a) SHORT TITLE.—This section may be cited as the ''Congressional, Presidential, and Judicial Pension Forfeiture Act''.

(b) CONVICTION OF CERTAIN OFFENSES.—

(1) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or'';

(C) by adding after paragraph (2) the following new paragraph:

''(3) is convicted of an offense named by subsection (d), to the extent provided by that subsection.'';

(D) by striking ''and'' at the end of subparagraph (A);

(E) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(F) by adding after subparagraph (B) the following new subparagraph:

''(C) with respect to the offenses named by subsection (d) of this section, to the period after the date of the conviction.''.

(2) IDENTIFICATION OF OFFENSES.—Section 8312 of title 5, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection:

''(d)(1) The offenses under paragraph (2) are the offenses to which subsection (a) of this section applies, but only if—

''(A) the individual is convicted of such offense committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

(B) the individual was a Member of Congress (including the Vice President), a congressional employee, or a Federal justice or judge at the time of committing the offense; and

''(C) the offense is punishable by imprisonment for more than 1 year.

''(2) The offenses under this paragraph are as follows:

''(A) An offense within the purview of—

''(i) section 201 of title 18 (bribery of public officials and witnesses);

''(ii) section 203 of title 18 (compensation to Members of Congress, officers, and others in matters affecting the Government);

''(iii) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

''(iv) section 219 of title 18 (officers and employees acting as agents of foreign principals);

''(v) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

''(vi) section 287 of title 18 (false, fictitious, or fraudulent claims);

''(vii) section 371 of title 18 (conspiracy to commit offense or to defraud the United States;

''(viii) section 597 of title 18 (expenditures to influence voting);

''(ix) section 599 of title 18 (promise of appointment by candidate);

''(x) section 602 of title 18 (solicitation of political contributions);

''(xi) section 606 of title 18 (intimidation to secure political contributions);

''(xii) section 607 of title 18 (place of solicitation);

''(xiii) section 641 of title 18 (public money, property or records); or

''(xiv) section 1001 of title 18 (statements or entries generally).

''(B) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

''(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B).''.

(c) ABSENCE FROM THE UNITED STATES TO AVOID PROSECUTION.—

(1) IN GENERAL.—Section 8313 of title 5, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

''(b) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual—

''(1) is under indictment, after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act, for an offense named by section 8312(d)(2) of this title, but only if such offense satisfies section 8312(d)(1)(C) of this title;

''(2) willfully remains outside the United States, or its territories and possessions including the Commonwealth of Puerto Rico, for more than 1 year with knowledge of the indictment or charges, as the case may be; and

''(3) is an individual described in section 8312(d)(1)(B).''.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 8313 of title 5, United States Code (as redesignated under paragraph (1)(A)) is amended by inserting ''or (b)'' after ''subsection (a)''.

(d) REFUND OF CONTRIBUTIONS AND DEPOSITS.—Section 8316(b) of title 5, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) if the individual was convicted of an offense named by section 8312(d) of this title, for the period after the conviction of the violation.''.

(e) FORFEITURE OF PRESIDENTIAL ALLOWANCE.—Subsection (a) of the first section of the Act entitled ''An Act to provide retirement, clerical assistance, and free mailing privileges to former Presidents of the United States, and for other purposes'', approved August 25, 1958 (Public Law 85–745; 72 Stat. 838; 3 U.S.C. 102 note) is amended—

(1) by striking ''Each former President'' and inserting ''(1) Subject to paragraph (2), each former President''; and

(2) by inserting at the end the following new paragraph:

''(2) The allowance payable to an individual under paragraph (1) shall be forfeited if—

''(A) the individual is convicted of an offense described under section 8312(d)(2) of title 5, United States Code, committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

''(B) such individual committed such offense during the individual's term of office as President; and

''(C) the offense is punishable by imprisonment for more than 1 year.''.

GREGG AMENDMENT NO. 4562

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to proposed by him to the bill, S. 1894, supra; as follows:

In the pending amendment, strike all after the first word and insert:

CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE.

