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Senate

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, whose chosen dwelling is the mind that is completely open to You and the heart that is unreservedly responsive to You, we thank You that our desire to find You is because You already have found us. Our prayers are not to get Your attention, but because You have gotten our attention. You always are beforehand with us with prevenient, providential initiative. Our longing to know Your will is because You have solutions for our problems to impart to us. You place before us people and their problems and potentials because You want to bless them through our prayers for them and what You want us to do and say to encourage and uplift them.

The challenges before us today and this week dilate our mind's eye because You have solutions ready to unfold and implement through us. You consistently know what we need before we ask You. Keep our minds riveted on You and our wills responsive to Your direction. We want Your best in everything for our beloved Nation. Bless the Senators and all who work with them as they seek to keep America good, so that she may continue to be great for Your glory. In Your holy name. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

WELCOME TO THE NEW PAGES

Mr. DOLE. Mr. President, first, I welcome all the new pages. I think we have a new class of pages on each side of the aisle. We appreciate their efforts, and we will be working with them in the weeks ahead.

SCHEDULE

Mr. DOLE. Mr. President, today, there will be a period for the transaction of morning business until the hour of 1 p.m. Following morning business, the Senate will resume consideration of S. 440, the National Highway System bill. The cloture vote on the motion to proceed to the highway bill, originally scheduled today at 3 o'clock, has been vitiated. There will be no rollcall votes today. We have been able to work out a process where we do not need the cloture vote. We notified everybody Friday afternoon, so I do not think anybody was unaccommodated because of that change.

We will have amendments this afternoon and debate on amendments. If there are rollcall votes requested on any amendments, they will occur tomorrow morning. We hope to get an agreement on amendments, if we can, this afternoon.

This is an important bill. We would like to finish consideration of the bill tomorrow evening, if possible. I know the managers will be on the floor at 1 o'clock. There are a number of key amendments, but beyond that, we do not see any real problems with the bill now that we have agreed on the Davis-Bacon amendment. That has been withdrawn from this bill. That debate will happen in a more general way on a later bill coming from the Labor Committee.

So I urge my colleagues on both sides, if you have amendments to S. 440, to contact the managers so that we can move as quickly as we can this afternoon and this evening on debating some of the amendments. If rollcall votes are requested, they will occur tomorrow.

I suggest the absence of a quorum.

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

The legislative clerk proceeded to call the roll.

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

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

RECESS UNTIL 1 P.M.

Mr. DOLE. Mr. President, I have asked on each side of the aisle, and apparently there is no request for the transaction of routine morning business. Rather than having the Senate wait until 1 o'clock, tying up the staff on the floor, we will recess.

However, at 1 o'clock, we will go on S. 440. We will be on the bill.

I move the Senate stand in recess until 1 o'clock. At 1 o'clock, we will be on S. 440. I hope and request that the managers be here at that time with amendments.

The motion was agreed to.

Thereupon, the Senate, at 12:21 p.m., recessed until 1:02 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. CHAFEE].

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

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MORNING BUSINESS

Mr. THOMAS. Mr. President, I ask unanimous consent that we have morning business for not to exceed 5 minutes.

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

(The remarks of Mr. THOMAS pertaining to the introduction of S. 943 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, more than 3 years ago, I began these daily reports to the Senate to make a matter of record the exact Federal debt as of close of business the previous day. On Mondays, of course, my reports are always ''as of'' the previous Friday.

As of the close of business Friday, June 16, the Federal debt stood at exactly $4,892,368,600,316.89. On a per capita basis, every man, woman, and child in America owes $18,571.52 as his or her share of the Federal debt.

It is important to recall, Mr. President, that the Senate this year missed an opportunity to implement a balanced budget amendment to the U.S. Constitution. Regrettably, the Senate failed by one vote in that first attempt to bring the Federal debt under control.

There will be another opportunity in the months ahead to approve such a constitutional amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

EXTENSION OF MORNING BUSINESS

Mr. THOMAS. I ask unanimous consent that we extend morning business for 10 minutes.

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

Mr. THOMAS. I thank the Chair.

BALANCING THE BUDGET

Mr. THOMAS. Mr. President, I would like to take an opportunity as we wait to go on the highway bill to talk a bit more about the budget. It seems to me there will be nothing this year that we will deal with more important than the budget. One aspect of it, of course, is the ''why'' of balancing the budget. Certainly I do not think anyone would suggest that continuing to spend more than we take in is a responsible fiscal or moral position. This Congress has not balanced the budget for 25 years.

When there is discussion of a balanced budget amendment, we always hear people say: I am for a balanced budget; I sure want a balanced budget, but we do not need an amendment; all we have to do is do it.

Well, we have a chance to come to the snubbing post this time and figure out if we can do it. And we have before us from the Senate as well as the House potential outlines that do balance the budget.

Not only is balancing the budget important, Mr. President, but I think also, of course, the budget and spending and taxes help to shape the form of Government. I think they respond to what I believe was a very clear statement of the voters in 1994 that Government is too big and spends too much. And certainly the test of good Government is whether or not the Government responds when voters have sent that sort of a message. So nothing will be more important than the budget discussions this year and the result of those deliberations.

I am pleased to welcome the President of the United States to the budget debate. I am disappointed that it took this long for him to participate in it. He sort of falls into the follow-the-leader type of concept.

I am disappointed that the budget recommended by the administration does not, in fact, balance the budget, even though it is extended to a period of 10 years. I am also disappointed that it appears to yield to the political notion of endloading, where almost all of the pain is somewhere in the future, somewhere 10 years from now, which puts balancing the budget at great risk. It's likely that in the next 10 years there will be another budget and all the benefits will come early and the price we have to pay for it as taxpayers will not show up until later and the budget ends up never being balanced.

So, Mr. President, I am glad we are launched. I am glad the President of the United States has come into the discussion. However, the Congress has already done most of the heavy lifting by passing a balanced budget weeks ago. I am very proud of what the Senate did. I am not on the Budget Committee, but I think Senator DOMENICI and others came face up to the task, and their cuts start soon; they start to do what has to be done without putting it off the way the President does—the political way of tough talk, the political way of giving the benefits and doing the tax adjustments early on and letting the hard work, the heavy lifting go until later, make it until even after the turn of the century, which is only 5 years from now, maybe until after the next Presidential election, not this one in 1996 but the next one in the year 2000. Most of the heavy lifting in the President's budget comes after that—coincidence, I am sure.

We are told that the President's budget cuts discretionary programs except defense and education by $200 billion in 7 years.

What we are not told is in the last 3 years the discretionary budget is cut by $178 billion, so basically almost all of the cuts come in the last 3 years, not in the early years.

We are told there are no cuts in defense, but after the year 2005, there are an additional $65 billion in defense cuts. Most of the discussion this year has been that this is not a peaceful world, and it is not a time to continue to reduce defense expenditures.

In addition, what was not said in the President's budget was in the last 3 years Medicare is cut by $167 billion, more than all of the proposed cuts in the first 7 years.

So I think it is fair to say that this budget proposal is endloaded. Even the Washington Post, which is not exactly a pillar of conservatism, indicates that given more time, it is always easier to do the budget reduction.

A full 85 percent of the President's promised reductions would occur in the next century. I would argue that chances are pretty good before we come to actually paying for the changes we ask for, there will be other changes. In the next 7 years, as a matter of fact, the promises made in the President's budget for cuts are slightly smaller than the budget he submitted in February.

So Martha Phillips, who is the executive director of the Concord Coalition, said, ''It is a funny thing about those elusive outyears; they never seem to arrive.''

I think one of the difficulties, Mr. President, in recent years—perhaps always, but it seems particularly ironic now—is that in an era in which we have the greatest, quickest communications system the world has ever known, it is very, very difficult to get facts to you and me as voters in Casper, WY; that the information is usually put forth by advocates on either side and spun whichever way they choose to spin it to where it is extremely difficult for people to really get a handle on what is happening.

I noticed in just the last couple of months that the folks who come to our office who belong to nationwide organizations usually get a briefing. Frankly, when they come to the office and explain their point of view from the basis of the briefing, you hardly recognize it from what you have seen in the budget.

What we need more than anything, of course, is really straight talk, some real facts. The idea that we are going to balance the budget with no pain is an illusion. Of course, there is going to be some pain. Of course, there are going to be some changes.

The idea that we accomplished great things in 1993, for example, when most of the deficit reduction came from bookkeeping changes. We changed what was anticipated in losses in the RTC. We changed what was anticipated in losses in Medicaid. About 18 percent of the change was a policy change, and that was a tax increase.

Spending in 1993, when we talk about the deficit reduction, went up and continues to go up at 5 percent. When you are talking about $1.5 trillion, 5 percent of that is a very large amount of money.

But I am encouraged now that the President has endorsed the idea of balancing the budget that we should get there as quickly as possible. It is a little hard to imagine that in a $7 trillion economy that a $60 billion change in Government spending is going to hurt our prosperity. I think George Will said that it was very hard to figure out how that can discombobulate a $7 trillion economy.

So we should move boldly. We have the chance to move boldly. We have the chance to do the things that we talked about for a very long time, that almost everyone talks about on the campaign trail—balance the budget, reduce Government, reduce spending. But when we get here, there are arguments about who does it, where it ought to be, and we end up not doing the things that you and I know need to be done.

We can balance the budget. Very likely we will find 6.1 million more jobs, we will lower interest rates on student loans, and on mortgages.

Mr. President, I think that we are going to hold the administration's feet to the fire. His track record does not indicate a great deal of confidence. His actions do not match the rhetoric that we have been hearing. The President promised a 5-year balanced budget plan as a candidate, then rejected a 7-year budget plan, and now proposes a 10-year budget plan. The budget deficit reduction in 1993 he talks so much about was a matter of increasing taxes.

So we have a history of more taxes, more spending—spending has never been reduced—and more Government. As a matter of fact, in the 1993 deficit reduction bill, domestic discretionary spending actually accelerated rather than decreased.

In addition, this administration last year made an effort to have the Government take over health care. We have to do something about Medicare. Americans rejected the idea of a Federal Health Care Program. We have now an opportunity to save Medicare. If we do not do something, according to the trustees—some of whom are Cabinet members—in 2 years we will be into the reserves and in 5 more years it will be broke. So it is not a question of whether we do something, it is a question of what we do and how we do it. If we want to have Medicare, if we want to have health care for the elderly, we have to change the program. Yet the administration only keeps Medicare solvent for 3 more years, until 2005.

So I certainly hope that the President of the United States joining the debate will cause us to move toward a balanced budget. I am decidedly pleased he has moved away from the February budget proposal which was rejected 99 to zip in this body.

We need to use the Congressional Budget Office's [CBO] numbers. The President suggested 2 years ago that those were the better numbers. Now we find he chooses to use other numbers which actually reduce the need by about $200 billion per year, and according to most people's accounting, would come up at the end of the 10 years still hundreds of billions in arrears. We have the best chance in memory to take a real bona fide look at doing something about overspending, about doing something with the size of Government, and we can do it this year, Mr. President.

So I welcome the President's entry, his recognition that we do need to balance the budget, and some of the ideas that he has, but I suggest to you we have to be honest and fair about it. We cannot wait until the next century to have the pain come. We have to start now and do the things that most people agree need to be done.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, we have just had an opportunity for the chairman of the committee, the Senator from Rhode Island [Mr. CHAFEE] myself, and the distinguished Senator from New York [Mr. MOYNIHAN] to meet with Mr. Rodney Slater, the Administrator of the Federal Highway Administration, and he will soon be forthcoming with some clarifications of the positions of the administration on a series of amendments.

The Secretary of Transportation did forward to all Senators today a letter respecting a special interest in the safety provisions in the pending bill, and at an appropriate time, I will introduce that letter into the RECORD.

But I encourage all Senators who have a particular interest in this legislation to come forward today when we have the opportunity to work out a number of amendments and to, hopefully, have arguments on others and hold over until tomorrow, pursuant to the decision of the majority leader and Democratic leader on the time for the votes.

So, at any time, this Senator and, I am sure, my distinguished colleague would be pleased to interrupt our remarks to allow a Senator or Senators to pursue their individual interests with respect to amendments.

MEASURE READ THE SECOND TIME—S. 939

Mr. WARNER. Mr. President, I understand there is a bill at the desk that is due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 939) to amend Title 18 United States Code to ban partial-birth abortions.

Mr. WARNER. Mr. President, at this time, under the instructions of the majority leader, I interpose an objection to further proceedings on this matter.

The PRESIDING OFFICER. The bill will be placed on the calendar.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 440, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 440) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

The Senate resumed consideration of the bill.

Mr. WARNER. Mr. President, there are some 20 amendments of which the managers have notice. There may be more. I know it is the intention of the majority leader and the Democratic leader that we proceed as expeditiously as possible to bring this pending matter to a conclusion in the Senate. Again, I urge all Senators having an interest to come to the floor and take up those matters.

This legislation is critically important to maintaining the transportation planning and construction programs in our several States, to providing for the efficient and timely movement of American products carried by commercial activities, and to the safety of the motoring public.

As provided in the 1991 Intermodal Surface Transportation and Efficiency Act, known as ISTEA, the Congress must approve the National Highway System map by September 30, 1995. With the cooperation of all members of the Committee on the Environment and Public Works, we were able to expedite this bill such as the Senate has it at this particular time, well in advance of the deadline created by ISTEA.

Now, if Congress does not meet the deadline, $6.5 billion in interstate maintenance and National Highway System annual apportionments will be withheld from the several States. Therefore, we must not permit this penalty to be further imposed on our States.

In February of this year, I introduced this legislation, along with 14 of my colleagues, to ensure prompt action on the National Highway System. Today, this legislation enjoys the bipartisan support of 26 Senators.

The Environment and Public Works Subcommittee on Transportation and Infrastructure, which I am privileged

to chair, held four hearings on the importance of the National Highway System. The subcommittee also heard testimony on the impact of various transportation mandates, such as metric sign conversion and the use of rubberized asphalt. We also examined innovative financing proposals to increase State flexibility to maximize the use of highway dollars by allowing public funds to leverage nontraditional, private sources of funding for infrastructure development.

This is very definitely the direction in which our Nation must go if it wishes to continue to modernize our transportation system.

The subcommittee's hearings clearly demonstrated that continuing Federal investment, with our State partners and new private ventures, in our Nation's infrastructure is crucial to improving America's mobility and the efficiency of our surface transportation network.

The National Highway System reaffirms the Federal commitment to this limited network of highly traveled roads to provide for the consistency of road engineering and safety for commercial and public travel.

For the benefit of my colleagues who may be asking, ''What is the National Highway System?''—a legitimate question—let me take this opportunity to offer some historical perspective and a brief description about the system.

We are particularly fortunate today that the manager on the minority side is the distinguished Senator from New York, who really has spent much of his career in the U.S. Senate on this subject. I look forward to hearing his remarks about the historic concepts of this system.

In the 1950's, President Eisenhower challenged the transportation community to provide an effective system of highway connections among the 50 States. Thus, the era of the Interstate Highway System was born, and for the next 25 years, Federal transportation policy focused on the completion of the Interstate Highway System.

There is a little anecdotal history here that is interesting. My understanding of the reading is that Eisenhower, when he was a young major in his very late thirties, was instructed by the chief of staff of the U.S. Army to determine what would be the best route and, indeed, what difficulties might be incurred if a military envoy left one coast and traveled all the way to the next. And then Major Eisenhower was somewhat appalled by the system and how inadequate that system was to transfer military cargo, military troops, equipment, and other systems essential to our national defense, and at that time the major was also quite knowledgeable of the rapid advancement in Germany, under Nazi control in those days, and the Autobahn system.

So at that time, apparently, he determined at some future date he would have a hand in developing a system for the United States which would ensure, for the purposes of national security and other purposes, an adequate interstate highway system.

During the debate on ISTEA, the future role of the Federal Government in surface transportation was debated at length as the completion of the Interstate System neared. The debate questioned the level of Federal obligations to the maintenance of the Interstate System and other primary routes, the appropriateness of providing greater flexibility and responsibility to the States, and the most effective means of ensuring the safety of our surface transportation system for the traveling public.

I happen to have been a member of the committee and a member of the conference on ISTEA, and the distinguished Senator from New York was then the chairman of the Committee on the Environment and Public Works of the U.S. Senate and took a very active role in that ISTEA conference.

I concurred in the Senate's view that a National Highway System should be established to maintain a minimum level of Federal involvement with our State partners. Ensuring the efficient performance and consistency of our existing road system between individual States remains the foremost Federal responsibility.

As provided in ISTEA, the National Highway System map consists of 159,000 miles. Of this amount, 44,000 miles are interstate highways; 4,500 miles are high priority corridors identified in ISTEA; 15,700 miles are noninterstate strategic highway network routes; and 1,900 miles are strategic highway network connectors.

The remaining 91,000 miles were identified by the Federal Highway Administration and the States in cooperation with local governments.

May I stress, Mr. President, this is not a map concocted by the Congress. We are, essentially, about to confirm and ratify the work of the Federal Highway Administration in full cooperation with the counterpart authorities in each State, and down to the very local level. Many Senators have taken an active participation as it relates to their particular States.

The product of this 2-year dialog is the map before us, which must be enacted, as I said, by the Congress promptly to meet the September deadline.

The committee-reported bill commends the successful efforts of the several States, the Federal Highway Administration, and the local authorities in developing the NHS map, and provides authority for this process to continue to evolve.

May I pause to say this is not a static situation. It is a continuing situation, Mr. President. As new roads are constructed and State transportation priorities change, the States and the Federal Highway Administration can continue to make necessary adjustments to the map.

The National Highway System, as developed by our States, contains just 4 percent of America's 4 million miles of public roads. I would like to repeat that, Mr. President: The National Highway System, as developed by our States, contains just 4 percent of America's 4 million miles of public roads. This 4 percent, however, carries over 40 percent of all highway traffic and 70 percent of all truck freight traffic.

Most of the NHS roads are already built, and the system reflects a fair distribution of mileage between rural and urban roads.

I am committed to the National Highway System because it will increase economic opportunities to communities not served directly by the interstate system. Also, it will provide a direct link with roads in Canada and Mexico, uniting the North American commercial links. This is particularly appropriate in view of the American free-trade zone with a high-performance, continental road network.

For the first time, the NHS will allow States to focus their investments on connecting air, rail, commercial water ports, freight facilities, and highways so that the performance of the entire system can be maximized. In other words, we combine in this new map all of those essential parts to make up the infrastructure for this highway system. These intermodal connections will provide our entire transportation system with the flexibility needed to cope with the changing economic geography for this decade and beyond.

Reinforcing this economic backbone is the fact that nearly 85 percent of the Nation's freight travels at least part of its journey over a highway. As American companies rely more and more on just-in-time delivery to get raw materials to plants, and as American wholesalers and retailers count on rapid delivery to keep their inventories lean, the economic importance of an efficient, national transportation infrastructure is actually growing every day.

Mr. President, in February, when this legislation was introduced, I also indicated my intention to respond to the concerns raised by our State partners and other users of the system to increase the flexibility to use Federal highway funds and to reduce Federal mandates.

I am pleased that the bill before the Senate today provides relief from costly and burdensome mandates by the following:

First, repealing the usage requirement for the crumb rubber in hot mix asphalt;

Second, repealing the requirement that States convert transportation signs to metric measurements;

Third, repealing the requirement that States implement management system;

Fourth, repealing the national maximum speed limit;

Fifth, repealing the Davis-Bacon prevailing wage mandate on federally funded transportation construction projects. The Chair will note, as of the close of business on the preceding day of Senate business, namely, Friday, that amendment was taken out of this bill. So it no longer applies.

Sixth, streamlining the transportation enhancement process;

Seventh, clarifying that transportation conformity requirements apply only to Clean Air Act nonattainment areas;

Eighth, modifying the commercial motor vehicle hours of service requirements as applied to the drivers of groundwater drilling rigs.

In responding to the need to increase State flexibility of highway apportionments, the committee bill:

First, allows for larger transfers from the highway bridge program to other accounts;

Second, expands Federal aid eligibility to public highways connecting the NHS to intermodal facilities;

Third, provides for a soft match which allows private funds, materials, and services to be donated and applied to the State matching share;

Fourth, allows States to use advance construction funds for projects beyond the ISTEA authorization period;

Fifth, permits bond costs to be eligible for reimbursement as a cost of construction;

And sixth, allows States to use NHS and congestion mitigation and air quality funds for an unlimited period of time on intelligent vehicle transportation system projects.