(a) SHORT TITLE.—This section may be cited as the ''Congressional, Presidential, and Judicial Pension Forfeiture Act''.

(b) CONVICTION OF CERTAIN OFFENSES.—

(1) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or'';

(C) by adding after paragraph (2) the following new paragraph:

''(3) is convicted of an offense named by subsection (d), to the extent provided by that subsection.'';

(D) by striking ''and'' at the end of subparagraph (A);

(E) by striking the period at the end of subparagraph (B) and inserting ''; and''; and

(F) by adding after subparagraph (B) the following new subparagraph:

''(C) with respect to the offenses named by subsection (d) of this section, to the period after the date of the conviction.''.

(2) IDENTIFICATION OF OFFENSES.—Section 8312 of title 5, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection:

''(d)(1) The offenses under paragraph (2) are the offenses to which subsection (a) of this section applies, but only if—

''(A) the individual is convicted of such offense committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

''(B) the individual was a Member of Congress (including the Vice President), a congressional employee, or a Federal justice or judge at the time of committing the offense; and

''(C) the offense is punishable by imprisonment for more than 1 year.

''(2) The offenses under this paragraph are as follows:

''(A) An offense within the purview of—

''(i) section 201 of title 18 (bribery of public officials and witnesses);

''(ii) section 203 of title 18 (compensation of Members of Congress, officers, and others in matters affecting the Government);

''(iii) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

''(iv) section 219 of title 18 (officers and employees acting as agents of foreign principals);

''(v) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

''(vi) section 287 of title 18 (false, fictitious, or fraudulent claims);

''(vii) section 371 of title 18 (conspiracy to commit offense or to defraud the United States;

(viii) section 597 of title 18 (expenditures to influence voting);

''(ix) section 599 of title 18 (promise of appointment by candidate);

''(x) section 602 of title 18 (solicitation of political contributions);

''(xi) section 606 of title 18 (intimidation to secure political contributions);

''(xii) section 607 of title 18 (place of solicitation);

''(xiii) section 641 of title 18 (public money, property or records); or

''(xiv) section 1001 of title 18 (statements or entries generally).

''(B) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

''(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B).''.

(c) ABSENCE FROM THE UNITED STATES TO AVOID PROSECUTION.—

(1) IN GENERAL.—Section 8313 of title 5, United States Code, is amended—

(A) by redesigning subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

''(b) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311 (2) and (3) of this title, if the individual—

''(1) is under indictment, after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act, for an offense named by section 8312(d)(2) of this title, but only if such offense satisfies section 8312(d)(1)(C) of this title;

''(2) willfully remains outside the United States, or its territories and possessions including the Commonwealth of Puerto Rico, for more than 1 year with knowledge of the indictment or charges, as the case may be; and

''(3) is an individual described in section 8312(d)(1)(B).''.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 8313 of title 5, United States Code (as redesignated under paragraph (1)(A)) is amended by inserting ''or (b)'' after ''subsection (a)''.

(3) REFUND OF CONTRIBUTIONS AND DEPOSITS.—

Section 8316(b) of title 5, United States Code is amended—

(1) by striking ''or'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(3) if the individual was convicted of an offense named by section 8312(d) of this title for the period after the conviction of the violation.''.

(e) FORFEITURE OF PRESIDENTIAL ALLOWANCE.—Subsection (a) of the first section of the Act entitled ''An Act to provide retirement, clerical assistance, and free mailing privileges to former Presidents of the United States, and for other purposes'', approved August 25, 1958 (Public Law 85–745; 72 Stat. 838; 3 U.S.C. 102 note) is amended—

(1) by striking ''Each former President'' and inserting ''(1) Subject to paragraph (2) each former President''; and

(2) by inserting at the end the following new paragraph:

''(2) The allowance payable to an individual under paragraph (1) shall be forfeited if—

''(A) the individual is convicted of an offense described under section 8312(d)(2) of title 5, United States Code, committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

''(B) such individual committed such offense during the individual's term of office as President; and

''(C) the offense is punishable by imprisonment for more than 1 year.''.

This section shall become effective 1 day after the date of enactment.

AMENDMENT NO. 4563

On page 30, line 2, before the period, insert: '': *Provided,* That not less than $1,000,000 of the funds appropriated in this paragraph shall be made available only to assess the budgetary, cost, technical, operational, training, and safety issues associated with a decision to eliminate development of the F–22B two-seat training variant of the F–22 advanced tactical fighter: *Provided further,* That the assessment required by the preceding proviso shall be submitted, in classified and unclassified versions, by the Secretary of the Air Force to the Congressional defense committees not later than February 15, 1997''.

AMENDMENT NO. 4564

At the appropriate place in the bill, add the following general provision:

SEC. . (a) The Secretary of the Air Force and the Director of the Office of Personnel Management shall submit a joint report describing in detail the benefits, allowances, services, and any other forms of assistance which may or shall be provided to any civilian employee of the Federal government or to any private citizen, or to the family of such an individual, who is injured or killed while traveling on an aircraft owned, leased, chartered, or operated by the Government of the United States.

(b) The report required by subsection (a) above shall be submitted to the Congressional defense committees and to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives not later than December 15, 1996.

CHAFEE AMENDMENT NO. 4565

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. CHAFEE) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

Before the period on page 30, line 13, insert: '': *Provided further,* That of the funds appropriated under this heading, $3,000,000 shall be available for a defense technology transfer pilot program''.

LOTT AMENDMENT NO. 4566

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. LOTT) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

Before the period on page 30, line 13, insert: '': *Provided further,* That of the funds appropriated under this heading, $50,000,000 shall be available for the Maritime Technology program and $3,580,000 shall be available for the Focused Research Initiatives program''.

PELL AMENDMENT NO. 4567

(Ordered to lie on the table.)

Mr. STEVENS (for Mr. PELL) submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following: ''*Provided further,* That of the funds appropriated under this heading, $4,000,000 of the available funds shall be available only for the establishment of the

National Coastal Data Centers required by section 7901(c) of title 10, United States Code, as added by the National Defense Authorization Act for Fiscal Year 1997.''

MOSELEY-BRAUN AMENDMENT NO. 4568

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to the bill, S. 1894, supra; as follows:

At the appropriate place, insert the following: Any college or university that receives federal funding under this bill must report annually to the Office of Management and Budget on the average cost of tuition at their school for that year and the previous two years.

BRADLEY AMENDMENT NO. 4569

(Ordered to lie on the table.)

Mr. BRADLEY submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (1) Not later than April 1, 1997, the Comptroller General shall, in consultation with the Inspector General of the Department of Defense, the Secretary of Defense, and the Secretary of Labor, submit to Congress a report which shall include the following:

(A) an analysis and breakdown of the restructuring costs paid by or submitted to the Department of Defense to companies involved in business combination since 1993;

(B) an analysis of the specific costs associated with workforce reductions;

(C) an analysis of the services provided to the workers affected by business combinations;

(D) an analysis of the effectiveness of the restructuring costs used to assist laid off workers in gaining employment;

(E) in accordance with Section 818 of 10 U.S.C. 2324, an analysis of the savings reached from the business combination relative to the restructuring costs paid by the Department of Defense.

(2) The report should set forth recommendations to make this program more effective for workers affected by business combinations and more efficient in terms of the use of federal dollars.

HEFLIN (AND SHELBY) AMENDMENTS NO. 4570–4572

(Ordered to lie on the table.)

Mr. HEFLIN (for himself and Mr. SHELBY) submitted three amendments intended to be proposed by him to the bill, S. 1894, supra; as follows:

AMENDMENT NO. 4570

On page 23, between lines 21 and 22, insert the following:

Procurement of new main feed pump turbines for the Constellation (CV–64), $4,200,000;

AMENDMENT NO. 4571

On page 31, line 5, strike ''$21,968,000'' and insert ''$31,218,000''.

AMENDMENT NO. 4572

On page 88, lines 7 and 8, insert the following:

SEC. 8099. (a) The Secretary of the Army shall ensure that solicitations for contracts for unrestricted procurement to be entered into using funds appropriated for the Army by this Act include, where appropriate, specific goals for subcontracts with small businesses, small disadvantages businesses, and women owned small businesses.