Mr. President, another section of this legislation responds to the Federal need to move forward on a replacement facility for the Woodrow Wilson Bridge, located here in the greater metropolitan Washington area. The proposal the committee puts forward accomplishes three major objectives:

First, it offers an opportunity for the Federal Government to transfer ownership of the bridge to a regional authority established by Virginia, Maryland, and the District of Columbia, thereby relieving the Federal Government of the sole responsibility for this facility.

Second, it provides a framework that will stimulate additional financing to facilitate the construction of the alternative identified in the environmental impact statement.

Third, with less than 10 years of useful life remaining on the existing bridge, this approach addresses the need to provide for the safety of the traveling public and for the efficient flow of commerce.

I cannot emphasize too strongly, Mr. President, that particular provision as it relates to the Wilson Bridge. I have been down and personally inspected it. I talked to the appropriate authorities.

Mr. Herrity, the distinguished public servant here in northern Virginia, has actively written on this subject. I ask unanimous consent to have his statement printed in the RECORD.

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

[From the Washington Post, June 11, 1995]

PUT THE PEDAL TO THE METAL

On the Wilson Bridge Reconstruction of the Woodrow Wilson Bridge is essential not only to our region's economic health but to maintain the sanity of this area's commuters. We don't have time for the usual bureaucratic crawl toward completion—engineering experts say the bridge will be unusable in 10 years.

An interim proposal has been floated to prolong the bridge's life by closing it to truck traffic in the next two to five years. That, however, would be a disaster in terms of time and money. Ask any Beltway commuter what he or she thinks of diverting 18,000 trucks to the Cabin John Bridge. And all of us would see costs for the delivery of fuel, furniture, groceries etc. go up.

To build any road or bridge, first you plan and design it, then you find money. Finally, you build it. But we are moving too slowly. In the case of the Wilson Bridge, we must do all three steps quickly—and simultaneously. We don't have the luxury of a common bureaucratic timetable of 15, 20 or even 25 years.

The good news is that we already have taken steps to plan, design and find money for the reconstruction. In 1991, the Interstate Study Commission was established to find ways to raise money from Virginia, Maryland and the District (combined with federal government money) to own, construct, operate and maintain a new Wilson Bridge. Last December this commission recommended the creation of a regional authority to finance the construction. Maryland, Virginia and the District have passed or soon will pass legislation to allow the creation of such an authority, which will require amendments next year. As part of these amendments, the governors of Maryland and Virginia and the mayor of the District must select someone from each of their respective transportation departments to expedite:

The selection procedures for design engineering.

The procedures for right-of-way acquisition.

The bid procedures for expedited construction.

A coordinated and privatized effort can produce quick results. For example, the privatized Dulles Greenway (the Dulles Toll Road extension to Leesburg) is taking only 24 months to construction; it would have taken four to five years through normal bureaucratic channels.

A committee charged with recommending a bridge plan has selected three design options and soon will narrow its choice to two. Its recommendations will go to the Transportation and Planning Board of the Council of Governments, which will have the final say. At that point, the authority will be activated to get the bridge built.

We don't need a new bureaucracy for a bridge authority. Instead, the authority should be able to rely on the professional staffs of existing agencies. Then Virginia, Maryland and the District could work toward a common goal: the rapid rebuilding of a link vital to them all, the Woodrow Wilson Bridge.

Mr. WARNER. I conclude, Mr. President, by saying the goal of the NHS is to leave a legacy for the next generation. That legacy is an intermodal transportation system, a system that is not fragmented into separate parts, but rather one that works to serve the many diverse interests of Americans, to serve the growing demands of the competitive global marketplace, and to help ensure the safety of the traveling public.

I also feel there are certain national security interests involved in having an efficient system. I will address that particular section at another time.

I yield the floor.

Mr. MOYNIHAN. Mr. President, might I express my appreciation to the distinguished senior Senator from Virginia for his masterly account of the provisions in our bill and for his very thoughtful statement about the continuity of this act, S. 440, with the Intermodal Surface Transportation Efficiency Act of 1991, which had among other purposes the declaration that the Dwight D. Eisenhower Interstate and Defense Highway System, had been built, finished. It took quite a bit longer and a very great deal more than we had expected. But we had done it.

I would like to make just a slight modification to my friend's account because it is relevant. President Eisenhower would tell this story, and it is related in his book ''At Ease: Stories I Tell to Friends.''

It is 1919, a young Army lieutenant colonel, soon to revert to his peacetime rank of captain, Dwight D. Eisenhower, was given command of a serious military exercise. He was to assume that wartime events had disabled the railroads. He was to lead a convoy of army trucks across the country from Fort Meade, just out on the edge of the District, in Maryland, technically, to the Presidio in San Francisco. It took him 2 months. The convoy averaged less than 7 miles per hour. It proved that you could cross the continent by truck if you had to, but not if it was a wartime emergency. He wrote in his book:

To those who have known only concrete and macadam highways of gentle grades and engineered curves, such a trip might seem humdrum. In those days we were not sure it could be accomplished at all. Nothing of the sort had ever been attempted.

The idea for an interstate system emerged, if I could be just a little parochial, out of the 1939 World's Fair in Flushing Meadow, in Queens, NY, at the great General Motors Futurama exhibit. I can remember sitting there as a child, in one of those gliding contraptions that moved around and you saw this great scene of highways, with what we would come to call cloverleaf intersections crossing over one another, going through mountains. President Roosevelt who, along with most others here in Washington, was very much concerned that the Depression of the 1930's would resume with the end of World War II, in 1944 got a national interstate highway system authorized. But it was nothing more than that, an authorization. In New York we built the first segment as the Thruway, starting immediately in 1946, but the system lagged elsewhere.

When President Eisenhower came to office he very much had that early

command in mind, and he hit upon the idea with Jim Wright of Texas, a young Congressman at that time, to have a gasoline tax and dedicate it to the construction of this system. And, by golly, we did it. But there came a time when we in fact had done it, built the system, and yet a certain inertia, you might say, pushed us on and on, and we would just build another segment and yet another.

We finally came up with a better idea, though, as the chairman has indicated—a new national highway system which would supplement the Eisenhower interstate system. It would consist of only about 4 percent of the Nation's road mileage, but it would carry 40 percent of its traffic. And it would be a combined, cooperative effort of State governments and the Federal Government at its best.

In 1991, President Bush very much wanted to have this National Highway System, but in fact the Department of Transportation had not yet drawn it. We had a big meeting down at the Executive Office Building with a map of the country and lots of red lines over it, but it did not represent real highways. It just indicated what would be someday.

That someday has come. We will have until the 1st of October—am I correct?

Mr. WARNER. The 30th of September.

Mr. MOYNIHAN. Yes, the 30th, the end of this fiscal year, to authorize this system. And this legislation does that. It does it in a timely manner, as anticipated. We have funds available. And we have very real needs.

We are not building new highways. We are maintaining and improving their capacity. The intermodal system was very explicit on the idea that you do not want to add to the mileage of the system, you want to make it more efficient. We made very clear our view that a free good—and these are freeways—will be overconsumed. We made it clear that we were not in the least alarmed by the idea of pricing this good, as we do in points of congestion like tunnels and bridges.

We began the legislation—the conference report and the legislation itself—with a declaration of policy for the Intermodal Surface Transportation Efficiency Act. It said:

> The National Intermodal Transportation System must be operated and maintained with insistent attention to the concepts of innovation, competition, energy efficiency, productivity, growth, and accountability. Practices that resulted in the lengthy and overly-costly construction of the Interstate and Defense Highway System must be confronted and ceased.

We went so far, Mr. President, as to require that this table of principles be printed up and provided to every member of the Department of Transportation—and they were. In this system, in the present bill, we find continued reference to those principles. We find ourselves completing the 4-year work that we were asked to do.

Note, ''intermodal.'' It is one of the ironies of President, then captain, Eisenhower's journey across the country that to assume the railroads had been destroyed and you find you could not get from here to there in any effective way without them led to an interstate highway system which pretty soon had destroyed the railroads. And not necessarily a good idea.

We, of course, made it clear that by intermodal we mean not just vehicle transportation. We talk about rail. We talk about air links. We talk about sea links. In this particular legislation there is a specific provision, ''Sec. 126, Intermodal Facility In New York. [The] engineering, design, and construction activities to permit the James A. Farley Post Office in New York, New York, to be used as an intermodal transportation facility and commercial center.''

Mr. WARNER. Mr. President, will my colleague allow me to observe?

Mr. MOYNIHAN. Surely.

Mr. WARNER. He said something about the destruction of the railroads? I am not sure the distinguished Senator from New York wanted to indicate the interstate highway system destroyed the railroads. I would think there was a period of time when there was a decline of passenger travel, but the railroads today are very strong in terms of freight transportation. And many of the things that Eisenhower was concerned about in terms of heavy equipment being moved—I am glad the Senator brought it back. It did jog my memory. I, too, went to the World's Fair of 1939 with my father. It was a memorable trip. But it was formulating in Eisenhower's mind through all those years. This was always in the recess of his mind.

Mr. MOYNIHAN. He got it built. General Motors thought it up, you might say.

And the Senator, the chairman, is highly correct. What we have seen is not the disappearance of the railroads but their disappearance as a principal mode of passenger transportation, save on certain corridors where it is efficient. If you were looking for the major reason for that—well, probably the airlines did it to continental transport, and the automobile. Although we may have overdone it. We had a very efficient rail system in Los Angeles, for example, which they closed down around 1950 and they wish they could get it back, now that it is probably too late.

In any event, with tribute to my friends once again, the Committee on Environment and Public Works brings to this floor a near unanimous measure. I have been 19 years in that committee, and I do not think I can remember many times in which we have had a party-line vote. We have tried to think about the environment. We have tried to think about public works in terms of national interests. If we have not always succeeded, it is not for lack of trying. Once again, we have done that, and very much to be congratulated and thanked at a time when partisan issues rise, as they ought—but they rise a little higher even as we approach Presidential years. This is a good example of the capacity of the Senators between the different parties, different regions, different interests to cooperate and produce a fine bill.

I for my part want to congratulate all those involved. Senator BAUCUS is necessarily absent or he would be saying substantially the same things from the point of view of the High Plains even as I speak from the point of view of the island of Manhattan.

Mr. President, with great appreciation for all of the work that the Senator from Virginia has done, and with the expectation that we will now go forward and get it through the Senate in the same period, I want to thank him.

I thank the Chair, and I yield the floor.

Mr. WARNER. Mr. President, I wish to reciprocate and thank again my distinguished colleague from New York. It was simply because he certainly handled the ISTEA legislation, and that in many respects gave rise to this national evolution of the highway system.

Mr. President, we are anxious to have Senators come to the floor for purposes of amendments. We will accommodate them as they arrive.

At this time, I see our distinguished colleague from Georgia who wishes to address the Senate I believe on a different subject.

I yield the floor.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, before I speak briefly on another subject, I would like to congratulate my friends from Virginia and New York on their leadership in this important area, and I think that they have indeed worked together very carefully and prudently in the Nation's interest. I congratulate them for that.

THE SITUATION IN BOSNIA

Mr. NUNN. Mr. President, I would like to speak just a few moments about the situation in Bosnia today and share with my colleagues some of my thoughts on the subject.

The Senate Armed Services Committee, under the leadership of Senator THURMOND, the chairman of the committee, has had a series of four hearings on the subject of Bosnia. We heard from a number of, I think, very well-informed witnesses.

We heard from, of course, the Secretary of Defense, Secretary Bill Perry, the Chairman of the Joint Chiefs, General Shalikashvili, the former Supreme Allied Commander in Europe, Al Haig, and former President of the United States, President Carter, and another former Supreme Allied Commander in Europe, Gen. Jack Galvin, now retired,

former Secretary of Defense, Jim Schlesinger, former top official in the State Department, Richard Armitage, and retired Col. Harry Summers, a frequent writer on this and many other national security subjects.

Mr. President, I would like to express my disappointment—unrelated to the hearings but which took place simultaneously with our hearings last week—with the actions of the Clinton administration when they last week first delayed a vote in the U.N. Security Council, and then voted for the deployment of the French, British, and Dutch rapid reaction force to Bosnia which they at first opposed, but then deferring a decision on the financial cost for that force.

I understand this action on the part of Clinton administration was taken primarily because of a letter from Senate Majority Leader DOLE and House Speaker GINGRICH objecting to U.S. financing of the rapid reaction force.

I believe this is a serious mistake on the part of the Clinton administration, and on the part of the congressional leadership. I believe we will pay a price for this combined Presidential and congressional position in the years ahead with our allies.

Mr. President, the United States during the administrations of both President Bush and President Clinton voted for every U.N. Security Council resolution on Bosnia, and endorsed and supported the efforts of our NATO allies who are participating on the ground in Bosnia as a part of the U.N. Protection Force or UNPROFOR.

I myself disagreed with numerous actions that have been taken in Bosnia by both the United Nations and by NATO. Yet, we voted for it. Both Presidents—President Bush and President Clinton—voted in the Security Council for every one of these resolutions. Now we have our allies in difficulty. They are in difficulty on the ground. And that difficulty could intensify with the rapid reaction force that is now being inserted by our allies—not by America, but by our allies—which will be an integral part of UNPROFOR, and the cost should be underwritten to the same extent and in the same manner as all U.N. peacekeeping forces.

We will have another day and another time to determine how much the United States should pay for U.N. peacekeeping assessments. But that is a long-term challenge. The question now is whether or not we are going to support in any way financially a crucial force that is being put in to protect the U.N. peacekeepers and the NATO peacekeepers that we ourselves voted to put in Bosnia. It is the ultimate irony for our congressional leadership and for the Clinton administration to not fully support a much stronger NATO-U.N. rapid reaction force.

Mr. President, if the U.N. forces withdraw from Bosnia, the President of the United States has declared that he is going to help them with United States forces. The United States forces that would be placed there to help with this withdrawal would be working with this rapid deployment force. I think it is very important for us to understand the consequences of our not being willing to help pay for a rapid reaction force. That force, deployed by our allies and working with the United States forces assisting in the withdrawal, would help alleviate some of the responsibility for the United States forces in that situation and make it possible for a lot less United States forces to be placed in Bosnia to help with the withdrawal, and finally, greatly reduce the danger to United States forces that may be interjected there if and when the withdrawal comes about.

So I find it ironic that we have congressional leadership as well as—at least at the beginning of last week—the administration leadership opposing the force that would help reduce the forces which the United States has to put in to help with withdrawal and also would certainly reduce the danger of U.S. forces being placed in that situation. I find that ironic.

I hope that both the leadership in the Congress and in the administration will reconsider their position on this because I think we will pay a severe price for this—if not in Bosnia, then in other parts of the world where we ask our allies to help us. Alliances are not simply for good times and for when things are going smoothly. Alliances and allies have to stick together when things are not going well and certainly when things are getting to the dangerous stage as they certainly are in Bosnia.

Mr. President, I would like to explain to my colleagues my views as to the policy that should be followed with respect to Bosnia. I would first state—and my friend from Virginia, who yielded the floor, participated in every one of the hearings and he certainly, I know, would agree with this statement—that every single witness we had before our committee for 4 days opposed the United States unilateral lifting of the embargo while our allies remain on the ground in Bosnia. Every single witness—not one supported the unilateral lifting of the embargo; 4 days of hearings in the Armed Services Committee, and not one single witness favored the unilateral lifting of the embargo while our allies are still in harm's way on the ground in Bosnia.

Mr. President, my own views about where we go from here—and there are no good answers here—my views are heavily influenced by my support for NATO and my observation of NATO over the last four decades where it has been the strongest alliance in the history of the world. NATO has helped bring about the end of the cold war on peaceful terms without an explosion, and it has helped bring about the freeing of millions of people behind the Iron Curtain without huge bloodshed, which could have easily happened. So my views are influenced by both the history of NATO and also what we are going to need NATO to do in the future.

I also believe that we should do everything in our power to prevent Bosnia from further eroding the NATO alliance, any further than has already occurred. Make no mistake about it. It is entirely possible for us to erode NATO's credibility and viability without saving Bosnia. I start with the view that there is no good answer in Bosnia. A number of mistakes have been made which I will not recount here. And we have to deal with the situation as it presently exists where we have peacekeepers on the ground with no peace to keep, and with the warring parties apparently not wanting peace. One side views the peacekeepers as shields from which to launch an attack, and the other side that is taking most of the territory views NATO and U.N. forces as hostages for leverage and protection.

I favor one final round of diplomacy to ascertain if there is any possibility for a negotiated peace as called for last week in testimony before our committee by former President Carter, former NATO commander, General Galvin, and former Secretary of Defense, Jim Schlesinger. They all testified that we ought to have one more vigorous round of diplomacy. All of them had different emphases, but that was one common denominator of those three witnesses.

I also strongly agree with Dr. Schlesinger's comments that this peacekeeping mission cannot continue under present circumstances and that both NATO and the United Nations should acknowledge that, absent a near-term diplomatic breakthrough, it is time to withdraw the U.N. and NATO peacekeepers from Bosnia.

If after a reasonable period of time—and I favor setting a finite date for progress on the negotiated peace—if after that period of time there is no substantial progress, the U.N. forces should be withdrawn in an orderly manner. That is not going to be an easy task. U.S. forces should participate, in my view, in a NATO-led operation, as pledged by President Clinton, to assist in the U.N. withdrawal, and U.S. forces should come to the rescue of the forces of our allies if there is an emergency and if they come under an attack and there is no other capability available to rescue them. In other words, in a last-resort emergency situation, I would certainly favor supporting our allies on the ground when they are in extreme need.

Once the U.N. forces have been withdrawn from Bosnia, the arms embargo on the Government of Bosnia should be lifted, multilaterally if at all possible.

While this is all taking place, we should join with our NATO allies in a concrete plan of action to contain the conflict from spreading any further.

Secretary of Defense Bill Perry made it clear in our committee that the spread of that conflict would be against

America's ''vital'' interests. He used that term carefully. ''Vital'' means interests that are so important we are willing to go into conflict in order to protect them.

The spread of the conflict would engage both U.S. and NATO interests in a very important way. And I think we ought to make it abundantly clear, while we are making one last effort for a diplomatic solution and while we are preparing for an orderly withdrawal of U.N. forces—and I hope our allies will come to that view—we should make it absolutely clear that we intend as an alliance to prevent that conflict from spreading and to hold Serbia—by this I mean Belgrade, Serbia—responsible for any breach of borders beyond what has already occurred in that region.

Finally, those calling for withdrawal should realize that there will be a high price to be paid once the U.N. forces are withdrawn from Bosnia. This is no free ride here. This is going to involve some real consequences in all likelihood. Once the U.N. forces have been withdrawn, there is a high potential for atrocities, particularly in and around the eastern enclaves.

Even recognizing what may occur, it is, in my view, however, past time to face the reality on the ground. The international community has failed to restore peace. That failure must be acknowledged. Unless there is a near-term diplomatic breakthrough, the warring parties must be left to fight it out until one party prevails or until they are exhausted and ready at last at some point in the future to negotiate a peace agreement.

Mr. President, I repeat, there are no easy answers in Bosnia, and I hope that we will not search for easy answers but, rather, for a course of action that will do whatever we can to alleviate the suffering there, within reason, but to acknowledge, first and foremost, that the NATO alliance is an important alliance and we should not further erode that alliance.

I repeat, Mr. President, I hope that the congressional leadership, as well as the Clinton administration, will review the position that they have taken, with lukewarm support and no financial support, for a rapid reaction force now being deployed there by our allies. That will alleviate some of the responsibility the U.S. forces might otherwise have, and that will certainly reduce the danger of any kind of harm to U.S. forces that may have to be injected into that country to help with a withdrawal of U.N. and NATO personnel. I find it supreme irony that we would not be willing to pay our part for other people deploying troops that will be to our direct benefit and an activity that has been voted for by both President Bush's and President Clinton's administrations at every single turn in the U.N. Security Council.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

Mr. NUNN. I thank my colleagues for letting me continue.

Mr. WARNER. Mr. President, could I detain the distinguished Senator from Georgia for a minute.