(b) The Secretary shall ensure that any subcontract entered into pursuant to a solicitation referred to in subsection (a) that meets a specific goal referred to in that subsection is credited toward the overall goal of the Army for subcontracts with the businesses referred to in that subsection.

SIMON AMENDMENT NO. 4573

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) No funds appropriated under this Act shall be obligated or expended for new contracts with any person or entity that, with a clear pattern and practice (as determined by the Secretary of Labor), has violated the provisions of the National Labor Relations Act.

(b) A debarment, as described in subsection (a), may apply to any person or entity, or to a subsidiary or division thereof, that has engaged in a clear pattern and practice of violating the provisions of the National Labor Relations Act.

(c) A debarment, as described in subsections (a) and (b), may be waived or removed by the Secretary of Defense upon the submission of an application to the Secretary of Defense that is supported by documentary evidence and that sets forth appropriate reasons for the granting of the debarment waiver or removal, including reasons such as compliance with the final orders that are found to have been willfully violated, a bona fide change of ownership or management, or fraud or misrepresentation by the charging party. The Secretary of Defense may also waive or remove an order of debarment for reasons of national security, or if alternative and timely sources of procurement are not available.

SIMON AMENDMENT NO. 4574

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) No funds appropriated under this Act shall be obligated or expended for new contracts with any person or entity that, with a clear pattern and practice (as determined by the Secretary of Labor), has violated the provisions of the National Labor Relations Act.

SPECTER (AND JOHNSTON) AMENDMENT NO. 4575

(Ordered to lie on the table.)

Mr. SPECTER (for himself and Mr. JOHNSTON) submitted an amendment intended to be proposed by them to the bill, S. 1894, supra; as follows:

On page 19, line 7, insert the following: ''; *Provided*, That of the funds provided in this paragraph and not withstanding the provisions of title 31, United States Code, Section 1502(a), not to exceed $25,000,000 is appropriated for the benefit of the Army National Guard to complete the remaining design and development of the upgrade and to increase gunner survivability, range, accuracy, and lethality for the fully modernized Super Dragon Missile System, including pre-production engineering and systems qualification.''

STEVENS AMENDMENT NO. 4576

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. (a) Notwithstanding any other provision of this Act, the number for Military Personnel, Navy in shall be $16,948,481,000, the number for Military Personnel, Air Force shall be $17,026,210,000, the number for Operation and Maintenance, Army shall be $17,696,659,000, the number for Operation and Maintenance, Air Force shall be $17,326,909,000, the number for Operation and Maintenance, Defense-Wide shall be $9,887,142,000, the number for Overseas Contingency Operations Transfer Fund shall be $1,140,157,000, the number for Defense Health Program shall be $10,251,208,000, and the number for Defense Health Program Operation and maintenance shall be $9,931,738,000.

(b) Advanced billing for services provided or work performed by the Navy's defense business operating fund activities is prohibited: *Provided*, That of the funds appropriated for Operation and Maintenance, Navy, $2,976,000,000 shall be available only for depot maintenance activities and programs, and $989,700,000 shall be available only for real property maintenance activities.

(c) Of the funds appropriated in this Act, $1,000,000 shall be made available, by grant or other transfer, to the Harnett County School Board, Lillington, North Carolina, for use by the school board for the education of dependents of members of the Armed Forces and employees of the Department of Defense located at Fort Bragg and Pope Air Force Base, North Carolina.

(d) Funds appropriated in title II of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this subsection, supervision and administration costs includes all in-house government costs.

(e) The Secretary of the Air Force and the Director of the Office of Personnel Management shall submit a joint report describing in detail the benefits, allowances, services, and any other forms of assistance which may or shall be provided to any civilian employee of the Federal government or to any private citizen, or to the family of such an individual, who is injured or killed while traveling on an aircraft owned, leased, chartered, or operated by the Government of the United States: *Provided*, That the report required by this subsection shall be submitted to the Congressional defense committees and to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives not later than December 15, 1996.

LEVIN AMENDMENT NO. 4577

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 26, line 10, strike out ''$6,630,370,000'' and insert in lieu thereof $6,582,370,000''.

On page 34, between lines 19 and 20, insert the following:

ANTI-TERRORISM ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For anti-terrorism activities of the Department of Defense, $14,000,000 for transfer to appropriations available to the Department of Defense for operations and maintenance, for procurement, and research, development, test, and evaluation: *Provided,* That the funds appropriated by this paragraph shall be available for obligation for the same period and for the same purpose as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this paragraph is in addition to any other transfer authority contained in this Act.

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. The Secretary of Defense shall establish, beginning in fiscal year 1997, a program element in the Office of the Secretary of Defense, for the purposes of funding emergency anti-terrorism activities. The fund shall be in addition to funds appropriated under other provisions of this Act for anti-terrorism, and is intended to allow the Secretary of Defense to respond quickly to emergency anti-terrorism requirements identified by the Commanders, of the Unified Combatant Commands or Joint Task Force Commanders that arise in response to a change in threat level.

SEC. 9000. None of the funds appropriated in title III of this Act may be obligated or expended for more than six new production F–16 aircraft.

LEVIN AMENDMENT NO. 4578

(Ordered to lie on the table.)

Mr. LEVIN submitted an amendment intended to be proposed by him to the bill, S. 1894, supra; as follows:

On page 26, line 10, strike out ''$6,630,370,000'' and insert in lieu thereof ''$6,582,370,000''.

On page 34, between lines 14 and 20 insert the following:

ANTI-TERRORISM ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For anti-terrorism activities of the Department of Defense, $14,000,000, for transfer to appropriations available to the Department of Defense for operations and maintenance, for procurement, and for research, development, test, and evaluation: *Provided,* That the funds appropriated by this paragraph shall be available for obligation for the same period and for the same purposes as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this paragraph is in addition to any other transfer authority contained in this Act.

On page 88, between lines 7 and 8, insert the following:

SEC. 8099. It is the sense of the Congress that (1) the Secretary of Defense should establish, beginning in fiscal year 1997, program element in the Office of the Secretary of Defense for the purposes of funding emergency anti-terrorism activities, (2) funds appropriated for the program element should be in addition to other funds available under this Act for anti-terrorism, and is intended to allow the Secretary of Defense to respond quickly to emergency anti-terrorism requirements identified by the commanders of the unified combatant commands or Joint Task Force Commanders that arise in response to a change in threat level.''

SEC. 9000. None of the funds appropriated in title III of this Act may be obligated or expended for more than six new production F–16 aircraft.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. THOMAS J. BALSHI

● Mr. SANTORUM. Mr. President, I rise today to pay tribute to a constituent and fellow Pennsylvanian, Dr. Thomas J. Balshi. For almost a quarter of a century, Thomas J. Balshi, a fellow of the American College of Prosthodontists, has enhanced the health of thousands of individuals worldwide by contributions to research, education, and the clinical practice of prosthetic dentistry.

Dr. Balshi is a pioneer in the field of implant prosthodontics and operates a state-of-the-art dental clinic in Fort Washington, PA. Dr. Balshi and his staff of 23 have touched the lives of many, replacing countless lost, damaged, or diseased teeth with secure, permanent prosthetic smiles. Dr. Balshi specializes in saving dental cases diagnosed as hopeless and has renewed dental health, nutritional health, and self-confidence for many.

Dr. Balshi is a recent recipient of the prestigious George Washington Medal of Honor from the National Freedoms Foundation at Valley Forge, PA. This award was bestowed to honor Dr. Balshi's contributions to dental science through education. The Freedoms Foundation honors Americans whose lives reinforce and exhibit the patriotic values of our country's Founding Fathers.

In his youth, Thomas Balshi was an Eagle Scout. He later graduated from the Villanova University in 1968, and, following graduation from Temple University School of Dentistry in 1972, became a fellow of the American College of Prosthodontists [FACP] in 1976.