We were together at a private meeting with President Chirac, and information has come to my attention with regard to a meeting that President Chirac had here on Capitol Hill with the majority leader of the Senate and the Speaker of the House. I am told that in that meeting, President Chirac made it clear, after being specifically asked by the two leaders, that the rapid reaction force was not—and I emphasize not—being deployed to pave the way for an UNPROFOR withdrawal—indeed, had no relationship with NATO withdrawal plans.

I do not recall that subject being specifically addressed at the meeting that the Senator from Georgia and I had.

Mr. NUNN. I say to my friend from Virginia, I read some of that in the newspaper, but I got a contrary impression. I always hesitate to quote a foreign leader in a private meeting, but I must say my impression was not consistent in the meeting we had, which was at the French Embassy, was not consistent with the reported statements of the President of France at the meeting with the congressional leadership that took place on the Hill. I did not hear anything like that in the private meeting that I had.

He also made it clear, I believe, that he hoped that the U.N. forces would be able to remain. But I did not hear any statement that would indicate that those rapid reaction forces would not be used if and when there was a withdrawal. As a matter of fact, those forces would provide the very first protection if U.S. forces had to go in to help in the withdrawal. This is the first time the United Nations has put a much more heavily prepared force in there, which has been one of the problems all along. When you have a lightly armed force, as the Senator from Virginia well knows, they are nothing but hostage invitations and that is what has happened. So I know that probably the leadership of some of our allied countries would prefer not to withdraw, but I believe that all of them would acknowledge if withdrawal is necessary, this rapid deployment force will be the key ingredient in the early stages of withdrawal.

Mr. WARNER. Mr. President, I remember, in response to a question that I posed, that there was some discussion at our meeting with President Chirac about the mission of the rapid reaction force. And I am also told that same discussion took place here in the Capitol, at the meeting with the two leaders. When President Chirac was asked by the leaders what the mission of the rapid reaction force would be, President Chirac said that the rapid reaction force would not be deployed to implement the U.N. mandate to protect the safe havens, such as Sarajevo. The rapid reaction force would only be deployed to protect UNPROFOR.

It is my understanding that while Senator DOLE and Speaker GINGRICH did express support for the right of our allies to protect their troops, the leaders did not support the United States being assessed 31 percent for this European operation, given, in the judgment of the leaders, the futility—and I think the distinguished Senator from Georgia expressed the same judgment—of the UNPROFOR mission at this time.

So I hope, Mr. President, there will be some clarification of this in the very near future. I was also led to believe that the United Nations would soon be announcing some specific mission statements with regard to the new forces.

Mr. NUNN. I say to my friend from Virginia, I share his feeling on this subject. I do not know what the President of France said in the meeting that I did not attend. I would not try to have any conjecture on that. But I do know that common sense tells us—I have met with the Ministry of Defense in Britain, I have met with the JCS staff here, the joint staff—I know that the withdrawal of those U.N.-NATO forces is going to be extremely complicated and complex.

But one thing the people in the eastern enclaves may feel is that it puts them in great jeopardy of being in harm's way after those forces leave. It may be very difficult to disentangle from those eastern enclaves. So it is going to be a very difficult situation.

I know something like this rapid reaction force will be essential—it has to be augmented—but it is an essential first step if there is to be a withdrawal. That is basic common sense. For us to be in a position of having pledged to come in and help with the withdrawal and urging withdrawal—and I think there are an increasing number of people urging withdrawal—and then not helping, or at least to even look like we are negative on the first step, which is for the allies to protect themselves, it seems to me that is contrary to our own best interest.

Mr. WARNER. Mr. President, if I could just discuss one other point with my colleague. He referred to the Administration's proposal to allow U.S. forces to perform emergency missions, and he will recall in the hearing before our committee when Secretary of Defense Perry and the Chairman of the Joint Chiefs of Staff Shalikashvili were testifying, they put up a chart concerning the use of U.S. forces in an emergency situation. I think both my friend from Georgia and I were somewhat unclear as to exactly the context in which they were using ''emergency.''

If I can restate my concern and perhaps he can restate, once again, his use of the term here, it was not clear to me whether or not we would involve ourselves in emergency missions only if those emergency missions were a part of a withdrawal operation, or whether we would involve our ground forces in emergency missions prior to the determination to withdraw UNPROFOR.

Can the Senator clarify exactly what he said today with reference to ''emergency''?

Mr. NUNN. I can clarify what I said. I hesitate to try and clarify what was said at that hearing, because I think there was at least implied conflict between what the Secretary of Defense was saying and perhaps what the Chairman of the Joint Chiefs said, although I thought later in the hearing Secretary Perry made it much clearer as to what the administration had in mind.

I must say, in announcing that new dimension of possible U.S. ground force involvement, which occurred about a week prior to that, I did not think the administration ever made it clear as to what they intended. I can only give you my view, therefore, and that is I hope the United States will not have to put in any ground forces at all, but we clearly are pledged by the President of the United States to put forces in to help with the withdrawal.

If there are emergencies related to that withdrawal, we would be, I am sure, part of any effort to come to the relief of our allies. But assuming, before there is a withdrawal, there is some dire emergency, that our allies get into an extreme situation—and I hope that is not going to happen—with jeopardy to the lives of perhaps a number of people that are basically under a U.N. mandate, under those dire circumstances where there is no other force available, I personally would favor the President of the United States having that authority and he probably would assert that under his Commander in Chief authority, whatever we do in the Senate, he is able to come to the aid of our allies in that situation.

I just do not think you can have a successful alliance, if your allies get into an extremely dangerous situation, which you voted for and encouraged, and you leave them at their own peril to die in a situation where you could have taken steps to help alleviate that danger. So those are clearly my views. I do not say I speak for anyone else on that subject.

Mr. WARNER. Mr. President, I join my colleague in expressing support for U.S. participation in an operation to withdraw UNPROFOR, if our participation is requested by our allies and necessary for the successful conclusion of the mission.

It is also my view that I hope we do not have to put ground forces in. But I think our President has indicated that they would be available to assist in such a withdrawal operation, if necessary. Clearly, under those circumstances, I would support the use of our ground and air forces to help in emergency situations associated with the withdrawal. But prior to the decision to withdrawal UNPROFOR, the use of our forces in an emergency situation can have serious consequences, because the word ''emergency'' is really not definable. While it might be one situation, it could be another and another and another, and very shortly, prior to a withdrawal decision, if we are involved in a succession of emergency situations, we are in it. Plain and simple, we are in the battle at that time. It would be a clear perception worldwide, and the use of the term ''emergency'' as justification, I feel, would disappear.

Mr. NUNN. I say to my friend from Virginia, I understand his position on this. I think it is an area where I hope we do not have to get involved. Of course, in an emergency situation we already are involved. We are flying flights over Bosnia. I think the situation the Senator is directing his comments to is ground forces as opposed to air forces. We have been participating for a year or two. The fact is that we lost a plane and, fortunately, thankfully, we rescued the pilot.

I would call that an emergency situation. In that situation, we put air forces in—helicopters—and were prepared to put ground forces in at that time, and possibly had some on the ground at that time, to rescue a pilot. I hope if we needed the French to rescue that American pilot they would have been there. I would think if a French pilot went down tomorrow and they needed us and there was no other way, we would go in there and help that pilot. That is what an alliance is all about.

Mr. WARNER. I associate myself with the remarks of the distinguished Senator. There an emergency is very clear. A downed aviator, no matter what nation he may come from, is clearly in an emergency situation. But I am concerned about the gray area of other situations as it relates to the disposition of the UNPROFOR forces all over that region, oftentimes two or three individuals by themselves.

Mr. NUNN. I think the Senator makes a good point. I hope that kind of a situation would not develop. It may very well be that if we have some resolution on the floor, that we ought to leave that point without specific authority, perhaps, but leaving it up to the President's constitutional authority as Commander in Chief with consultation with Congress. It is hard to authorize that situation specifically, but to me it would be a fundamental error to preclude it, to block the resolution here. The Senator just acknowledged, if there was a British or French pilot that went down, we would want to help.

Mr. WARNER. Mr. President, that is part of a NATO operation. I think at this point we should also indicate the United States is also actively involved in a naval embargo in the Adriatic. In two ways, we are a very active participant in those NATO actions.

Mr. NUNN. The Senator is entirely correct.

Mr. WARNER. I thank the Chair for allowing a colloquy with my good friend from Georgia.

In conclusion, we point out two areas that require further definition; namely, the purpose for the rapid reaction force, as well as the meaning of ''emergency.'' Those are areas in which I hope persons will step forward and provide clarification.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, before the Senator from Georgia leaves the floor, I would like to address a question to him along the lines of my colleague from Virginia. I, too, was at the hearing they were discussing earlier and I, too, raised questions about the emergency help that was being discussed and perhaps being offered by U.S. forces—the Senator from Georgia must catch a train and will not be able to stay, but perhaps I can talk to my colleague from Virginia, because I know he has some of the same concerns that I do.

I raised a question about the emergency nature of what our commitment would be: Would it be only in conjunction with the evacuation, or would it be any emergency that might arise in a reconfiguration effort?

It was my understanding in the hearing that we really were looking at any emergency, and I worry about that description because I believe that leaves us open to any conflict on the ground in Bosnia.

But then the Senator from Georgia also raised the issue of the air flights in which we do now participate, and I am concerned that we are not doing everything necessary to protect our forces in those overflights. For instance, the question was asked at that hearing—I am sure the Senator from Virginia remembers—the question was asked: Are we going to take out the missiles, or are we going to stop the overflights until there is cover? I would like to ask the Senator from Virginia if he, too, is concerned about the continuing flying efforts if we do not at least have an understanding about what our role is going to be, if we are going to take out the missile sites before we go forward, or if we are going to continue to put our flights in jeopardy?

Mr. WARNER. Mr. President, I thank the Senator from Texas for joining us in this very important colloquy. Indeed, we serve together on the Armed Services Committee, and she has taken a very active role in the policy formulations of the committee on this tragic situation in that part of the world.

Just recently, I say to my good friend, the Senator from Texas, I publicly said that our committee, the Armed Services Committee, has a responsibility to investigate very clearly the circumstances under which Captain O'Grady's mission was not performed in the accompaniment of other aircraft—aircraft which are specifically designed and equipped for suppression of ground-to-air missiles. And we will have to look into that, because no member of the Armed Forces of the

United States, wherever he or she may be in the world today, should ever be subjected to a risk, which risk can be lessened to some extent by the utilization of other assets possessed by the U.S. military.

The Senator will recall that General Shalikashvili said that some 69,000 missions had been flown successfully without a loss, such as Captain O'Grady, and that this particular mission was a longer route, where there had been—I think I quote him accurately—''no detection of ground-to-air systems,'' such as to justify the inclusion of other assets. Now, that is something we have to determine, because subsequently thereto in those reports and the testimony of the general before the committee on which the Senator from Texas and I sit, came the reports that there had been some collection of signals in another area of our intelligence which lent themselves to the theory that there was present on that particular flight path a ground-to-air system. And in fact there was. So that is one of the things we have to ascertain. Twofold: Was there a breakdown in intelligence if in fact those signals were collected and confirmed? And, second, exactly what policies and procedures does the Department of Defense employ at such time as they put our uniformed people in a situation of great risk?

Mrs. HUTCHISON. Mr. President, I will just add to the two points that have been made by the Senator from Virginia that I think we also should inquire about exactly what flights we are going to participate in and if we are going to take some action to make sure that we either take out the missiles which had been suggested by NATO and vetoed by the United Nations earlier in this process, or if we should stop participating in those overflights, over that disputed territory, before we get into a situation where we have another of our young men shot down, as we witnessed.

Thank goodness we had a good result, because we now have Captain O'Grady back safe and sound. But I think these are very important points that the Armed Services Committee should look into before any kind of authorization is given, and I think there are a lot of questions to be asked. I thank the Senator for his leadership in this effort.

The Senator from Virginia has really been a wonderful conscience for this conflict. I appreciate the work he has done on the Armed Services Committee.

Mr. WARNER. Mr. President, I thank my colleague from Texas for her thoughtful remarks, and indeed I could say the same about the Senator from Texas and her participation in her years on the committee.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

The Senate continued with the consideration of the bill.

Mrs. HUTCHISON. Mr. President, I would like to know what the status of floor action is, because I have two amendments that are technical and have been agreed to by both sides, which I would like to propose.

Mr. WARNER. Mr. President, the matter before the Senate is the underlying bill, am I not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. Amendments are now in order, and I note that the distinguished Senator from Texas has several amendments, as reflected on the documents submitted to us. This would be an appropriate time to take those into consideration.

AMENDMENT NO. 1424

(Purpose: To change the description of a rural access project in Texas)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 1424.

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

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

The amendment is as follows:

At the appropriate place in title I, insert the following:

SEC. 1 . RURAL ACCESS PROJECTS.

Item 111 of the table in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2042) is amended—

(1) by striking ''Parker County'' and inserting ''Parker and Tarrant Counties''; and

(2) by striking ''to four-lane'' and inserting ''in Tarrant County to freeway standards and in Parker County to a 4-lane''.

Mrs. HUTCHISON. Mr. President, this is indeed a technical amendment. It just adds Tarrant County to the list of what counties may be included in this rural access projects. The reason is because a little bit of work needs to be done in Tarrant County for the Parker County project that was already approved.

ISTEA section 1106(a)—rural access projects—contains a project to upgrade an existing highway to four lane divided highway in Parker County, TX. In order to complete this project as envisioned, some work must be undertaken in neighboring Tarrant County.

However, ISTEA makes no mention of Tarrant County in the project authorization and there is a question at TXDOT as to whether it can complete the project through Tarrant County with the ISTEA-authorized funds since Tarrant is not specifically named in ISTEA by virtue of oversight.

I am offering a technical amendment to ISTEA which extends authorization to complete the project as intended in Tarrant County. This amendment does not authorize any additional funds.

Passage of this language has become critical because work undertaken under the ISTEA rural access authorization has reached the Tarrant County line and Congress must clarify that it may continue so that the Texas Department of Transportation may complete the project.

The House has included this technical correction in every original legislation in 1991. It also was included in last year's NHS bill and will likely do so again in this year's version. I thank the chairman and ranking minority member of the Environment and Public Works Committee for their support in rectifying this small, but important, problem in Tarrant County.

Mr. WARNER. I understand that amendment is essentially a technical correction to the ISTEA legislation. The managers are prepared to accept it. I would like to await the arrival of my comanager before doing so.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I may offer another amendment.

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

AMENDMENT NO. 1425

(Purpose: To change the identification of a high priority corridor on the National Highway System in Texas)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON] proposes an amendment numbered 1425.

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

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

The amendment is as follows:

On page 36, strike lines 2 and 3 and insert the following:

Interstate System.'';

(2) in paragraph (18)—

(A) by striking ''and''; and

(B) by inserting before the period at the end the following: '', and to the Lower Rio Grande Valley at the border between the United States and Mexico''; and

(3) by adding at the end the following:

Mrs. HUTCHISON. Mr. President, this amendment would extend high-priority corridor 18 from where it currently ends in Houston, TX, all the way to the Mexican border in the lower Rio Grande Valley.

Under the Intermodal Surface Transportation Efficiency Act of 1991, corridor 18 now extends from Indianapolis, IN, through Evansville, IN, Memphis, TN, Shreveport/Bossier, LA, terminating in Houston, TX. Corridor 18, along with corridor 20—from Laredo to Houston—are together popularly referred to as I–69.

Extending corridor 18 to the Rio Grande Valley will expedite the shipment of goods traded between Mexico, the United States, and Canada by providing a direct link from the Canadian border to the Mexican border through the heart of the United States. Eighty

percent of United States trade with Mexico is land-based. Because of geography, economic development, and commerce on both sides of the border, Texas is the funnel through which the majority of land-based United States-Mexico trade must pass.

More than 50 percent of that traffic crosses the border at the Rio Grande Valley and Laredo; that number is expected to increase to almost 75 percent over the next decade. This amendment would give the growing traffic on the high-priority corridor system convenient access to the entire United States-Mexico border.

Currently there are 9 existing border crossings in the lower Rio Grande Valley, with a total of 30 lanes. In 1994, they handled approximately 28.3 million crossings. Given the number of existing and planned bridges, the lower Rio Grande Valley is an increasingly significant center for cross-border commerce.

Extending corridor 18 to the lower Rio Grande Valley will provide a direct link for the eight States along the I–69 corridor—which accounted for $50.6 billion or 38 percent of the dollar value of United States trade with Mexico and Canada in 1993.

It will maximize the use of our border crossings. It will create a first-rate extended route that will distribute border traffic over several entry points, allowing for cost-efficient cross-border movement of goods.

Extending corridor 18 to the lower Rio Grande will create an infrastructure that will enable the United States to maximize economic development through all of the States that I have just mentioned, as well as our ability to move goods and better capitalize on international trade.

Finally, the development of corridor 18 to the lower Rio Grande Valley will link up with infrastructure development in Mexico. Currently, the Mexican State of Tamaulipas is advancing plans to construct a gulf highway corridor from the industrial center of Mexico City to the Rio Grande Valley.

I want to say how much I appreciate the assistance of the chairman, the ranking minority member of the Environmental and Public Works Committee, and the distinguished Senator, the chairman of the subcommittee, from Virginia, in this matter and say that this is truly going to enhance our ability to capitalize on NAFTA. It will affect all of the States that are going to have the ability to have the traffic and increase the trade between Mexico and the United States and Canada. This is a win for everyone.

Mr. President, I appreciate the cooperation of the Senator from Virginia, the Senator from Rhode Island, and the Senator from Montana, in allowing me to put forward these amendments that I think will increase the economic benefit to all three countries that are participating in NAFTA.

Mr. WARNER. Mr. President, may I say to the distinguished Senator from Texas that we indeed commend the Senator for diligently looking after the interest of the State of Texas as it relates to the interstate highway system.

These are two very important changes. They do not involve new NHS miles. However, they are essential for the purpose of the use of this system in your State.

I commend the Senator for bringing them to the attention of the Senate. I urge the adoption of the amendments presented by the Senator from Texas. They are agreed to by the managers on both sides.

The PRESIDING OFFICER. Is there further debate? The question is on agreeing to the amendment numbered 1425.

The amendment (No. 1425) was agreed to.

Mrs. HUTCHISON. Mr. President, I move to reconsider the vote.

Mr. WARNER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 1424

Mr. WARNER. Now, may we proceed to the second amendment, and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment numbered 1424.

The amendment (No. 1424) was agreed to.

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

Mrs. HUTCHISON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. We thank the Senator from Texas and we appreciate the participation of all Senators in moving along this legislation.

Mr. CHAFEE. Mr. President, I would like to join in the commendation to the Senator from Texas for the vigor with which she has handled this. She certainly is a strong proponent for her State, rightfully so, and she does an excellent job. I congratulate her.

Mrs. HUTCHISON. I did not know the Senator from Rhode Island had come back to the floor. I had mentioned him before, but I could not have asked for more cooperation in getting these two amendments through than I have seen from the chairman of the committee, the Senator from Rhode Island. He is doing a terrific job in shepherding this very important bill through.

This bill actually is going to enhance our infrastructure in this country. It is going to create jobs. It is going to lower costs and increase productivity. It will improve air quality. There are so many side effects for this bill that are going to be good for everyone. I do appreciate the leadership of the Senator from Rhode Island in getting it through.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Mr. President, I ask unanimous consent I be allowed to proceed for up to 7 minutes as in morning business.

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

BOSNIA

Mr. LIEBERMAN. Mr. President, I noted a short while ago that three or four of my colleagues were addressing themselves to the most recent events in the former Yugoslavia. I myself wanted to take this occasion to do the same, because the events there, which have been heartbreaking, tragic, frustrating, and infuriating in various degrees for the last 3 years, seem to only get more so.

I rise today, as I have on numerous occasions over the past years to talk about the tragedy which continues to unfold in Bosnia. There seems to be no end to the suffering of innocent people in that war-torn land. No end to the senseless murder of women and children in once-beautiful cities like Sarajevo. I saw a news clip this weekend; in the midst of the firing on the city that went on, the flowers come up—remembrances of times that were better there. Even today, as people have to go to rivers running through the town to try to get some water with which to wash themselves, perhaps to boil it for drinking water or for cooking. No end to the outrageous, illegal, and fundamentally immoral conduct of international outlaws who are operating under the banner of the Bosnian Serbs from their headquarters in Pale. No end to the humiliation of the United Nations and to the brave soldiers wearing the blue hats of UNPROFOR who are beleaguered in every spot where they have been stationed in Bosnia. No end to the chaos, confusion, and indecisiveness of the international community which has allowed this situation to deteriorate to its current, tragic, pathetic low point. Regrettably, U.S. policy has been part of this sad story.