A former captain in the U.S. Army, Dr. Balshi was chief, Department of Fixed Prosthetics, Mills Army Dental Clinic, Fort Dix, NJ. He received the Army Commendation Medal for Extraordinary Service.

Today, he is a clinician, teacher, mentor, researcher, public educator, and devotee of health care. He welcomes students from around the world to his clinic, teaching them not only his clinical skills, but also his business skills as well. He is committed to making the public aware of quality dental care.

Dr. Balshi has trained a specialist from Bosnia-Herzogovina to bring healing and restoration to the war-torn population where United States military service personnel are now keeping the peace. He has championed the benefits of prosthetic care throughout India, Uruguay, and Colombia, and has spoken before the Royal Society of Medicine in London.

Serving as editor of the International College of Prosthodontists Newsletter for its inaugural 10 years, Dr. Balshi actively participated in establishing worldwide communication among practitioners of his specialty. He recently published a cookbook for dental patients entitled ''From Soup to Nuts.'' The book offers soft and nutritious gourmet recipes for healing patients, as well as keys to returning to dental fitness and the recipes that accompany that opportunity.

Dr. Balshi continues a very giving and philanthropic presence in the community awarding scholarships as the chair of educational foundations as well as giving countless time and dental care resources to charity.

Mr. President, I wanted to share Dr. Balshi's background and experiences with my Senate colleagues today. I hope you will all join me in honoring and recognizing his presence and contributions.●

AUTHORIZING SENATE LEGAL COUNSEL REPRESENTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a Senate resolution submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 278) to authorize testimony, production of documents and representation of Senate employee in State of Florida versus Kathleen Bush.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, the case of State of Florida versus Kathleen Bush is a criminal prosecution brought by the State attorney for Broward County, FL, alleging aggravated child abuse and organized fraud. The case, which has received significant publicity, presents allegations that the defendant deliberately made her child ill to obtain attention from medical personnel, the media, and others. The State asserts that the defendant engaged in a letter-writing campaign to numerous government officials as part of her fraudulent and abusive activities. Indeed, the public record reflects that, through the defendant's efforts, the defendant and her daughter had personal meetings with Mrs. Clinton and Senator GRAHAM, among others.

The State intends to introduce into evidence at trial the letters that the defendant wrote to government officials about her daughter. The prosecutor has requested that Senator GRAHAM's office provide testimony to authenticate the correspondence between the defendant and the office. This resolution would authorize an employee on Senator GRAHAM's staff to testify and produce documents in this case, with representation from the Senate Legal Counsel.

Mr. GORTON. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to

the resolution be printed in the RECORD.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 278) and its preamble are as follows:

S. RES. 278

Whereas, in the case of *State of Florida* v. *Kathleen Bush*, Case No. 96–6912 CF10(A), pending in the Circuit Court for Broward County, Florida, testimony and document production has been requested from Mary Chiles, an employee on the staff of Senator Bob Graham;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony or documents relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That Mary Chiles, and any other employee from whom testimony may be required, are authorized to testify and to produce documents in the case of *State of Florida* v. *Kathleen Bush*, except concerning matters for which a privilege should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent Mary Chiles, and any other employee from whom testimony or document production may be required, in connection with *State of Florida* v. *Kathleen Bush*.

PUBLIC HEALTH SERVICE ACT AMENDMENTS

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 248 received from the House.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 248) to amend the Public Health Service Act to provide for the conduct, expanded studies and the establishment of innovative programs with respect to traumatic brain injury, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (H.R. 248) was deemed to have been read three times and passed.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT AMENDMENTS

Mr. GORTON. I ask unanimous consent that the Labor Committee be discharged from further consideration of S. 1757 and that the Senate proceed to its immediate consideration.

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

The bill clerk read as follows:

A bill (S. 1757) to amend the Developmental Disabilities Assistance and Bill of Rights Act to extend the act, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GORTON. I ask unanimous consent that the bill be deemed read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

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

The bill (S. 1757) was deemed to have been read three times and passed, as follows:

S. 1757

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 ''Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1996''.

SEC. 2. REAUTHORIZATION OF ALLOTMENTS FOR STATES.