Mr. President, the headlines of today's New York Times highlight the depths to which the policies of the West have fallen—''Captives Free, U.N. Gives Up Effort to Shield Sarajevo.''

So what has happened here? International outlaws—the Serbs—seize U.N. soldiers—peacekeepers, supposedly, wearing the blue helmets, noncombatants—seize them as hostages. And what is their reward? Their reward is that the United Nations ceases to enforce a U.N. resolution which compelled U.N. forces to protect Sarajevo and other safe areas in Bosnia. In other words, internationally, at least in Bosnia, crime does pay. The most outrageous, inhumane crime.

And of course, the seizing of the U.N. personnel was not the worst of it. Capt.

Scott O'Grady has become quite justifiably and, thank God, a national hero for his courage, for his steadfastness, his extraordinary resourcefulness, for the skill of the American marines who came to his aid, for the effectiveness of American technology that, combined with his bravery, created the circumstance in which he could be liberated, could be saved. But, Mr. President, let us not forget what happened. Captain O'Grady, was on a patrolling mission, not a hostile mission. He was on a mission to enforce a U.N. resolution that there be a no fly zone over Bosnia, that fixed-wing aircraft not fly. And he was shot down in a hostile act by Serbian missiles. And even after those days of eating grass and bugs to keep himself alive, covering himself face-down in the dirt so that the Serbian soldiers walking by would not find him, finally he gets the message out, and those two CH–53E Super Stallions come in with the Marines to rescue this American hero, and what happens? They are fired on by the Serbs—really an act of war. The domestic equivalent to this would be, what would happen if criminals in a city in our country seized police who were walking or riding on a routine mission, and then when other police came to take them out, fired on those other police. What would our reaction be? We would go in with all we had to get them out; we would feel that we had an obligation in the interest of law to punish them. What happens here? Nothing. The Serbs got away with it.

So this is the headline, ''Captives Free, U.N. Gives Up Effort to Shield Sarajevo.'' The captives obviously are the U.N. peacekeepers who were held as hostages for these past weeks. While their return marks the end of one more crisis in Bosnia, it also demonstrates all too clearly why the U.N. forces should no longer be on the ground in Bosnia. There is no peace for these supposed peacekeepers to keep. Barely equipped for self-defense and left in positions where they are continuously vulnerable to Serb humiliation and manipulation, these men do not lack for individual courage, but their hands have been tied by Orwellian U.N. policies where appeasement of the Bosnian Serbs is seen as a virtue and self-defense by the United Nations is seen as a vice. And so the last of these so-called peacekeepers have been returned from their illegal and immoral imprisonment. But at what price?

Apparently in exchange for the release of these hostages, the United Nations has now withdrawn from all of the heavy weapons-collection sites around Sarajevo and withdrawn into the city. And now, they too can become targets once again of the wanton Serb artillery, rocket, mortar, and sniper fire that lands on Sarajevo. It is precisely this Serb use of civilians, hospitals, apartment buildings, schools, and playgrounds for target practice which yesterday cost another 7 people their lives and wounded 10 others, I gather, seeking water, at the very time the U.N. hostages were being released. Many of these people were elderly Sarajevans standing in line for water—water that has become ever scarcer as the Serb stranglehold on Sarajevo continues unabated. And what is the understanding that is worked out between the United Nations and the Serb positions from which the artillery came? Only that they allow the water to be turned on again.

And so the ultimatum which the United Nations issued early last year to protect the people of Sarajevo has now gone the way of all of the United Nations' efforts in Bosnia—it has been trampled under the heel of the Serbian indifference, the Serbian flouting, the Serbian disregard—I cannot find a noun strong enough for what I feel—of the rule of law and the conduct of civilized States at the end of the 20th century. This follows aggression. This follows genocidal acts against people singled out only because of religion, in this case Moslem. Two hundred thousand dead, two million refugees taken from their homes, increasingly under the cover of a U.N. mission that was supposed to bring peace, but has not brought any of it and has, unfortunately, increased the suffering. The top U.N. official in Bosnia, Yasushi Akashi, has now declared that UNPROFOR will adhere strictly to peacekeeping principles; thus, the use of force will, apparently, no longer be considered by the United Nations. In fact, Mr. Akashi indicated last week, 10 days ago, that the United Nations would only act when they had Serb permission to do so. Mr. Akashi, I say to you that it is time to wake up and look around at the ashes of what once was a multiethnic society in Bosnia—there is no peace to keep. Why is UNPROFOR remaining in Bosnia to perform a mission which by definition cannot be performed there? It is as if these courageous, but ill-fated soldiers wearing the U.N. uniform had been thrown in by the nations that control the United Nations as a kind of stop-gap measure to answer the question, ''What are you doing to stop the aggression and slaughter and genocide in Bosnia?'' And so the peacekeepers have been thrown in, where there is no peace, without the capacity to defend themselves, bringing humiliation on the United Nations and on the rule of law and civility in international relations. It is time for the U.N. leadership and the heads of the countries with forces in the UNPROFOR to acknowledge that in spite of everything else that has gone on, it is time for UNPROFOR to get out. The UNPROFOR mission should be terminated de jure as well as de facto, because de facto, it is over, it does not stand for anything, it is not helping anyone, as the events of the past week coming right down to yesterday, show. With the withdrawal of UNPROFOR, the international community will again have the opportunity to act to lift the immoral arms embargo of Bosnia and Herzegovina, an embargo that has left one side with heavy weapons, the other side ill prepared to defend families and country. If other countries will not go along with what is perhaps the last, best hope not only for the people of Bosnia but for the rule of law, for the standards of international opposition to aggression and genocide, then the United States, I hope, will lift it unilaterally, without delay. But, of course, if the United Nations is out, the traditional excuse, rationalization of our allies in NATO for not supporting a lifting of the embargo, which is that it might lead to the seizing of hostages, will be eliminated. Hostages have been taken. With the United Nations out, there will be no more hostages to take. To deny the legitimate Government of Bosnia the right to defend its sovereignty and the lives of its people is simply wrong.

Mr. President, last week Prime Minister Silajdzic of Bosnia and Herzegovina was in Washington. Many of us had the chance to hear him, to meet with him. I must say, I have seen him several times here in Washington. I have never seen him so grim. I have never seen him so frustrated. I have never seen him so deeply concerned, depressed about the suffering which his people continue to endure without hope of that assistance that they continue to feel and pray for is just around the corner, particularly from the United States of America, the last, best hope for people who suffer as the Bosnians have.

I have also never seen Prime Minister Silajdzic so determined that Bosnia will continue to fight for its rights as a sovereign state. Because no one else will come to their aid. If they are not for themselves, literally, who else will be? And if not now, when? The Prime Minister made clear once again that he does not want American soldiers on Bosnian soil. He wants to have the ability—the weaponry—for the brave Bosnians to fight their own fight. What they seek is the right to obtain those weapons which will enable them to defend themselves against those who have committed aggression and genocide against them.

Time has been running out for the people of Bosnia for too long now. The United Nations has not been willing or able to stop the bloodshed. It is time for the United Nations to step aside. What is left is for the people of Bosnia to fight their own fight with our assistance: at least with us untying their hands, which we have tied behind their backs by the continued imposition of this embargo, which originated at a time when the State of Bosnia did not exist, as an attempt to avoid the expansion of war by keeping arms out of the area. But it is the Serbs in Belgrade who control most of the war-fighting industrial capacity that was Yugoslavia's. It is the Bosnians who are left to fight tanks with light arms.

Mr. President, the grotesque advantages that have been given to the aggressor here, as we continue to declare a kind of neutrality which amounts to immorality, defies all standards of decency and international law. The time is at hand for us finally to answer the call for help which has been coming, but has been unanswered, from Bosnia for too long. I hope that my colleagues in both parties in this chamber will be able to play a leadership role in supporting, encouraging, as rapidly as possible, the withdrawal of the U.N. forces from Bosnia, the lifting of the arms embargo, and the selective use of Allied air power to protect not just the sovereignty of a nation, Bosnia, that has been invaded by a neighbor, but to protect the rule of law, in Europe and throughout the world. In that, we here continue to have a vital national interest.

I thank the Chair. I yield the floor.

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

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

The bill clerk proceeded to call the roll.

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

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

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. CHAFEE. Mr. President, I ask unanimous consent that during the Senate's consideration of S. 440, the highway bill, the following amendments be the only first-degree amendments in order, that they be subject to relevant second-degree amendments, and that no second-degree amendments be in order prior to a failed motion to table, unless the amendment is described only as relevant, in which case, second-degree amendments would be in order prior to a motion to table.

This agreement has been agreed to by the Democratic side.

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

The list of amendments is as follows:

Baucus: CMAQ eligibility.
Baucus: Managers' amendment.
Baucus: Relevant.
Baucus: Strike Section 117.
Biden: State flexibility (w/Roth).
Biden: Amtrak.
Bond: Relevant.
Boxer: ISTEA project demonstration.
Bumpers: NHS connector route.
Byrd: Relevant.
Byrd: Relevant.
Campbell/Snowe: Helmets.
Chafee/Warner: Managers' amendment.
Cohen: Labor provisions of 13C.
Conrad: Relevant.
Daschle: Metric requirements.
Daschle: Relevant.
Dole: Relevant.
Dorgan: Open container/drunk driving.
Exon: High risk drivers.
Exon: Railroad crossings.
Exon: Truck lengths.
Faircloth: Relevant.
Feingold: Relevant.
Frist: CMAQ funding.
Graham: Relevant.
Graham: Relevant.
Graham: Relevant.
Grams: Private property.
Gregg: Relevant.
Gregg: Relevant.
Hatfield: Authorization of 15 in Oregon.
Inhofe: Single audits.
Inouye: Relevant.
Jeffords: Project review.
Kohl: Grandfathering size/weight trucks Wisconsin route.
Lautenberg: Restore speed limit requirements.
Leahy: Non-interstate NHS routes project review.
Leahy: Relevant.
Levin: Relevant.
Lott: NHS route designation.
Mack: NHS maps.
McCain: Highway demo projects $ out of state allocation.
McCain: Highway demo projects.
McConnell: Tolls.
Moseley-Braun: Motorcycle helmets (w/ Snowe).
Murkowski: Designation of Dalton Highway.
Reid: Trucks/speed limit.
Roth: States flexibility to Amtrak funding.
Roth: States flexibility to Amtrak funding.
Roth: States flexibility to Amtrak funding.
Simon: Date of bridge.
Smith: Helmets/seatbelts.
Smith: Helmets/seatbelts.
Stevens: Dalton Highway designations.
Stevens: Right of way designations.
Thurmond: High priority corridors.
Thurmond: High priority corridors.
Thurmond: High priority corridors.

Mr. CHAFEE. Mr. President, I ask unanimous consent that no amendment dealing with affirmative action be in order during the pendency of S. 440.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DEWINE. Mr. President, I rise today to offer my support for the national highway bill. I believe it is a good bill. But I believe there is one provision of the bill that, quite frankly, needs to be changed. So tomorrow, Senator LAUTENBERG and I will be offering an amendment to retain the current maximum national speed limit.

The bill as it is currently written totally repeals this law. I believe this action of repealing this law clearly flies in the face of reality, commonsense, logic, and history because I believe that on this issue the facts are in and they are conclusive.

Let us talk a little history. In 1973, 55,000 people died in car-related fatalities in this country. In 1974, the next year, Congress established the 55-mile-per-hour speed limit.

That is very same year highway fatalities dropped by 16-percent—a 16 percent reduction the very next year after Congress imposed the 55-mile-per-hour speed limit. Fatalities that year dropped from 55,000—in 1973—to 46,000 in 1974.

Mr. President, according to the National Academy of Sciences, the national speed limit law saves somewhere between 2,000 and 4,000 lives every year. So there have been as many as 80,000 lives saved in this country because of this law since 1974.

Mr. President, another historical fact moving forward to 1987: When the mandatory speed limit was amended in 1987 to allow the 65-mile-per-hour speed limit on some of the rural interstates in this country, the fatalities on those highways went up 30 percent more than had been expected. Increasing the speed limit to 65 miles per hour on rural interstates cost 500 lives per year. Those highways are among the safest roads in America. What happens when we totally repeal that law, totally repeal the 55 miles per hour, not just on the rural interstates but in the urban interstates as well? I think we will continue to see it go up, and it will go up at a much faster rate—the fatalities.

If we were to see just the same increase—30 percent—that we saw on the rural highways in the rest of the interstate system because of this particular law, the Department of Transportation estimates an additional 4,750 people would die every single year.

I think that is clearly not the direction we need to go in in the area of highway safety. I believe that we need to go in the opposite direction because there are obviously far too many Americans dying on the highways of this country every year.

In my home State of Ohio in 1993 a total of 1,482 people were killed in car accidents. Over 20 percent of those accidents were speed related. Nationwide, excessive speed is a factor in one-third of all fatal crashes.

Mr. President, I believe the old adage got it exactly right. Speed does kill. And even if interstate highways were designed for 70-mile-per-hour travel, people are not. People are not designed to survive crashes at that speed. As speed increases, driver reaction time decreases. The distance the driver needs, if he is trying to stop, increases. When speed goes above 55 miles per hour, every 10-mile-per-hour increase doubles—doubles—the force of the injury-causing impact. This means that at a 65-mile-per-hour speed, a crash is twice as severe as a crash at 55 miles per hour. A crash at 75 miles per hour is four times more severe.

A speed limit of over 55 is a known killer. Let us face that fact and do the right thing right here as part of this bill. That means I believe voting ''aye'' on the amendment which Senator LAUTENBERG and I will propose tomorrow.

I intend to come to the floor again tomorrow to talk at further length about this particular amendment. But I do believe that what we do in this body has consequences. I do not think anyone should be led to believe that passing the bill as it is currently written, passing a bill that flies in the face of 20 years of statistics, 20 years of history, 20 years of saving lives, makes any sense. I think each one of us, as we cast our vote tomorrow on this particular amendment, needs to think about it and needs to think of young people and old people whose lives have been saved over the past 20 years because of this law. To repeal it with no real compelling urgency, and no real need to do this, I think would be a very tragic mistake.

Mr. President, I will, along with my colleague, be offering this amendment tomorrow. I plan on debating this at length tomorrow.

Mr. President, I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, if the distinguished Senator from Ohio would remain on the floor for just a moment, I would like to congratulate him for his remarks. I will be one of many Senators supporting him. This is very much a part of the Intermodal Surface Transportation Efficiency Act of 1991.

But just to add to the remark, the Senator speaks of the fatalities. And could I suggest also that since 1965, when we established the National Highway Traffic Safety Administration and began the work on vehicular design and crashworthiness, there has been the whole idea of seat belts, and now, of course, air bags, and the redesigning of the automobiles' interiors and such like; is very important work. Dr. William Haddon, whom I had worked with in Albany in the 1950's, became the first Director of that Administration.

The idea that there are two collisions when a car hits a tree—nothing gets hurt unless you have a thing about trees. It is when a person in the car—hits the inside of the car that you have a personal injury.

We have done a very great deal of work in this regard over what is now a generation such that collisions which would once have been routinely fatal would now simply be seriously injurious.

When we think of the number of lives that are at risk by raising the speed limit, which I think is the case, we could compound that by a factor, probably of tenfold, of injuries which need not be minor, which can be crippling, can be permanent, can be hugely costly, and can be avoided by maintaining the commonsense regulations we have in place, which we put in place by a long hard process of learning about what really was involved in managing this particularly implicitly dangerous system.

Mr. DEWINE. Will the Senator yield?

Mr. MOYNIHAN. I am happy to yield.

Mr. DEWINE. Mr. President, I would like to congratulate the Senator from New York not only for his long interest in this area going back for several decades but for the work he has done.

I read an article by the Senator a few months ago talking about the fact that there are really two things we always have to deal with in trying to reduce auto fatalities. And one is driver behavior but the other is the design of the car, and things that are external to that driver.

As the Senator pointed out—I cannot recall whether it was an article or an op-ed piece—tragically it was something that we should not be surprised by. It is easier many times to alter the car, to alter the speed limit, and to do other things than to alter the behavior of the driver. Certainly, the Senator has been a real leader in the efforts to do that, in the efforts to develop the change in design of the car, the seat belts, and air bags, and the other things that every single day are saving lives in this country, not to say that we do not want to continue with the work on driver behavior. It is something that we all have to work on.

But the Senator from New York has been a real leader in this whole area. I want to congratulate him, and I appreciate his comments and am looking forward to working with him on the floor tomorrow.

Mr. MOYNIHAN. It is very generous of the Senator.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I join in the commendation of the Senator from Ohio with the effort he is going to undertake tomorrow with the Senator from New Jersey in restoring the speed limit, which the committee of jurisdiction eliminated.

As you know, Mr. President, the speed limit currently is 55 miles an hour on interstates except 65 miles an hour on rural interstates. I think this has worked well. Anybody who has given any thought to this matter has seen the tremendous destruction of lives and equipment and lost time and horrible injuries that have arisen from speeding and the accidents that result therefrom.

Just think of it. In our country, on the highways, 40,000 people a year are killed. That is an astonishing figure. I think the total deaths in Vietnam were something like 57,000, and that is a shocking figure. But that occurred over some 5 years. Every year, 40,000 people are killed. And those are the deaths. I think you can extrapolate something like four times that for the serious injuries; in other words, the people who live but are seriously injured.

And so I think this is no time, Mr. President, to change the speed limit. But it was the view of the Committee on Environment and Public Works that we should change it. I congratulate the Senator from Ohio. It is my understanding, am I not correct, that the Senator will be joining with the Senator from New Jersey to restore the speed limit?

Mr. DEWINE. That is correct.

The thing I point out to the Senate and my colleagues is it is really restoring the status quo. It is restoring it to something that has clearly worked. As the Senator from New York has also pointed out, this has worked. This has saved lives. Without any compelling reason, to turn back the clock and to ignore 20 years of history, over 20 years' demonstrated experience of saving lives, really makes absolutely no sense. I think the consequences of what we do tomorrow are very significant. A lot of times, we do things in this Chamber, and we act as if they are important, but they are really not. What we do tomorrow on this vote will make a difference and lives, I believe, will be affected. I am absolutely convinced the evidence shows that if we raise the speed limit from the national perspective, people will die. People will die who would not have died if we had kept the law the way it is.

That may sound brutally blunt, but I think at times we have to be blunt. And I think the facts clearly show that is what we are talking about. So I appreciate my colleagues' comments very much.

Mr. MOYNIHAN. Mr. President, if I could detain my friend from Ohio and the distinguished chairman just another moment, we say that there are 40,000 lives lost a year on highways. When we began working on the epidemiology of automobile crashes—not accidents; they are not accidents; they are predictable events in a complex system—we were already approaching 50,000 deaths a year. In the interval since we began changing design with passive restraints and such, we cannot have but doubled the number of automobiles and doubled the number of miles, but the number of deaths has actually dropped.

I make a point that this idea of passive restraints, where you build safety into the system, you will find in the Bible. And in the best tradition of this institution, I would like to cite—this was first found by William Hadden, Jr., the Dr. Hadden I mentioned. It is in Deuteronomy, chapter 22, verse 8:

> When thou buildest a new house, thou shalt make a battlement for thy roof, that thou bring not blood upon thine house, if any man fall from thence.

It is a simple idea. Have a railing so in the dark you do not step off and land 40 feet below. It is elementally good sense, but it is amazing how much argument it can take, and we shall hear more such argument tomorrow. But I wish the Senator from Ohio great good fortune.

Mr. CHAFEE. Mr. President, I am impressed by the quote from Deuteronomy, and I think that will help our cause greatly.

Now, Mr. President, I would like to say to the Senator from Ohio that not

only do I commend him for his efforts in connection with the speed limit, but I also would draw his attention to another safety measure that will probably be attempted to be undermined here tomorrow, and that is the legislation we have which passed in 1991 in connection with the interstate transportation legislation fathered by the distinguished Senator from New York, and that legislation encourages States to pass mandatory seatbelt laws and mandatory motorcycle helmet laws.