Section 130 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6030) is amended by striking ''the fiscal years 1995 and 1996'' and inserting ''the fiscal years 1995 through 1999''.

SEC. 3. REAUTHORIZATION OF AUTHORITIES RELATING TO PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS.

Section 143 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6043) is amended by striking ''the fiscal years 1995 and 1996'' and inserting ''the fiscal years 1995 through 1999''.

SEC. 4. REAUTHORIZATION OF AUTHORITIES RELATING TO UNIVERSITY AFFILIATED PROGRAM.

Section 156(a) of the Development Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6066(a)) is amended by striking ''the fiscal years 1995 and 1996'' and inserting ''the fiscal years 1995 through 1999''.

SEC. 5. REAUTHORIZATION OF AUTHORITIES RELATING TO PROJECTS OF NATIONAL SIGNIFICANCE.

Section 163(a) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6083(a)) is amended by striking ''the fiscal years 1995 and 1996'' and inserting ''the fiscal years 1995 through 1999''.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. GORTON. I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: No. 590, the nomination of W. Craig Broadwater, of West Virginia, to be U.S. district judge for the Northern District of West Virginia; No. 681, Andrew Effron, to be a judge of the U.S. Court of Appeals for the Armed Forces.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nominations considered and confirmed are as follows:

W. Craig Broadwater, of West Virginia, to be United States District Judge for the Northern District of West Virginia.

Andrew S. Effron, of Virginia, to be a Judge of the United States Court of Appeals for the Armed Forces for the term of fifteen years to expire on the date prescribed by law.

STATEMENT ON NOMINATION OF CRAIG BROADWATER

Mr. BYRD. Mr. President, during my years as a United States Senator, I have had the opportunity to speak in support of the confirmation of many outstanding West Virginians who have sought to serve on our Federal judiciary. On this occasion, I am pleased to urge my colleagues to swiftly confirm W. Craig Broadwater to serve as a Federal District Judge for the Northern District of West Virginia.

Since 1983, Craig Broadwater has served on the First Judicial Circuit of West Virginia, most recently as Chief Judge. His path to the state judiciary included experience with a general law practice, service as a special prosecuting attorney, and a stint as a hearing examiner for state government.

Craig Broadwater has also demonstrated a special concern for children and families in distress. He chaired the Committee formed to develop child abuse and neglect rules for the West Virginia Supreme Court of Appeals, as well as guidelines for family law masters in West Virginia. He has written articles and taught on the subject of domestic violence and prevention, and he is widely regarded and respected for the expertise and sensitivity he has demonstrated in this particularly poignant area of the law.

After graduating Phi Beta Kappa from West Virginia University in 1972, Craig Broadwater entered the United States Army and even today continues to serve his country as a Lieutenant Colonel in the West Virginia Army National Guard.

Mr. President, I am proud to lend my support to this exceptional West Virginian. I believe Craig Broadwater's experience, keen legal mind, and personal integrity embody the qualities envisioned by the first Senate when the Judiciary Act created the third branch of Government. I am confident these talents will serve him well on the Federal bench.

Mr. ROCKEFELLER. Mr. President, I am proud to recommend a very distinguished West Virginian be confirmed today to the post of Federal district judge for northern West Virginia. I'm honored to have joined with my senior colleague, Senator BYRD, in recommending that the President present this nomination.

Senator BYRD and I have recommended Judge Craig Broadwater to this important post because he represents the very best of our State. He is the perfect blend of talent, energy, strength, and commitment to his fellow human beings—and, Mr. President, his life and his career are evidence of this fact.

I had the privilege of appointing Judge Broadwater to the West Virginia First Judicial Circuit in 1993, when I was Governor. He was thereafter elected to the post in 1984. Since then, he was rated by the West Virginia State Bar as the No. 1 judge in the circuit, became chairman of the West Virginia Judicial Investigation Commission, and then chief judge for the first circuit in 1987, 1988, and 1995. To fully appreciate this remarkable man, you need to understand that Judge Broadwater is only 45 years old, and he has already had a outstanding judicial career.