Every single Senator on this floor, in connection with health, if asked: ''Are you for preventive medicine?'' would say, ''Yes. Sure, certainly I am for preventive medicine.'' But if there ever was preventive medicine of a very dramatic type, it is the mandatory seatbelt laws and the mandatory helmets for motorcyclists.

Let us just take the motorcycle helmets. The correlation between the decline of deaths for motorcyclists and the passage of laws dealing with mandatory helmets absolutely exists. That correlation is there.

Example: California. California, I suppose, has more motorcyclists per capita than any State in the Nation. And the California Legislature, the General Assembly in California three times had passed mandatory helmet laws, but the Governor, prior to Governor Wilson, a Republican, vetoed that legislation, and the veto was not overridden.

Governor Wilson, then a Senator here, sponsored or joined in sponsoring legislation mandating the use of helmets, mandatory helmet laws. He then was elected Governor of California, and as Governor of California, when that legislation mandating motorcycle helmets passed, Governor Wilson signed it, despite the fact that the motorcyclists, some 3,000 or 4,000 strong, circled the capitol in Sacramento protesting. So again Governor—former Senator—Wilson signed the legislation.

Now, what has been the result? The result has been a decline in deaths of motorcyclists of 36 percent, from 1 year to the next. It followed the years following that legislation.

That is extraordinary. There is no reason it can be ascribed to other than that law. Maryland is the same way. Maryland passed the law—a 20 percent decline. And nearly all the populace States have passed that law—Texas, and Florida. I regret that my State has not passed it. We are certainly not one of the more popular States.

Mr. MOYNIHAN. Populace.

Mr. CHAFEE. Populace States. Oh, a very popular State, but not populace. And Ohio, likewise, has not passed it. But I have urged the passage of that legislation in my State. Certainly, I am going to vote to retain the requirement—it is not a requirement. What it is is a factor in the law, a provision in the law which says States that do not pass that legislation will have to devote a certain amount of their highway funds to education and training for safety purposes—safety in helmets, safety in motorcycles, safety in automobiles.

I will be very candid, the States do not like that because it takes some of their highway funds that they would rather spend on highways than on education.

You might ask, ''What is the Federal Government doing in this anyway? Isn't this a States rights matter? Why doesn't the Federal Government stay out of this?''

The reason we are in it, and deeply into it, is because we pay Medicaid. There is not a State where we do not pay 50 percent of Medicaid and, in most instances, pay more than that. So if we are paying the piper, we have a right to call the tune.

These motorcyclists—I will say more on this tomorrow when the amendment comes up—but these motorcyclists who are laid up in hospitals, grievously injured, many in a coma because they have head injuries because they did not wear a helmet, they are being maintained in these hospitals by Medicaid. They do not have fancy insurance policies. They are being maintained by Medicaid, which you and I and you and you and you and the people in the galleries and elsewhere are paying. They are paying the bill.

I think if we are paying the bill, we have a right to require at least that these motorcyclists wear helmets and, to the extent it can be monitored, that the seat belts be used in the vehicles.

Mr. MOYNIHAN. Will the distinguished chairman yield for a question?

Mr. CHAFEE. I sure will. I just want to say, I know the Senator from Ohio may be leaving. I am proselytizing him for his vote in connection with that particular measure.

Mr. MOYNIHAN. Perhaps he will stay long enough to hear this question.

The distinguished chairman, sometime Secretary of the Navy, was a combat marine in the Second World War; is that not right?

Mr. CHAFEE. That is true.

Mr. MOYNIHAN. A combat marine.

Mr. CHAFEE. Although all marines would say they are a combat marine, since there is no such thing as a noncombat marine.

Mr. MOYNIHAN. When you were in combat with those marines, were there marines who thought it was somehow unmanly to wear helmets?

Mr. CHAFEE. I cannot remember any.

Mr. MOYNIHAN. ''I'm macho, I will take this helmet off.''

Mr. CHAFEE. No; not for long anyway.

Mr. MOYNIHAN. I thank you for the answers to my questions.

Mr. CHAFEE. As a matter of fact, many a marine would be delighted if he could have crawled into his helmet. It somehow had a protective feeling, a helmet.

So, there we are, Mr. President. Unless anybody else has anything further to say, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CHAFEE. Mr. President, the distinguished Senator from New York and I are here. We are ready to do business. There are 15-plus amendments that are on the agreement for tomorrow. I see no reason why we cannot dispose of some of them now. Some might be agreed to, some might be contested, at least they can be debated. We will not have any votes, but it is a good time to have a discussion. I think it is too bad we are whiling away the day here with no action.

As I say, the Senator from New York and I are here and the store is open and looking for customers. So, Mr. President, I hope the call will go out near and wide to come on over and offer your amendments.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I simply would like to restate the request, if I may put it in those terms, certainly the invitation, of our chairman, noting once again Senator BAUCUS is necessarily absent. We have a long list of amendments. There is work to be done. On the other hand, it could be that people feel the product of the committee is so finely crafted that it would really be superfluous, if not at some level diminishing, to change it now that it has come to the floor, in which event we can be out of here in this regard by noon tomorrow.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 1426

(Purpose: To ensure that High Priority Corridor 18 is included on the approved National Highway System after feasibility study is completed)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. MOYNIHAN], for Mr. BUMPERS, proposes an amendment numbered 1426.

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

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . INCLUSION OF HIGH PRIORITY CORRIDORS.

Section 1105(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102–240; 105 Stat 2033) is amended by adding at the end the following:

''The Secretary of Transportation shall include High Priority Corridor 18 as identified in section 1105(c) of this Act, as amended, on the approved National Highway System after completion of the feasibility study by the States as provided by such Act.''

Mr. MOYNIHAN. Mr. President, this is a clarifying amendment. It establishes that high-priority corridor 18 is in fact included in the National Highway System. This had been a presumptive fact, but circumstances have arisen which make it prudent and in the interest of the State of Arkansas that this be so stated in statute.

I believe this amendment will be agreed to.

Mr. CHAFEE. Mr. President, the Members on this side are in agreement with this amendment and urge its adoption.

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

The PRESIDING OFFICER. If there is no further debate on the amendment, the question is an agreeing to the amendment.

The amendment (No. 1426) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. BUMPERS. Mr. President, I ask unanimous consent that I be permitted to proceed for 5 minutes as in morning business.

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

FRANCE TO CONDUCT NUCLEAR TESTS

Mr. BUMPERS. Mr. President, I was disturbed, almost alarmed, when I saw that the new President of France had said that France was going to conduct eight nuclear tests. It is not at all certain, from the press releases I have seen, what the magnitude of those tests will be—that is, how much plutonium will be used and what the kilotonnage will be.

Second, I would like to say that I think President Chirac is off to a very bad start. The precedent that he is setting is certainly going to influence people in this country who, for no sound reason, think we should also begin testing again. And sure enough, this morning, I read an account—I think maybe from Reuters—that our Secretary of Defense, William Perry, has said that he is getting ready to present the President with a series of options for resuming tests, from 4 pounds of plutonium to a full-scale test. He does not say how many tests will be conducted. But the argument is the same as that being used by France, that is, we have to determine the reliability of our deployed weapons and our stockpiles.

Now, bear in mind, Mr. President, that we test our ballistic missiles every year. I have been arguing on the floor of the Senate for 3 years that we are buying more D–5 missiles than we can possibly use on our Trident submarines. And in my arguments, I have always insisted that the number I think we should procure is not only adequate for the purposes, but also allows the Defense Department to continue testing anywhere from three to five D–5 missiles every year to determine their reliability.

I understand that this falls in the category of things that the Defense Department would like to do but does not have to do.

We are coming up on a Comprehensive Nuclear Test Ban Treaty, which is supposed to go into effect in 1996, and we are all trying to get under the wire now with these little tests which were portrayed as to be ''so small as to be insignificant,'' at least for the French, just prior to asking every other nation to be good scouts and obey what has been agreed to in the Comprehensive Test Ban Treaty.

I hope the President of the United States will have the courage to do what he did the first year he was in office and say, ''No more testing.'' He first said no testing for 15 months. When 15 months was over, he said no more testing, indefinitely. This is an indefinite ban on testing by the United States.

He no more had the words out of his mouth, and the Defense Department says it is absolutely essential to determine the reliability of our weapons, and we must start testing all over again.

Now, Mr. President, I will say, I know the makeup of this body. I know the makeup of the House. Unless the President says ''No,'' and is prepared to stick with it, we will start testing.

That sends a message to every two-bit dictator in the world. We have been pleading with nations that we know are involved in trying to develop nuclear weapons, we have been pleading with them ''Don't do it.'' Now what kind of a message does it send to those same nations when we start testing again? The United States and France will be the two most irresponsible nations on the planet Earth—if we join France and start testing again.

I do not intend to call the President. He has a lot of things to do. He knows my feelings about it. I have discussed it with him on previous occasions. I just think it would be a terrible thing for the United States, a terrible precedent, here 1 year away from the implementation of the Comprehensive Nuclear Test Ban Treaty.

Mr. MOYNIHAN. Mr. President, before the Senator yields the floor, would he yield to me for a question?

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

Mr. MOYNIHAN. Sir, the distinguished senior Senator from Arkansas will recall that in 1974, the Republic of India detonated a nuclear device.

Mr. BUMPERS. I remember it well.

Mr. MOYNIHAN. The second-most populated nation in the world, and in the 20 years since, they have never yet detonated a second—not because they are members of the Test Ban Treaty, but because they feel there is an international constraint in place and it would be in some way inappropriate. Not that they could not or that they would not like to. They have not done it.

Would the Senator consider whether or not our now presumed testing, and French testing in the Pacific, would not put pressure on regimes such as that of India, or regimes which are clearly capable of nuclear devices, such as Pakistan?

Is that what we want started?

Mr. BUMPERS. The Senator makes my point better than I made it myself.

I must say, the Senator has given me a piece of information, as closely as I try to follow this issue, that I did not realize, and that is that India has never tested since their first test.

With some respect, we expect this sort of thing from the Chinese. In the world diplomacy, the Chinese have never been quite as concerned as to how the nations of the world community might feel about what they do. They test when they are ready. As far as I know, China is the only nation that has tested since the President took that bold initiative in 1993.

It does not endear them to me, but they have always danced to their own tune, marched to their own drummer.

I thought it was irresponsible for them to start testing, but be that as it may, our thinking about testing sends a terrible signal to every nation on Earth. It seems we are doing our very best to torpedo both the Comprehensive Test Ban Treaty and the Nuclear Non-proliferation Treaty.

I might also say, incidentally, on the other side of the coin, once India tested, Pakistan decided it needed nuclear weapons. The Senator is all too familiar with the problems we have with Pakistan and India, now. It is never ending. The Pakistanis will never be satisfied until they think they are co-equal in the nuclear game with India.

Every time somebody joins the field, some other nation that has a 1,000-year history of animosity with that nation immediately goes to work—Iran and Iraq, and so it goes.

UNITED STATES ROLE REGARDING BOSNIA

Mr. BUMPERS. Now, Mr. President, I want to make a point on a different subject that has been discussed here several times today dealing with Bosnia. I heard the distinguished Senator from Georgia, Senator NUNN, a moment ago. I must say I thought the Senator made some very cogent points about what the United States role should be.

Even though I have steadfastly opposed the introduction of ground forces in Bosnia, I think the British and the French are on fairly solid ground when they chastise the United States for trying to tell them how to conduct themselves there. And they remind us periodically, that we have not been facing the same kind of threat they have. They are the ones who have had their troops taken hostage. They are the people who have had people killed. We have not.

If it is determined that we are going to withdraw the UNPROFOR forces from Bosnia, then I think the United States has a role to play. I am not sure, and I am not prepared today to define it in any detail, but certainly in my opinion we have a financial role to play.

We have been neglecting our dues to the United Nations because there is a trend in this country that thinks that somehow or another the United Nations is subversive.

I watched some of that militia hearing the other day. I never heard as many cockamamie theories in my life in such a short period of time about what a terrible Government we have. I wanted to ask, why is everybody in the world scratching and clawing and swimming the ocean to try to get here, if it is such a terrible place?

Back to Bosnia. We have an obligation. We are part of NATO. We are part of the United Nations. We have not been nearly as diligent as we should be in our commitment to our dues to the United Nations, or paying for the peacekeeping operation.

I think the Senator from New York will be much more familiar with this than I am, but as far as I know, the part of our dues we are furthest behind on is in the peacekeeping area. Yet we have championed all of these peacekeeping operations.

I spent a day at the United Nations a couple of years ago, and at that time I was shocked to find the United Nations has something like—I hesitate to say—20, 25 peacekeeping operations going on in the world right now.

We only know about the Golan Heights, and Bosnia, and some of the more visible areas, but the United Nations has peacekeeping operations all over the world, trying to keep people from fighting. A very laudable undertaking.

Let me remind those people who always want to denigrate the United Nations and the whole concept of world cooperation that time and again on this floor I have applauded President George Bush for going to the United Nations and getting that body's approval of Desert Storm and for recruiting a lot of the countries in the United Nations to assist in that operation. It was essentially a U.S. effort, but we had tremendous help from other nations because we were operating as a group of nations that the United Nations had endorsed for this operation.

Now, I have about reached the conclusion. About the time I wrote an oped piece in my own State newspaper, I read an article by Tom Friedman in the New York Times. Tom Friedman had been in Lebanon and wrote a magnificent book called ''From Beirut to Jerusalem.'' A magnificent book.

He pointed it out in this New York Times piece last week, that in Bosnia, as in Lebanon, we have religion as one of the centrally dividing issues—they are not different ethnically.

It is my understanding during the Ottoman Empire the Turks said to the Bosnians, ''You may be blond and blueeyed but you will be Moslem.''

I can tell the Senator from New York is not agreeing with me on that. He is the historian, so it must not have been the Ottoman Empire. It may have been later.

Mr. MOYNIHAN. Will the Senator yield for a question? Sharing his great regard for Tom Friedman's comments in this respect, I think the Bosnians were of a religious group within the Catholic Church which was being excommunicated, and they chose to affiliate with Islam in that setting.

Mr. BUMPERS. I was not quoting Tom Friedman on that point.

Mr. MOYNIHAN. It was, in a certain sense, a voluntary conversion.

Mr. BUMPERS. Perhaps so. But his bottom line was when the Serbs and the Bosnian Moslems tire of fighting each other, they will reach some kind of an accord.

Mr. MOYNIHAN. And then the United Nations might be able to help.

Mr. BUMPERS. And while I want to support the foreign policy of the President and the Secretary of State, we may very well have reached the time—the President made a compelling point the other day in support of his position. Everybody says our policy in Bosnia now is an unmitigated disaster.

The President responds by saying, in 1993, I guess it was, 92,000 people were killed in Bosnia. In 1994, 3,000 were killed. So it is difficult to say the policy is an unmitigated disaster when that many lives are being saved.

But there is not any question, the six Bosnian Moslem enclaves, are threatened. They are going to starve. Something is going to happen. Some of them have not been resupplied in months, and something is going to have to give.

I am almost of the opinion that perhaps we should withdraw. While we might not be, as a nation, actively involved in arming Bosnian Moslems, other nations are perfectly willing to do that if we can figure out a way to get the weapons to them. That does not mean that war is going to reach a stalemate. It does not mean the Bosnian Moslems are going to be winners ultimately. But at least it would help equalize the sides. The thing is totally unfair now to them.

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

Mr. BUMPERS. I will be happy to.

Mr. MOYNIHAN. Bosnia is a member of the United Nations. It has been invaded by another country and in support of an internal dispute. The Yugoslavian Army, out of Belgrade, is clearly involved. We now learn that it was computers in Belgrade that brought down Captain O'Grady's F–16. Under the United Nations Charter it is elemental that Bosnia has the right of self-defense. And for the United Nations to impose an arms embargo on a member state which has been invaded is to put the charter in jeopardy. Would the Senator not agree?

Mr. BUMPERS. Absolutely. The Senator makes a very, very compelling point that I should have started off with.

So, to allow a member nation to be systematically choked to death while other U.N. members, as well as NATO, essentially look on and allow it to happen is totally unacceptable. Either we get involved or we get out. I doubt very seriously the people of this country would stand very long for our entry into the war. I saw a poll last week that said 61 percent of the people in this country are now saying they would not oppose the introduction of American ground troops in Bosnia. I do not happen to be a member of that 61 percent, because I realize what a sticky wicket this can be. But I was shocked by that number.

Mr. President, I found the Senate in a quorum call and I thought I would just make these few comments regarding those two issues.

I thank the Senator for the time.

The PRESIDING OFFICER. The Senator from Rhode Island.

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, I want to assure the Senator from Arkansas we are not closing up right now. If the Senator has nothing further to say, we will go into a quorum call unless the Senator from New York has something to say. The majority leader will be closing up the Senate a little later. He has a statement he wishes to make.

In connection with the bill before us, the highway bill, we have done as much of our work as we can do today, so I will be leaving. But the place will remain open until the majority leader comes in, sometime not to long, I guess.

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

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

The bill clerk proceeded to call the roll.

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

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

MESSAGES FROM THE PRESIDENT RECEIVED DURING RECESS

Under the authority of the order of January 4, 1995, the Secretary of the

Senate on June 16, 1995, received a message from the President of the United States, submitting sundry nominations, which were referred to the Committee on Foreign Relations.

The nominations received on June 16, 1995, are shown in today's RECORD at the end of the Senate proceedings.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Kalbaugh, 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 Foreign Relations.

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

Mr. THURMOND. Mr. President, pursuant to unanimous consent section 3(b) of Senate Resolution 400, 94th Congress, I ask that S. 922 be referred to the Senate Armed Services Committee.

MEASURES REFERRED

The following bill was referred to the Committee on Armed Services pursuant to section 3(b) of Senate Resolution 400, 94th Congress, for a period not to exceed 30 days of the session:

S. 922. A bill to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the United States Government and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 939. A bill to amend title 18, United States Code, to ban partial-birth abortions.

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–1024. A communication from the Architect of the Capitol, transmitting, pursuant to law, the semiannual report of the Architect for the period October 1, 1994 through March 31, 1995; to the Committee on Appropriations.

EC–1025. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend chapter 38 of title 10, United States Code, as added by the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (Public Law 99–433; 100 Stat. 992), with respect to joint officer management policies for the Army, Navy, Air Force and Marine Corps; to the Committee on Armed Services.

EC–1026. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend the Army National Guard Combat Readiness Reform Act of 1992 and to make certain provisions of such Act applicable to the Selected Reserve of the Army, and for other purposes; to the Committee on Armed Services.

EC–1027. A communication from the Coordinator for Drug Enforcement Policy and Support, Department of Defense, transmitting, pursuant to law, a report relative to the status of the random drug testing program; to the Committee on Armed Services.

EC–1028. A communication from the Assistant Secretary of Defense, transmitting, pursuant to law, a report relative to the Civilian Separation Pay Program; to the Committee on Armed Services.

EC–1029. A communication from the Secretary of Energy, transmitting, pursuant to law, a notice of a 45 day extension with respect to a report relative to Defense Nuclear Facilities Safety Board recommendations; to the Committee on Armed Services.

EC–1030. A communication from the Director of Administration and Management, Department of Defense, transmitting, pursuant to law, a report relative to cleaning services at the Pentagon; to the Committee on Armed Services.

EC–1031. A communication from the Secretary of the Navy, transmitting, pursuant to law, a notice of determination relative to contract awards; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, with an amendment in the nature of a substitute:

S. 240. A bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act (Rept. No. 104–98).

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. THOMAS (for himself, Mr. SIMPSON, Mr. CRAIG, and Mr. CAMPBELL):

S. 943. A bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the 125th Anniversary of Yellowstone National Park; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

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

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

S. Res. 136. A resolution to authorize representation by Senate Legal Counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS (for himself, Mr. SIMPSON, Mr. CRAIG, and Mr. CAMPBELL):

S. 943. A bill to require the Secretary of the Treasury to mint and issue coins in commemoration of the 125th anniversary of Yellowstone National Park; to the Committee on Banking, Housing, and Urban Affairs.

THE YELLOWSTONE NATIONAL PARK 125TH ANNIVERSARY COMMEMORATIVE COIN ACT

Mr. THOMAS. Mr. President, I send a bill to the desk and ask that it be referred appropriately.

I am pleased to say that Senators SIMPSON, CRAIG, and CAMPBELL are joining me to sponsor the Yellowstone National Park 125th Anniversary Commemorative Coin Act.

Yellowstone National Park, of course, is largely in my State of Wyoming. It is, I think, the crown jewel of the National Park System. It is the first national park having had its 100th anniversary sometime back. It consists of about 3,400 square miles, the largest national park. We believe that we are joined by most to think it is the crown jewel of the Park System.

We have had—and we continue to have, Mr. President—substantial financial strain on our national parks, some of it due to the expansion of the authorization of parks far beyond our ability to pay for them. We have this expansion continuing to go on with a debt of about $4 billion in authorized expenditures which have not been able to have been appropriated.

There is increased wear and tear on 500 miles of roads in Yellowstone Park, 1,000 miles of trails, and countless public facilities. And, frankly, there is a need for $600 to $700 million to do the kind of maintenance that is necessary over a period of time. That will be very difficult to extract from the budget.

The bill that we offer is one that would authorize and provide for the minting and issue of 500,000 $1 silver coins for Yellowstone's 125th anniversary in 1997. For the taxpayers, this is a budget-neutral proposition. It does not cost the taxpayers anything.

The surcharges from the sale of the coins will be split evenly, 50 percent going directly to Yellowstone Park and 50 percent to the Park Service for distribution among other parks.

The sale of the coins could potentially raise $2.5 million for Yellowstone's needs.

Mr. President, chairman, I urge my colleagues to join me in this commonsense approach to provide the needed resources for Yellowstone Park and properly honor our oldest national park.

ADDITIONAL COSPONSORS

S. 160

At the request of Mr. SHELBY, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor

of S. 160, a bill to impose a moratorium on immigration by aliens other than refugees, certain priority and skilled workers, and immediate relatives of United States citizens and permanent resident aliens.

S. 256

At the request of Mr. DOLE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 426

At the request of Mr. SARBANES, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 457

At the request of Mr. SIMON, the names of the Senator from Utah [Mr. HATCH] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 457, a bill to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws.

S. 526

At the request of Mr. GREGG, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 526, a bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions, and for other purposes.

S. 641

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 758

At the request of Mr. HATCH, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 758, a bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes.

S. 877

At the request of Mrs. HUTCHISON, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 877, a bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section.

S. 925

At the request of Mr. MACK, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 925, a bill to impose congressional notification and reporting requirements on any negotiations or other discussions between the United States and Cuba with respect to normalization of relations.

SENATE RESOLUTION 136—AUTHORIZING REPRESENTATION BY LEGAL COUNSEL

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

S. RES. 136

Whereas, in the case of *United States ex rel. Sequoia Orange Company* v. *Sunland Packing House Company*, Case No. CV–F–88–566 OWWW/DLB, and consolidated cases, pending in the United States District Court for the Eastern District of California, a subpoena for testimony at a hearing has been issued to Senator Dianne Feinstein;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself or herself from the service of the Senate without leave;

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, 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) (1994), the Senate may direct its counsel to represent committees, Members, officers, and employees of the Senate with respect to subpoenas or orders issued to them in their official capacity: Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Feinstein in connection with the subpoena issued to her in these cases.

AMENDMENTS SUBMITTED

NATIONAL HIGHWAY SYSTEM DESIGNATION ACT OF 1995

HUTCHISON AMENDMENTS NOS. 1424–1425

Mrs. HUTCHISON proposed two amendments to the bill (S. 440) to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes; as follows:

AMENDMENT NO. 1424

At the appropriate place in title I, insert the following:

SEC. 1 . RURAL ACCESS PROJECTS.

Item 111 of the table in section 1106(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240; 105 Stat. 2042) is amended—

(1) by striking ''Parker County'' and inserting ''Parker and Tarrant Counties''; and

(2) by striking ''to four-lane'' and inserting ''in Tarrant County to freeway standards and in Parker County to a 4-lane''.

AMENDMENT NO. 1425

On page 36, strike lines 2 and 3 and insert the following:

Interstate System.'';

(2) in paragraph (18)—

(A) by striking ''and''; and

(B) by inserting before the period at the end the following: '', and to the Lower Rio Grande Valley at the border between the United States and Mexico''; and

(3) by adding at the end the following:

BUMPERS AMENDMENT NO. 1426

Mr. MOYNIHAN (for Mr. BUMPERS) proposed an amendment to the bill, S. 440, supra; as follows:

At the appropriate place, insert the following:

SEC. . INCLUSION OF HIGH PRIORITY CORRIDORS.

Section 1105(d) of the Intermodal Surface Transportation Efficiency Act of 1991 (Pub. L. 102–240; 105 Stat. 2033) is amended by adding at the end the following:

''The Secretary of Transportation shall include High Priority Corridor 18 as identified in section 1105(c) of this Act, as amended, on the approved National Highway System after completion of the feasibility study by the States as provided by such Act.''

NOTICE OF HEARING

SUBCOMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. ROTH. Mr. President, I would like to announce that the Subcommittee on Post Office and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on June 19, 1995, on Federal pension review.

The hearing is scheduled for 2 p.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact John Roots or Dale Cabaniss at 224–2254.

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Thursday, June 22, 1995, beginning at 9:30 a.m., in room G–50 of the Dirksen Senate Office Building on S. 487, a bill to amend the Indian Gaming Regulatory Act, and for other purposes.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Post Office and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Monday, June 19, 1995, to review Federal pensions.

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

SUBCOMMITTEE ON TAXATION AND IRS OVERSIGHT

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Taxation and IRS Oversight of the Committee on Finance be permitted to meet on Monday, June 19, 1995, beginning at 2 p.m. in room SD–215, to conduct a hearing on S corporation reform and the home office deduction.

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

ADDITIONAL STATEMENTS

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1996

● Mr. SPECTER. Mr. President, on June 14, 1995, I filed, on behalf of myself and my distinguished colleague and vice chairman of the Select Committee on Intelligence, Senator KERREY, a bill which authorizes appropriations for fiscal year 1996 for the intelligence activities and programs of the U.S. Government. The Select Committee on Intelligence approved the bill by a unanimous vote on May 24, 1995, and ordered that it be favorably reported.

This bill would:

First, authorize appropriations for fiscal year 1996 for (a) the intelligence activities and programs of the U.S. Government; (b) the Central Intelligence Agency Retirement and Disability System; and (c) the Community Management Account of the Director of Central Intelligence;

Second, authorize the personnel ceilings as of September 30, 1996, for the intelligence activities of the United States and for the Community Management Account of the Director of Central Intelligence;

Third, authorize the Director of Central Intelligence, with Office of Management and Budget approval, to exceed the personnel ceilings by up to 2 percent;

Fourth, permit the President to delay the imposition of sanctions related to proliferation of weapons of mass destruction when necessary to protect an intelligence source or method or an ongoing criminal investigation;

Fifth, provide for forfeiture of the U.S. Government contribution to the Thrift Savings Plan under the Federal Employees Retirement System [FERS], along with interest, if an employee is convicted of national security offenses;

Sixth, restore spousal benefits to the spouse of an employee so convicted if the spouse cooperates in the investigation and prosecution;

Seventh, to allow employees of the excepted services to take an active part in certain local elections;

Eighth, amend the Fair Credit Reporting Act to permit the Federal Bureau of Investigation to obtain consumer credit reports necessary to foreign counterintelligence investigations under certain circumstances and subject to appropriate controls on the use of such reports; and

Ninth, make certain other changes of technical nature to existing law governing intelligence agencies.

The classified nature of U.S. intelligence activities prevents the committee from disclosing the details of its budgetary recommendations. However, the committee has prepared a classified supplement to the report, which contains: First, the classified annex to the report; second, and the classified schedule of authorizations which is incorporated by reference in the act and has the same legal status as a public law. The classified annex to the report explains the full scope and intent of the committee's actions as set forth in the classified schedule of authorizations.

This classified supplement to the committee report is available for review by any Member of the Senate, subject to the provisions of Senate Resolution 400 of the 94th Congress.

The classified supplement is also made available to affected departments and agencies within the intelligence community.

SCOPE OF COMMITTEE REVIEW

As it does annually, the committee conducted a detailed review of the administration's budget request for the National Foreign Intelligence Program [NFIP] for fiscal year 1996. The committee also reviewed the administration's fiscal year 1996 request for a new intelligence budget category, called the Joint Military Intelligence Program [JMIP]. The committee's review included a series of briefings and hearings with the Director of Central Intelligence [DCI], the Acting Deputy Assistant Secretary of Defense for Intelligence and Security, and other senior officials from the intelligence community, numerous staff briefings, review of budget justification materials, and numerous written responses provided by the intelligence community to specific questions posed by the committee.

In addition to its annual review of the administration's budget request, the committee performs continuing oversight of various intelligence activities and programs, to include the conduct of audits and reviews by the committee's audit staff. These inquiries frequently lead to actions initiated by the committee with respect to the budget of the activity or program concerned.

The committee also reviewed the administration's fiscal year 1996 budget requests for the Tactical Intelligence and Related Activities [TIARA] Program aggregation of the Department of Defense. The committee's recommendations regarding these programs are provided separately to the Committee on Armed Services for consideration within the context of that committee's annual review of the National Defense Authorization Act.

FOLLOWUP TO THE AMES ESPIONAGE CASE

In the wake of last year's controversy surrounding the Ames espionage case, the intelligence community leadership pledged renewed dedication to the counterintelligence mission. In the testimony he gave before the committee at his confirmation hearing in open session, DCI Deutch stated that counterintelligence was one of the four principal purposes toward which the intelligence community should direct its efforts.

The committee and CIA Inspector General reports on the Ames espionage case published last year identified several serious shortcomings on the part of the Central Intelligence Agency. The committee held a closed hearing with intelligence community officials on January 25, 1995, to review progress made to date in implementing counterintelligence reforms recommended by the aforementioned reports by DCI Woolsey. The committee also focused on the adequacy of counterintelligence programs and activities in the context of its review and markup of the administration's fiscal year 1996 budget request and provides several recommendations to enhance U.S. capabilities in this critical area in the classified annex accompanying the report.

Another issue raised by the Ames case is the apparent failure of the intelligence community to weed out poor performers. That Aldrich Ames was not only retained but promoted despite clear problems with alcohol and marginal performance is testament to a personnel process in need of reform. The committee has included in this bill a provision requiring the DCI to develop for all civilian employees in the intelligence community personnel procedures to provide for mandatory retirement for expiration of time in class and termination based on relative performance, comparable to sections 607 and 608, respectively, of the Foreign Service Act of 1980.

FOCUS ON HIGH-PRIORITY AREAS

Notwithstanding the rhetorical priority placed on critical intelligence topics such as proliferation, terrorism, and counternarcotics, the committee has identified areas where insufficient funds have been programmed for new capabilities, or where activities are funded in the name of high-priority targets which make little or no contribution to the issue. Therefore, in the classified annex accompanying the report, the committee recommends a number of initiatives to enhance U.S. capabilities in the areas of proliferation, terrorism, and counternarcotics.

CREATION OF A JOINT MILITARY INTELLIGENCE PROGRAM

As noted above, this year the administration submitted a modification of the existing budgeting structure for intelligence activities and programs, by adding a third budget category—the Joint Military Intelligence Program—to supplement the existing NFIP and TIARA. The administration acted to resubordinate formerly national and tactical programs under JMIP and created a new management structure to oversee JMIP that includes senior officials of the intelligence community and Defense. The JMIP Program executive is the Deputy Secretary of Defense, who also chairs the new Defense Intelligence Executive Board [DIEB]—a senior management body providing planning, programming, and budget oversight of defense intelligence. JMIP was initially established by Secretary of Defense memorandum dated May 14, 1994, which was superseded by Department of Defense directive 5205.0, dated

April 7, 1995. The administration is submitting the first JMIP budget request to the Congress in fiscal year 1996.

The committee does not yet endorse the decision by the Deputy Secretary of Defense and the Director of Central Intelligence [DCI] to develop a new set of funding criteria for intelligence activities. The committee understands the Defense Department's requirement to exercise more top-down oversight and control of defense intelligence programs and to create a management forum for evaluating these activities. Additionally, advances in technology have made the former definitions of national and tactical less meaningful to the budget process. However, the committee has reservations about whether the administration proposal for three intelligence programs is the optimal solution. Further, the committee is not convinced that the presence of the Director of Central Intelligence on the DIEB, or the joint review process undertaken by the DCI and Deputy Secretary of Defense, will ensure that both intelligence community and Defense Department equities are served in the planning, programming, and management of all intelligence activities and programs. The committee plans to review the appropriate budgeting structure for intelligence as part of its review of the roles and missions of the intelligence community later this year.

In addition, the committee is concerned that the fiscal year 1996 budget request includes many programs that are budgeted in one intelligence program but more appropriately belong in another intelligence program according to the definitions set forth by the Deputy Secretary of Defense and the DCI. A partial listing of such programs is provided by the committee for illustrative purposes:

Programs belonging in NFIP because they serve multiple departments:

Cobra Dane, which this fiscal year is programmed in the administration's budget request for the Arms Control and Disarmament Agency. The committee recommends returning funding responsibility for this important arms control monitoring capability to the NFIP;

Air Force's Cobra Judy, a specialized shipborne reconnaissance program, funded in TIARA;

Navy's P–3C Reef Point, a specialized airborne reconnaissance program, funded in TIARA.

Programs belonging in JMIP because they serve multiple DOD components:

Army's Guardrail and airborne reconnaissance low programs, funded in TIARA;

Air Force's E–8C joint surveillance tracking and reconnaissance system, funded in TIARA;

Air Force's space-based infrared system, funded in TIARA.

Programs belonging in TIARA because they serve single military departments:

Army's European command combat intelligence readiness facility, funded in the NFIP;

Navy's fleet ocean surveillance information facility in the European theater, funded in the NFIP.

With the exception of Cobra Dane, the committee makes no recommendations this fiscal year to transfer any of these programs, primarily to avoid confusion and the potential for an unintended appropriated-not authorized situation. Further, the committee does not necessarily agree that last year's decision by the administration to consolidate funding for spaceborne and airborne reconnaissance acquisition in the NFIP and JMIP respectively—regardless of the intended customer base—makes sense in light of the new definitions for programming and budgeting intelligence activities and programs.

The committee believes that the DCI and Deputy Secretary of Defense should review jointly the budget categories of these and other programs prior to the submission of the fiscal year 1997 budget request and make the appropriate adjustments. Further, the DCI and Deputy Secretary of Defense should consider whether split funding arrangements; that is, funding provided by more than one intelligence budget category, are required for those organizations charged with acquisition of intelligence platforms; that is, the Defense Airborne Reconnaissance Office and the National Reconnaissance Office, on the grounds of improved management efficiency without regard to the consumer base as defined by Executive Order 12333 and Department of Defense Directive 5205.0. The committee requests that a report assessing these issues and outlining any specific programmatic adjustments made in the President's fiscal year 1997 budget request to more accurately reflect the intent of the new budgeting system be provided to the Intelligence and Defense Committees by March 1, 1996.

COMMITTEE RECOMMENDATIONS ON JMIP

Unlike the activities of the National Foreign Intelligence Program which the committee also authorizes, many activities funded by the new Joint Military Intelligence Program are unclassified. However, the amount of the total fiscal year 1996 budget request for JMIP, like that for the NEIP, is classified, as is any comprehensive treatment of JMIP elements. Given these facts, and in order to provide for the greatest degree of openness possible, the committee provides in the following sections its unclassified recommendations on JMIP elements. Further recommendations, as well as classified details on these unclassified recommendations, are provided in the classified annex accompanying this bill.

AIRBORNE RECONNAISSANCE PRIORITIES

The committee believes that it is vital to maintain a robust airborne reconnaissance force that is capable of collection satisfying priority intelligence requirements in peacetime, crisis, and war. The committee also understands that, in a zero sum gain budget environment, choices need to be made between upgrades to current manned system and the development of new unmanned platforms. Due to the increasing demands and requirements placed on our Nation's current generation of manned reconnaissance systems, the committee makes the following recommendations to redirect resources requested for unmanned aerial vehicle development activities to several manned reconnaissance upgrades which the committee views as essential in order to provide mission-capable forces to the warfighting commanders-in-chief [CINC's].

Accordingly, the committee recommends changes to the administration's fiscal year 1996 budget request to terminate one of five unmanned aerial vehicle [UAV] programs currently under development by the Defense Airborne Reconnaissance Program [DARP] and, instead, to reallocate these resources to provide for the upgrade of existing manned reconnaissance platforms.

CONVENTIONAL HIGH ALTITUDE ENDURANCE UAV

The committee recommends termination of the conventional high altitude endurance unmanned aerial vehicle [CONV HAE UAV] development effort, a reduction to the DARP in fiscal year 1996 of $117 million. The committee believes that the CONV HAE UAV will not provide an increased capability over the current U–2 airborne reconnaissance fleet and is therefore not required. The U–2 is an operational system currently supporting warfighting and national intelligence requirements. The CONV HAE UAV is an advanced concept technology demonstration [ACTD] project and has not achieved first flight.

In fact, the U–2 is a much more capable multisensor reconnaissance aircraft today than the CONV HAE UAV is designed to be. The U–2 fleet provides radar, electro-optical, and film imagery as well as electronic intelligence collection support to national, theater, and tactical commanders. The CONV HAE UAV will have only imagery sensors, and these will be less capable than those on-board the U–2. The U–2 has a much greater payload capacity than the CONV HAE UAV design. The U–2 affords a deeper look capability than planned for the CONV HAE UAV. Further, the committee understands that the CONV HAE UAV operational concept, now under development, is virtually identical to that of the U–2.

Cost comparisons are difficult to make because the U–2 is an existing asset flying missions on a daily basis and the CONV HAE UAV is an ACTD and has no flight experience. However, information provided to the committee by the DARP indicates that the flying hour costs of the UAV are comparable to the U–2.

The committee believes that development by the DARP of the low observable high altitude endurance unmanned

aerial vehicle [LO HAE UAV] as a complementary system to the U–2 will provide the most capability to national policymakers and the warfighter. The committee strongly suggests that the Department investigate increases in capability that can be achieved in the LO HAE UAV if the goal for unit flyaway cost is increased from $10 to $20 million. The committee requests that the DARO prepare an analysis on this alternative and provide it to the intelligence and defense committees by March 1, 1996.

RC–135V/W RIVET JOINT ENGINE UPGRADES

Rivet Joint is an Air Force reconnaissance program which provides all weather, worldwide signals intelligence collection support to theater commanders. The committee has become concerned with the high OPTEMPO of the RC–135V/W Rivet Joint reconnaissance fleet. The RC–135 airframes currently are logging an extraordinary number of annual flight hours. Additionally, the schedule frequency and the extended mission times of the Rivet Joint program contribute significantly to the fuel and operating costs of the aircraft. Further, the current engines do not meet State III noise levels or EPA emission standards.

The committee is aware that the Air Force is considering the establishment of a reengining program for the RC–135 aircraft. Reengining with the CFM–56 engines common to the tanker fleet and commercial airlines would increase RC–135 nominal operating altitudes considerably, thereby greatly enhancing sensor field-of-view and area coverage, decreasing fuel consumption, increasing on-station time, and improving short-field capability for contingency operations. Current tanker support requirements and tanker flying could also be reduced significantly.

Therefore, the committee recommends an authorization of $79.5 million in fiscal year 1996 to begin reengining the RC–135 fleet. The committee expects the DARP to budget the additional funds required to continue reengining in fiscal year 1997 and beyond.

U–2 UPGRADES

While the committee is supportive of the DARP initiative to define a joint airborne SIGINT architecture [JASA], there is concern about the affordability of this approach for the military departments. The committee is also concerned with the Defense Department's apparent decision not to continue upgrading current platforms while focusing funding exclusively on a new development program. Therefore, the committee recommends an authorization of $20 million in fiscal year 1996 for the DARP to initiate a sensor upgrade program for the U–2 fleet. Further details about the proposed upgrade are contained in the classified annex accompanying this bill. The committee expects the DARP to budget for the remaining funds required to complete this upgrade in fiscal year 1997 and beyond. The committee also believes that this upgrade should be fully compliant with JASA standards.