Craig's career is rooted in a lifetime of incredible service to this country and his community. Craig was born and raised in Paden City, WV, along the Ohio River. He graduated magna cum laude, Phi Beta Kappa, and was a Distinguished Military Graduate, Army ROTC, from West Virginia University in 1972. He received his law degree from West Virginia University in 1977.

He served in the U.S. Army as a second lieutenant, from 1972 to 1974, and is still an active reservist in the West Virginia Army National Guard. He has been awarded a Special Forces tab, master parachutist badge, Meritorious Service Medal, Army Commendation Medal, Armed Forces Expeditionary Medal for Korea in 1973 and 1974, the Humanitarian Service Medal, and the West Virginia Emergency Service Medal.

Yet, I also know that Judge Brodwater may be most proud of his outstanding record on behalf of West Virginia's children. He has been a great leader in our State in the area of child abuse and neglect laws and has been a longtime member of the executive board of the Boy Scouts of America.

I am also fortunate to know Craig's family—his wife, Chong, two beautiful daughters, Chandra and Taeja, and son, Shane. They, too, are testament to his deep commitment and values.

Everywhere you turn in our State's northern panhandle, you see the imprint of Judge Broadwater's intellect and commitment. He knows the importance of family. A close examination of his record as a judge will reveal a very tough, yet fair man, whose life experience have prepared him to sit on the Federal bench as a judge before his fellow citizens.

Mr. President, Senator J. William Fulbright said in 1961:

> It is not our affluence, or our plumbing, or our clogged freeways that grip the imagination of others. Rather, it is the values upon which our system is built. These values imply our adherence not only to liberty and individual freedom, but also to international peace, law and order and constructive social purpose. When we depart from these values, we do so at our own peril.

Every American, and certainly every West Virginia, should be comfortable knowing that Craig Broadwater and the values upon which his life has been built will be a part of our judicial system. As his U.S. Senator and his friend, I'm proud to recommend his confirmation.

LEGISLATIVE SESSION

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

AUTHORITY FOR RECORD TO REMAIN OPEN

Mr. GORTON. I ask unanimous consent that notwithstanding the adjournment of the Senate today, Senators have until the hour of 1 p.m. in order to file first-degree amendments to the defense appropriations bill. I further ask that the RECORD remain open until 1 p.m. to allow Senators to submit statements.

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

PROGRAM

Mr. GORTON. Mr. President, for the information of all Senators, the Senate will shortly adjourn over until 9 a.m. on Tuesday, July 16. There will be no session of the Senate on Monday. When the Senate reconvenes on Tuesday, in accordance with the provisions of rule XXII, a live quorum will begin at 10, and upon the establishment of the quorum, a cloture vote will occur on the motion to proceed to S. 1936, the Nuclear Waste Policy Act. All Members can therefore expect a rollcall vote to begin shortly after 10 a.m. on Tuesday in accordance with Senate rules. If cloture is invoked, I hope the Senate would be allowed to proceed to S. 1936 in a timely manner. If cloture is not invoked on that important measure, there will be an immediate cloture vote on the Department of Defense appropriations bill.

I announce to all of my colleagues that I hope next week we will receive the cooperation of all Members in allowing the Senate to move forward with both of these issues.

ADJOURNMENT UNTIL 9 A.M., TUESDAY, JULY 16, 1996

Mr. GORTON. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 12:48 p.m., adjourned until Tuesday, July 16, 1996, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 12, 1996:

NUCLEAR REGULATORY COMMISSION

EDWARD MCGAFFIGAN, JR., OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF 5 YEARS EXPIRING JUNE 30, 2000, VICE E. GAIL DE PLANQUE.

NILS J. DIAZ, OF FLORIDA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF 5 YEARS EXPIRING JUNE 30, 2001, VICE IVAN SELIN, RESIGNED.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 12, 1996:

THE JUDICIARY

ANDREW S. EFFRON, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES FOR THE TERM OF 15 YEARS TO EXPIRE ON THE DATE PRESCRIBED BY LAW.

W. CRAIG BROADWATER, OF WEST VIRGINIA, TO BE U.S. DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF WEST VIRGINIA.