The committee also makes a recommendation to improve the defensive capabilities of the U–2 fleet and provides $13 million in fiscal year 1996 for this purpose. Details of this initiative are included in the classified annex accompanying this bill. As with the proposed sensor upgrade, the committee expects the DARP to budget for the remaining funds required to complete this upgrade in fiscal year 1997 and beyond.

DEFENSE INTELLIGENCE COUNTER DRUG ANALYSIS INITIATIVES

In line with the committee's efforts to enhance intelligence capabilities in the area of counternarcotics and other high-priority issues, the committee recommends an authorization of an additional $7 million in fiscal year 1996 to the Defense Intelligence Counterdrug Program [DICP]. These funds should be applied against a variety of high-priority, counterdrug analysis, and connectivity programs identified by the DICP program manager. Details of this initiative are included in the classified annex accompanying this bill.

INFORMATION SYSTEMS SECURITY

While the administration's fiscal year 1996 budget request for DOD's Information Systems Security Program provides for a significant increase over the amounts requested in fiscal year 1995, the committee notes that information security [INFOSEC] personnel and resources will still have declined by roughly 40 percent since 1987. Meanwhile, in planning for future conflicts, the Department of Defense is deliberately placing increased reliance on information systems to compensate for a reduced force structure.

The committee does not believe that the Department of Defense has adequately assessed U.S. information security requirements. Further, it does not believe that there is a coherent plan or program to rectify the vulnerabilities identified by the Joint Security Commission, the Commission on Roles and Missions, and independent organizations such as the Rand Corp. An effective and comprehensive U.S. policy needs to be developed in order to prepare an integrated response that recognizes not only the vulnerabilities of U.S. Government communications, but the vulnerabilities of the underlying public switch network [PSN]. In that regard, it is not clear what benefits can be achieved through increased DOD spending on information security when over 95 percent of DOD communications travel over PSN and the PSN is not protected against attacks that sophisticated adversaries may employ in future conflicts. In sum, a comprehensive U.S. INFOSEC plan urgently needs to be developed.

The committee therefore, in its report, requests the DCI and the Secretary of Defense to prepare a comprehensive report which: (a) identifies the key threats to U.S. computers and communications systems, including those of both the Government and the private sector; that is, the public switch network upon which the Government heavily depends; and, (b) provides a comprehensive plan for addressing the threats described in section (a), to include any necessary legislative or programmatic recommendations required to protect Government or private U.S. information systems. The report is to be provided to the Intelligence and Defense Committees not later than March 1, 1996. In the absence of such a plan, the committee remains skeptical regarding the benefits that can be achieved through increased funding for the Department of Defense Information Systems Security Program.

COMMERCIAL OFF-THE-SHELF TECHNOLOGY

It is the sense of the committee that, to the extent practicable, all high performance computing and communications [HPCC] equipment and products purchased with funds authorized in this act should be commercial-off-the-shelf [COTS] or modified COTS.

The Department of Defense has already adopted a COTS policy in its purchase of high performance computing and communications systems, with significant cost savings to the taxpayers and with excellent performance results. Moreover, the Department's September 1994 defense technology plan, prepared by the Director of Defense Research and Engineering, recommends the utilization of more commercially viable technologies in the purchase of high performance computer systems. (Computing and Software, Defense Technology Plan.)

The committee also believes that the application of a COTS technology policy among the intelligence agencies should be adopted and implemented beginning in fiscal year 1996. The committee is hopeful that a COTS policy for the procurement of high performance computing and communications equipment could save millions of dollars and maintain the quality and performance standards required by the intelligence agencies both now and in the future.

Therefore, the committee included in the report a request that the agencies receiving funding authorized in this bill begin the process of adopting COTS technology procurement procedures in their high performance computing and communications programs and report, through the DCI, to the Intelligence and Defense Committees not later than May 1, 1996, regarding compliance with this request.

TECHNOLOGIES TO IMPROVE SOUND PROCESSING DEVICES USED BY THE PROFOUNDLY DEAF

Recent technological advances have made it possible for the medical community to provide substantial hearing to profoundly deaf individuals who cannot benefit from conventional hearing aids. Surgically implanted electrodes, combined with external speech processing devices, have the demonstrated ability to provide sound information across the frequency range even at low

volume; that is, 30 decibels. Some children and adults, who would have had no option other than to use sign language, now have access to spoken language and can function in school and the workplace without any use of sign language. While the benefits can be enormous, it is also true that the quality of sound provided by cochlear implants is still crude compared to normal hearing. Remarkable progress has been made, but many technical issues remain, including the reliability, size, and the effectiveness of the hardware and software used by manufacturers of sound processing devices.

The intelligence community, and the National Security Agency in particular, is a world leader in speech and signal processing. It is quite possible that some of the sophisticated technologies employed by the intelligence community could increase the signal-to-noise ratio in the sound processing devices used by the profoundly deaf. The committee has recently seen how imaging technology developed by the intelligence community can be adapted to cancer screening by the medical community, and it is the committee's hope that similar success can be achieved in this area. In the report accompanying this bill, therefore, the committee requests the intelligence community to contact U.S. manufacturers of cochlear implant devices, review their technical needs, and identify any technologies that might be shared with such manufacturers in order to improve the quality of hearing for the hearing impaired. The committee also requests a report outlining the results of the intelligence community's review, to include identification of any capabilities that should be shared with U.S. manufacturers of cochlear implants, not later than May 1, 1996.

Mr. President, I ask that the full text of the bill be printed in the RECORD.

The text of the bill follows:

S. 922

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the ''Intelligence Authorization Act for Fiscal Year 1996''.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for fiscal year 1996 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Central Intelligence Agency.
(2) The Department of Defense.
(3) The Defense Intelligence Agency.
(4) The National Security Agency.
(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
(6) The Department of State.
(7) The Department of Treasury.
(8) The Department of Energy.
(9) The Federal Bureau of Investigation.
(10) The Drug Enforcement Administration.
(11) The National Reconnaissance Office.
(12) The Central Imagery Office.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1996, for the conduct of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared by the Committee of Conference to accompany ( ) of the One Hundred and Fourth Congress.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committee on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 1996 under section 102 of this Act when the Director determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401(4)), exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate prior to exercising the authority granted by this section.

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal year 1996 the sum of $98,283,000.

(2) Funds made available under paragraph (1) for the Advanced Research and Development Committee and the Environmental Task Force shall remain available until September 30, 1997.

(b) AUTHORIZED PERSONNEL LEVELS.—The Community Management Staff of the Director of Central Intelligence is authorized 247 full-time personnel as of September 30, 1996. Such personnel of the Community Management Staff may be permanent employees of the Community Management Staff or personnel detailed from other elements of the United States Government.

(c) REIMBURSEMENT.—During the fiscal year 1996, any officer or employee of the United States or any member of the Armed Forces who is detailed to the Community Management Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1996 the sum of $213,900,000.

TITLE III—GENERAL PROVISIONS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. APPLICATION OF SANCTIONS TO INTELLIGENCE ACTIVITIES.

The National Security Act of 1947 (50 U.S.C.401 et seq.) is amended by adding at the end thereof the following new title:

''TITLE VIII—APPLICATION OF SANCTIONS LAWS TO INTELLIGENCE ACTIVITIES

''SEC. 801. DELAY OF SANCTIONS.

''Notwithstanding any other provision of law, the President may delay the imposition of a sanction related to the proliferation of weapons of mass destruction, their delivery systems, or advanced conventional weapons when he determines that to proceed without delay would seriously risk the compromise of a sensitive intelligence source or method or an ongoing criminal investigation. The President shall terminate any such delay as soon as it is no longer necessary to that purpose.

''SEC. 802. REPORTS.

''Whenever the President makes the determination required pursuant to section 801, the President shall promptly report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives the rationale and circumstances that led the President to exercise the authority under section 801 with respect to an intelligence source or method, and to the Judiciary Committees of the Senate and the House of Representatives the rationale and circumstances that led the President to exercise the authority under section 801 with respect to an ongoing criminal investigation. Such report shall include a description of the efforts being made to implement the sanctions as soon as possible and an estimate of the date on which the sanctions will become effective.''.

SEC. 304. THRIFT SAVINGS PLAN FORFEITURE.

(a) IN GENERAL.—Section 8432(g) of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(5) Notwithstanding any other provision of law, contributions made by the Government for the benefit of an employee under subsection (c), and all earnings attributable to such contributions, shall be forfeited if the employee's annuity, or that of a survivor or beneficiary, is forfeited pursuant to subchapter II of chapter 83 of this title.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to offenses upon which the requisite annuity forfeitures are based occurring on or after the date of enactment of this Act.

SEC. 305. AUTHORITY TO RESTORE SPOUSAL PENSION BENEFITS TO SPOUSES WHO COOPERATE IN CRIMINAL INVESTIGATIONS AND PRECAUTIONS FOR NATIONAL SECURITY OFFENSES.

Section 8312 of title 5, United States Code, is amended by adding at the end the following new subsection:

''(e) Notwithstanding any other provision of law, the spouse of an employee whose annuity or retired pay is forfeited under this

section or section 8313 after the enactment of this subsection shall be eligible for spousal pension benefits if the Attorney General determines that the spouse fully cooperated with Federal authorities in the conduct of a criminal investigation and subsequent prosecution of the employee.''.

SEC. 306. AMENDMENT TO THE HATCH ACT REFORM AMENDMENTS OF 1993.

Section 7325 of title 5, United States Code, is amended by adding after ''section 7323(a)'' the following: ''and paragraph (2) of section 7323(b)''.

SEC. 307. REPORT ON PERSONNEL POLICIES.

(a) REPORT REQUIRED.—Not later than three months after the date of enactment of this Act, the Director of Central Intelligence shall submit to the intelligence committees of Congress a report describing personnel procedures, and recommending necessary legislation, to provide for mandatory retirement for expiration of time in class, comparable to the applicable provisions of section 607 of the Foreign Service Act of 1980 (22 U.S.C. 4007), and termination based on relative performance, comparable to section 608 of the Foreign Service Act of 1980 (22 U.S.C. 4008), for all civilian employees of the Central Intelligence Agency, the National Security Agency, the Defense Intelligence Agency, and the intelligence elements of the Army, Navy, Air Force, and Marine Corps.

(b) COORDINATION.—The preparation of the report required by subsection (a) shall be coordinated as appropriate with elements of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401(4)).

(c) DEFINITION.—As used in this section, the term ''intelligence committees of Congress'' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 308. ASSISTANCE TO FOREIGN COUNTRIES.

(a) IN GENERAL.—Notwithstanding any other provision of law, funds authorized to be appropriated by this Act may be used to provide assistance to a foreign country for counterterrorism efforts if—

(1) such assistance is provided for the purpose of protecting the property of the United States Government or the life and property of any United States citizen, or furthering the apprehension of any individual involved in any act of terrorism against such property or persons; and

(2) the appropriate committees of Congress are notified not later than 15 days prior to the provision of such assistance.

(b) DEFINITION.—As used in this section, the term ''appropriate congressional committees'' means the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.

TITLE IV—CENTRAL INTELLIGENCE AGENCY

SEC. 401. EXTENSION OF THE CIA VOLUNTARY SEPARATION PAY ACT.

Section 2(f) of the CIA Voluntary Separation Pay Act is amended by striking out ''September 30, 1997'' and inserting in lieu thereof ''September 30, 1999''.

SEC. 402. VOLUNTEER SERVICE PROGRAM.

The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end of the following new section:

''SEC. 20. VOLUNTEER SERVICE PROGRAM.

''(a) Notwithstanding any other provision of law, the Director of Central Intelligence is authorized to establish and maintain a program during fiscal years 1996 through 2001 to utilize the services contributed by not more than 50 retired annuitants who serve without compensation as volunteers in aid of the review by the Central Intelligence Agency for declassification or downgrading of classified information under applicable Executive Orders covering the classification and declassification of national security information and Public Law 102–526.

''(b) The Agency is authorized to use sums made available to the Agency by appropriations or otherwise for paying the costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of the review by the Agency of classified information, including, but not limited to, the costs of training, transportation, lodging, subsistence, equipment, and supplies. Agency officials may authorize either direct procurement of, or reimbursement for, expenses incidental to the effective use of volunteers, except that provision for such expenses or services shall be in accordance with volunteer agreements made with such individuals and that such sums may not exceed $100,000.

''(c) Notwithstanding the provision of any other law, individuals who volunteer to provide services to the Agency under this section shall be covered by and subject to the provisions of—

''(1) the Federal Employees Compensation Act; and

''(2) chapter 11 of title 18, United States Code,

as if they were employees or special Government employees depending upon the days of expected service at the time they begin their volunteer service.''.

SEC. 403. AUTHORITIES OF THE INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) REPORTS BY THE INSPECTOR GENERAL.—Section 17(b)(5) of the Central Intelligence Act of 1949 (50 U.S.C. 403q) is amended to read as follows:

''(5) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involve a program or operation of the Agency, consistent with such guidelines as may be issued by the Attorney General pursuant to paragraph (2). A copy of all such reports shall be furnished to the Director.''.

(b) EXCEPTION TO NONDISCLOSURE REQUIREMENT.—Section 17(e)(3)(A) of such Act is amended by inserting after ''investigation'' the following: ''or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken''.

SEC. 404. REPORT ON LIAISON RELATIONSHIPS.

(a) ANNUAL REPORT.—Section 502 of the National Security Act of 1947 (50 U.S.C. 413a) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following:

''(3) annually submit to the intelligence committees a report describing all liaison relationships for the preceding year, including—

''(A) the names of the governments and entities;

''(B) the purpose of each relationship;

''(C) the resources dedicated (including personnel, funds, and materiel);

''(D) a description of the intelligence provided and received, including any reports on human rights violations; and

''(E) any significant changes anticipated.''.

(b) DEFINITION.—Section 606 of such Act is amended by adding at the end the following:

''(11) The term 'liaison' means any governmental entity or individual with whom an intelligence agency has established a relationship for the purpose of obtaining information.''.

TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES

SEC. 501. COMPARABLE OVERSEAS BENEFITS AND ALLOWANCES FOR CIVILIAN AND MILITARY PERSONNEL ASSIGNED TO THE DEFENSE INTELLIGENCE AGENCY.

(a) TITLE 10.—Title 10, United States Code, is amended—

(1) in section 1605(a), by striking ''and'' after ''Defense Attache Offices'' and inserting ''or''; and

(2) in section 1605(a), by inserting '', and Defense Intelligence Agency employees assigned to duty outside the United States,'' after ''outside the United States,''.

(b) TITLE 37.—Title 37, United States Code, is amended—

(1) in section 431(a), by striking ''and'' after ''Defense Attache Offices'' and inserting ''or''; and

(2) in section 431(a), by inserting '', and members of the armed forces assigned to the Defense Intelligence Agency and engaged in intelligence related duties outside the United States,'' after ''outside the United States''.

SEC. 502. AUTHORITY TO CONDUCT COMMERCIAL ACTIVITIES NECESSARY TO PROVIDE SECURITY FOR AUTHORIZED INTELLIGENCE COLLECTION ACTIVITIES ABROAD.

Section 431(a) of title 10, United States Code, is amended by striking ''1995'' and inserting ''2001''.

SEC. 503. MILITARY DEPARTMENTS' CIVILIAN INTELLIGENCE PERSONNEL MANAGEMENT SYSTEM: ACQUISITION OF CRITICAL SKILLS.

(a) ESTABLISHMENT OF TRAINING PROGRAM.—Chapter 81 of title 10, United States Code, is amended by adding at the end thereof the following new section:

''§ 1599. Financial assistance to certain employees in acquisition of critical skills

''(a) TRAINING PROGRAM.—The Secretary of Defense shall establish an undergraduate training program with respect to civilian employees in the Military Departments' Civilian Intelligence Personnel Management System that is similar in purpose, conditions, content, and administration to the program which the Secretary of Defense established under section 16 of the National Security Act of 1959 (50 U.S.C. 402 note) for civilian employees of the National Security Agency.

''(b) FUNDING OF TRAINING PROGRAM.—Any payments made by the Secretary to carry out the program required to be established by subsection (a) may be made in any fiscal year only to the extent that appropriated funds are available for that purpose.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of that chapter is amended by adding at the end thereof the following:

''Sec. 1599. Financial assistance to certain employees in acquisition of critical skills.''.

TITLE VI—FEDERAL BUREAU OF INVESTIGATION

SEC. 601. DISCLOSURE OF INFORMATION AND CONSUMER REPORTS TO FBI FOR COUNTERINTELLIGENCE PURPOSES.

(a) IN GENERAL.—The Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after section 623, the following new section:

''§ 624. Disclosures to FBI for counterintelligence purposes

''(a) IDENTITY OF FINANCIAL INSTITUTIONS.—Notwithstanding section 604 or any other

provision of this title, a consumer reporting agency shall furnish to the Federal Bureau of Investigation the names and addresses of all financial institutions (as that term is defined in section 1101 of the Right to Financial Privacy Act of 1978) at which a consumer maintains or has maintained an account, to the extent that information is in the files of the agency, when presented with a written request for that information, signed by the Director of the Federal Bureau of Investigation, or the Director's designee, which certifies compliance with this section. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

''(1) such information is necessary for the conduct of an authorized foreign counterintelligence investigation; and

''(2) there are specific and articulable facts giving reason to believe that the consumer—

''(A) is a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978) or a person who is not a United States person (as defined in such section 101) and is an official of a foreign power; or

''(B) is an agent of a foreign power and is engaging or has engaged in an act of international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

''(b) IDENTIFYING INFORMATION.—Notwithstanding the provisions of section 604 or any other provision of this title, a consumer reporting agency shall furnish identifying information respecting a consumer, limited to name, address, former addresses, places of employment, or former places of employment, to the Federal Bureau of Investigation when presented with a written request, signed by the Director or the Director's designee, which certifies compliance with this subsection. The Director or the Director's designee may make such a certification only if the Director or the Director's designee has determined in writing that—

''(A) such information is necessary to the conduct of an authorized counterintelligence investigation; and

''(B) there is information giving reason to believe that the consumer has been, or is about to be, in contact with a foreign power or an agent of a foreign power (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978).

''(c) COURT ORDER FOR DISCLOSURE OF CONSUMER REPORTS.—Notwithstanding section 604 or any other provision of this title, if requested in writing by the Director of the Federal Bureau of Investigation, or a designee of the Director, a court may issue an order ex parte directing a consumer reporting agency to furnish a consumer report to the Federal Bureau of Investigation, upon a showing in camera that—

''(1) the consumer report is necessary for the conduct of an authorized foreign counterintelligence investigation; and

''(2) there are specific and articulable facts giving reason to believe that the consumer whose consumer report is sought—

''(A) is an agent of a foreign power, and

''(B) is engaging or has engaged in an act of international terrorism (as that term is defined in section 101(c) of the Foreign Intelligence Surveillance Act of 1978) or clandestine intelligence activities that involve or may involve a violation of criminal statutes of the United States.

The terms of an order issued under this subsection shall not disclose that the order is issued for purposes of a counterintelligence investigation.

''(d) CONFIDENTIALITY.—No consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall disclose to any person, other than those officers, employees, or agents of a consumer reporting agency necessary to fulfill the requirement to disclose information to the Federal Bureau of Investigation under this section, that the Federal Bureau of Investigation has sought or obtained the identity of financial institutions or a consumer report respecting any consumer under subsection (a), (b), or (c), and no consumer reporting agency or officer, employee, or agent of a consumer reporting agency shall include in any consumer report any information that would indicate that the Federal Bureau of Investigation has sought or obtained such information or a consumer report.

''(e) PAYMENT OF FEES.—The Federal Bureau of Investigation shall, subject to the availability of appropriations, pay to the consumer reporting agency assembling or providing report or information in accordance with procedures established under this section a fee for reimbursement for such costs as are reasonably necessary and which have been directly incurred in searching, reproducing, or transporting books, papers, records, or other data required or requested to be produced under this section.

''(f) LIMIT ON DISSEMINATION.—The Federal Bureau of Investigation may not disseminate information obtained pursuant to this section outside of the Federal Bureau of Investigation, except to other Federal agencies as may be necessary for the approval or conduct of a foreign counterintelligence investigation, or, where the information concerns a person subject to the uniform Code of Military Justice, to appropriate investigative authorities within the military department concerned as may be necessary for the conduct of a joint foreign counterintelligence investigation.

''(g) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit information from being furnished by the Federal Bureau of Investigation pursuant to a subpoena or court order, in connection with a judicial or administrative proceeding to enforce the provisions of this Act. Nothing in this section shall be construed to authorize or permit the withholding of information from the Congress.

''(h) REPORTS TO CONGRESS.—On a semiannual basis, the Attorney General shall fully inform the Permanent Select Committee on Intelligence and the Committee on Banking, Finance and Urban Affairs of the House of Representatives, and the Select Committee on Intelligence and the Committee on Banking, Housing, and Urban Affairs of the Senate concerning all requests made pursuant to subsections (a), (b), and (c).

''(i) DAMAGES.—Any agency or department of the United States obtaining or disclosing any consumer reports, records, or information contained therein in violation of this section is liable to the consumer to whom such consumer reports, records, or information relate in an amount equal to the sum of—

''(1) $100, without regard to the volume of consumer reports, records, or information involved;

''(2) any actual damages sustained by the consumer as a result of the disclosure;

''(3) if the violation is found to have been willful or intentional, such punitive damages as a court may allow; and

''(4) in the case of any successful action to enforce liability under this subsection, the costs of the action, together with reasonable attorney fees, as determined by the court.

''(j) DISCIPLINARY ACTIONS FOR VIOLATIONS.—If a court determines that any agency or department of the United States has violated any provision of this section and the court finds that the circumstances surrounding the violation raise questions of whether or not an officer or employee of the agency or department acted willfully or intentionally with respect to the violation, the agency or department shall promptly initiate a proceeding to determine whether or not disciplinary action is warranted against the officer or employee who was responsible for the violation.

''(k) GOOD-FAITH EXCEPTION.—Notwithstanding any other provision of this title, any consumer reporting agency or agent or employee thereof making disclosure of consumer reports or identifying information pursuant to this subsection in good-faith reliance upon a certification of the Federal Bureau of Investigation pursuant to provisions of this section shall not be liable to any person for such disclosure under this title, the constitution of any State, or any law or regulation of any State or any political subdivision of any State.

''(l) LIMITATION OF REMEDIES.—Notwithstanding any other provision of this title, the remedies and sanctions set forth in this section shall be the only judicial remedies and sanctions for violation of this section.

''(m) INJUNCTIVE RELIEF.—In addition to any other remedy contained in this section, injunctive relief shall be available to require compliance with the procedures of this section. In the event of any successful action under this subsection, costs together with reasonable attorney fees, as determined by the court, may be recovered.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) is amended by adding after the item relating to section 624 the following:

''624. Disclosures to FBI for counterintelligence purposes.''.

TITLE VII—TECHNICAL CORRECTIONS

SEC. 701. CLARIFICATION WITH RESPECT TO PAY FOR DIRECTOR OR DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE APPOINTED FROM COMMISSIONED OFFICERS OF THE ARMED FORCES.

Section 102(c)(3)(C) of the National Security Act of 1947 (50 U.S.C. 403(c)(3)(C)) is amended—

(1) by striking ''A'' before ''commissioned'' and inserting ''An active duty'';

(2) by striking out ''(including retired pay)'';

(3) by inserting ''an active duty'' after ''payable to''; and

(4) by striking ''a'' before ''commissioned''.

SEC. 702. CHANGE OF OFFICE DESIGNATION IN CIA INFORMATION ACT.

Section 701(b)(3) of the CIA Information Act of 1984 (50 U.S.C. 431(b)(3)) is amended by striking ''Office of Security'' and inserting ''Office of Personnel Security''.●

CONGRATULATIONS ON THE 100TH BIRTHDAY OF THE BERGEN RECORD

● Mr. LAUTENBERG. Mr. President, on June 5, 1995, the Bergen Record, the flagship of one of New Jersey's most successful family-owned businesses, turned 100 years old.

Since John Borg bought the paper in 1930, it has flourished to become New Jersey's third largest daily newspaper with a daily circulation of 172,000 and a Sunday circulation of 246,000. New Jersey's readers have been well served by an editorial policy that encourages thoughtful, objective reporting on issues of importance to our State's most populous county.

The Bergen Record is the cornerstone upon which the Borg family built its burgeoning media business, Macromedia Inc., which includes the Bergen Record Corp., the News Tribune, Magna Media Advertising, Inc., and Gateway Communications.

But what is special about this company is that, through all of this growth, the Borg family has continued the tradition started by John Borg of fostering an employee-oriented business. The chairman of the board, Malcolm Borg, is known by his first name and all 1,200 employees know that he has an open-door policy.

This attitude extends outward to the community with programs such as the in-house tutoring program for Hackensack Middle School Students and the scholarship program for the children of Record employees. In addition, advertising space is regularly donated to benefit and promote such worthy causes as Food Action of New Jersey and Help the Heartland. Employees are encouraged to volunteer their time for worthy causes.

A commissioner on the Palisades Interstate Park Commission, Malcolm Borg has taken a lead role in moving to protect Sterling Forest, the largest contiguous forest in New York. The aquifers in this forest supply one quarter of New Jersey's population with drinking water. Mac Borg's commitment to this project is instrumental in our fight to protect this land from a planned development which includes 14,000 homes and light industrial and commercial space.

Mr. President, I would like to recognize the enormous contributions to Bergen County and New Jersey made by the Borg family, the Bergen Record and the employees of the paper. They have served their community well and I congratulate them.●

ON THE VALUE OF PUBLIC SERVICE

● Mr. HATFIELD. Mr. President, I appreciate this opportunity to share with my colleagues the thoughtful comments of National Labor Relations Board Chairman, William B. Gould IV, to graduates of the Ohio State University College of Law. In his remarks, Mr. Gould reminds us of the satisfaction one obtains through service to one's community and of the many opportunities available for us to do so. His inspiring comments make clear the value and importance of this commitment to assisting those around us.

A remark by philosopher Albert Schweitzer has never failed to kindle my enthusiasm for work in the field of public service. Mr. Schweitzer once told an audience:

> I do not know what your destiny will be, but one thing I know: the only ones among you who will be truly happy are those who will have sought and found how to serve.

I thank my colleagues for this opportunity to make Mr. Gould's remarks a part of the RECORD.

The remarks follow:

[From the National Labor Relations Board, Washington, DC, May 14, 1995]

NLRB CHAIRMAN GOULD URGES LAW SCHOOL GRADS TO CONSIDER PUBLIC SERVICE CAREERS

In a commencement address on May 14 at the Ohio State University College of Law, National Labor Relations Board Chairman William B. Gould IV encouraged the graduates to consider careers in public service ''even in this period of government bashing by the 104th Congress'' and as the legal profession is under attack.

''My hope is that many of you will dedicate yourselves as lawyers or in other careers to a concern for the public good,'' Chairman Gould said in the graduation observance in Columbus, Ohio. ''Now, when Oklahoma City has made it clear that the idea of government itself as well as the law is under attack, it is useful to reflect back upon what government, frequently in conjunction with lawyers, has done for us in this century alone in moving toward a more civilized society.'' He stated:.

''What would our society look like without the trust busters of Theodore Roosevelt's era and the Federal Reserve System created by Woodrow Wilson? Regulatory approaches to food and drug administration, the securities market, the licensing of radio and television stations, labor-management relations (with which my agency is concerned) and trade practices are all part of the Roosevelt New Deal legacy which few would disavow in toto.''

Mr. Gould said ''the challenge of public service in Washington has never been more exciting or inspirational,'' as a result of ''the Clinton Administration's commitment—not only to helping the less financially able to use available educational opportunities and to provide a higher minimum wage to those who are in economic distress—but also, most particularly, through the National Service,'' He added:

''My sense is that there is a great opportunity for lawyers to serve the public good through the public service today—even in this period of government bashing by the 104th Congress. More than three decades ago President John F. Kennedy called upon the sense of a 'greater purpose' in a speech at the University of Michigan when he advocated the creation of the Peace Corps during the 1960 campaign. President Bill Clinton's National and Community Service Trust Act (AmeriCorps.), designed to allow young people tuition reimbursements for community service, echoes the same spirit of commitment set forth by President Kennedy—and at an earlier point by President Roosevelt through the Civilian Conservation Corps.''

Tracing his own interest in the law and government service, Mr. Gould said he was inspired by the Supreme Court's landmark 1954 decision in *Brown* v. *Board of Education,* the NAACP's anti-discrimination efforts in the South, and ''[m]ore than anything else . . . the struggle in South Africa made me see the connection between the rule of law and dealing with injustice.'' He also spoke of the ''trilogy of values'' at his ''inner core'' that has guided his life and fostered his philosophical allegience to the New Deal, the New Frontier and the Great Society.

The first of these values is the idea from his upbringing in the Episcopal Church of ''our duty to live by the Comfortable Words and to help those who 'travail and are heavy laden.' The second was the belief, inspired by his parents, that ''the average person needs some measure of protection against both the powerful and unexpected adversity.'' The third value, Mr. Gould continued, was ''based upon personal exposure to the indignity of racial discrimination which consigned my parents' generation to a most fundamental denial of equal opportunity.''

The NLRB Chairman, on leave as the Charles A. Beardsley Professor of Law at Stanford Law School, said he was proud of the agency's prominent role in the Major League Baseball dispute where ''the public was able to obtain a brief glimpse of the Board's day-to-day commitment to the rule of law in the workplace.'' On March 26, the Board voted to seek injunctive relief under Section 10(j) of the Act requiring the owners to reinstate salary arbitration and free agency while the parties bargain a new contract. He said further:

''What may have been overlooked in the public view was the fact that the Board was able to proceed through a fast track approach and make the promise of spontaneous and free collection bargaining in the workplace a reality. I hope that the players and owners will now do their part and bargain a new agreement forthwith!''

''I am particularly proud to head an agency which is celebrating its 60th anniversary this summer and which, from the very beginning of its origins in the Great Depression of the 1930s, has contributed to the public good through adherence to a statute which encourages the practice and procedures of collective bargaining. . . .''

SERVING THE PUBLIC INTEREST THROUGH THE RULE OF LAW: A TRILOGY OF VALUES

(By William B. Gould IV, May 14, 1995)

Ladies and gentlemen. Members of the faculty. Honored guess. I am indeed honored to be with you here today in Columbus and to have the opportunity to address the graduates of this distinguished College of Law School as well as their parents, relatives, and friends on this most significant rite of passage. Looking backward 34 years to June 1961, my own law school graduation day was certainly one of the most important and memorable in my life. It was the beginning of a long involvement in labor and employment law as well as civil rights and international human rights.

But I confess that today I am hardly able to recall any of the wise words of advice that the graduation speaker imparted to us that shining day at Cornell Law School in Ithaca, New York. So, as I address you today I don't have any illusions that what I say is likely to change the course of your lives. But my hope is that my story will provide some context relevant to the professional pathways upon which you are about to embark.

Both governmental service and the furtherance of the rule of law by the legal profession have possessed a centrality and thus constituted abiding themes in my professional life. I hope that my remarks to you here today will induce some of you to consider government as an option at some point in your careers, notwithstanding the anti-government tenor of these times.

The tragedy of Oklahoma City has dramatized the contemporary vulnerability of these values to sustained attack, both verbal and violent. As the New York Times said last month, we must ''confront the reality that over the past few years the language of politics has become infected with violent words and a mindset of animosity toward the institutions of government.'' The columnist Mark Shields has noted that this phenomenon has been fueled by the idea that the ''red scare'' should give way to the ''fed scare.''

My own view is that government does best when it intervenes to help those in genuine need of assistance—but I am aware that this point does not enjoy much popularity in Congress these days. Again Shields, in discussing recent comments of Senator Robert

Kerry of Nebraska, put it well when he characterized the conservative view of the nation's problem: ''The problem with the Poor is that they have too much money; the problem with the Rich is that they have too little.''

Although I cannot recall the Great Depression and its desperate circumstances, a trilogy of values have always made up my inner core. The first of these is the idea that I heard in Long Branch, New Jersey's St. James' Episcopal Church every Sunday, i.e., that it is our duty to live by the Comfortable Words and to help those who ''travail and are heavy laden.'' Fused together with this was a belief, inculcated by my parents, that the average person needs some measure of protection against both the powerful and unexpected adversity. The third was based upon personal exposure to the indignity of racial discrimination which consigned my parents' generation to a most fundamental denial of equal opportunity. It is this trilogy of values which fostered my philosophical allegiance to the New Deal, the New Frontier and the Great Society.

Simply put, I came to the law and Cornell Law School because of my view that law any lawyers can reduce arbitrary inequities and the fact that Chief Justice Earl Warren's May 17, 1954, opinion for a unanimous Supreme Court in Brown v. Board of Education represented an accurate illustration of that point. As you know, the holding was that separate but equal was unconstitutional in public education.

A unanimous Court rendered that historic decision—in some sense a corollary to President Harry Truman's desegregation of the Armed Forces—which possessed sweeping implications for all aspects of American society. The High Court's ruling prompted a new focus upon fair treatment in general and discrimination based upon such arbitrary considerations as sex age, religion, sexual orientation and disabilities in particular.

As a high school senior reading of NAACP Counsel Thurgood Marshall's courageous efforts throughout the South—and one who was heavily influenced by the Democratic Party's commitment to civil rights platforms in '48 and '52, as well as President Truman's insistence upon comprehensive medical insurance—I thought that the legal profession was one in which the moral order of human rights was relevant. The prominence of lawyers in political life, like Adlai Stevenson who ''talked sense'' to the American people, was also a factor in my choice of the law as a career.

More than anything else, though, the struggle in South Africa made me see the connection between the development of the rule of law and dealing with injustice. I watched the United Nations focus its attention upon that country when a young lawyer named Nelson Mandela and so many other brave activists were imprisoned, or, worse yet, tortured or killed for political reasons. My very first publication was a review of Alan Paton's ''Hope for South Africa'' in ''The New Republic'' in September 1959. In the early '90s I had the privilege to meet Mr. Mandela twice in South Africa—and then to attend President Mandela's inauguration just a year ago in Pretoria.

The Brown ruling, its judicial and legislative progeny and the inspiration of lawyers dedicated to principles and practicality—lawyers like Marshall, Mandela, Stevenson and President Lincoln in the fiery storm of our own Civil War—promoted my belief in the rule of law. And the fact is that my faith in the law as a vehicle for change has been reinforced and realized over these many years through the opportunities that I have had to work in private practice, teaching and government service.

My sense is that there is a great opportunity for lawyers to serve the public good through the public service today—even in this period of government bashing by the 104th Congress. More than three decades ago President John F. Kennedy called upon the sense of a ''greater purpose'' in a speech at the University of Michigan when he advocated the creation of the Peace Corps during the 1960 campaign. President Bill Clinton's National and Community Service Trust Act (AmeriCorps), designed to allow young people tuition reimbursements for community service, echoes the same spirit of commitment set forth by President Kennedy—and at an earlier point by President Franklin D. Roosevelt through the Civilian Conservation Corps.

This sense of idealism and purpose was at work in the New Deal which brought so many bright, public spirited young people to Washington committed and dedicated to the reform of our social, economic and political institutions. The same spirit has been rekindled by both President Kennedy as well as President Clinton since the arrival of this Administration in Washington almost two-and-one-half-years ago.

In a sense, this has come about by virtue of the Clinton Administration's commitment—not only to child immunization initiatives and helping the less financially able to use available educational opportunities and to provide a higher minimum wage to those who are in economic distress—but also, most particularly, through the National Service.

You have an unparalleled opportunity in the '90s to serve the public good. Your course offering which includes Social and Environmental Litigation, Right of Privacy, Society, Deviance and the Law, Foreign Relations Law, Employment Discrimination Law and Law of Politics, to mention a few, reflect our times and provide you with a framework that my contemporaries never possessed.

Though most of my words today are focused upon government or public service as a career or part of a career, the fact is that your commitment to the public interest and the rule of law can be realized in a number of forms. It is vital to the public interest that those committed to it are involved in a wide variety of legal, business and social careers—representing, for instance, corporations, unions, as well as public interest organizations.

But our commitment to law and the public interest is made more difficult given the fact that our legal profession is in the midst of a tumultuous and confusing environment. On the one hand, lawyer bashing, sometimes justified and sometimes not, seems to be moving full steam ahead. Part of this phenomenon seems to be attributable to the fear that the production of so many law students will soon result in too many lawyers for a society's own good.

Only two years ago a National Law Journal poll showed that only five percent of parents, given the choice of several professions, wanted their children to be attorneys. Undoubtedly, this unpopularity is what has fueled a number of the legal initiatives undertaken by the Republican Congress to the effect, for instance, that the loser in litigation should pay all costs, that caps be devised for punitive damages, etc.

A 1993 ABA poll comparing public attitudes toward nine professions ranked lawyers third from the bottom, ranking higher than only stockbrokers and politicians in popularity. In attempting to discover the reasons for the low public opinion of lawyers the poll asked what percentage of lawyers and of five other occupations lack the ethical standards and honesty to serve the public.

The results revealed an appalling ethical image of lawyers. Lawyers ranked well below accountants, doctors and bankers and barely above auto mechanics. According to the ABA poll half of the public thinks one-third or more of lawyers are dishonest, including one in four Americans who believe that a majority of lawyers are dishonest. The pollster concluded that ''the legal profession must do some soul searching about the status quo, resolve to make some sacrifices to ensure a positive future, and, above all, clean up its own house.''

One way for the profession to clean its own house is to find new substitutes for lengthy litigation, frequently both wasteful and unnecessarily acrimonious, such as alternative dispute resolution—particularly in my own area of employment law. More than a decade ago I chaired a Committee of the California State Bar which recommended that new methods be devised for many employment cases, and that where employees could have access to economical and expeditious procedures, it was appropriate to limit or cap damages. But the difficult balance involved is to avoid limitation of the basic rights of ordinary people to sue for the enforcement of consumer and employment related legislation.

Attitudes towards lawyers are inevitably affected by one's view of the law and the legal process. I hope that you will look very seriously at government service as you seek to use your newly acquired skills to better the position of your fellow human being. This is the most basic contribution that lawyers can make to society—and it is obvious that an increased commitment to government or, if you choose private practice or some other area of activity, pro bono work is central to this effort.

I am particularly proud to head an agency which is celebrating its 60th anniversary this summer and which, from the very beginning of its origins in the Great Depression of the 1930s, has contributed to the public good through adherence to a statute which encourages the practice and procedure of collective bargaining—as well as in other portions of our law. Since its inception, the National Labor Relations Board has possessed a culture of commitment to hard work, excellence, and to the promotion of a rule of law which is designed to allow both workers and business to peaceably resolve their difficulties through their own procedures.

Illustrative of this process was the NLRB's prominent role in the baseball dispute. It was not the Board's job to take sides between the players and the owners or to determine whose economic position ought to prevail. Consistent with this approach, it was our job to decide whether there was sufficient merit, as reflected by the facts and law, to proceed into federal district court to obtain an injunction against certain unilateral changes in conditions of employment made by the owners. The Board handled the baseball case as it does any other case.

Nor is it our job to take into account policy arguments arising out of the peculiarities of this industry, the income or status or notoriety of particular individuals on either side. The statute applies—properly in my judgment—to the unskilled and the skilled, to those who make the minimum wage and those who are financially secure.

In the baseball case, the public was able to obtain a brief glimpse of the Board's day-by-day commitment to the rule of law in the workplace. Where parties are involved in an established collective bargaining arrangement, our mandate under the statute is to act in a manner consistent with the fostering of the bargaining process—and I believe that we discharged our duty in baseball in a manner consistent with that objective.

What may have been overlooked in the public view was the fact that the Board was

able to proceed through a fast track approach and make the promise of spontaneous and free collective bargaining in the workplace a reality. I hope that the players and owners will now do their part and bargain a new agreement forthwith!

Our March 26 decision to seek an injunction seems to have facilitated the resumption of baseball and thus was a great victory for the public in renewing its contact with the game which, like the Constitution, the Flag, and straight-ahead jazz is so central to the essence of the country. Hopefully, it will have the effect of promoting the collective bargaining process sooner rather than later.

Frequently, the public gains its impressions of lawyers and law from such high visibility cases and from exposure through television rather than books. I can tell you that another factor stimulating my interest in the law was watching the McCarthy-Army hearings in the spring of 1954, that fateful spring when Brown was decided. The hearings focused upon the Wisconsin Senator's investigation of alleged Communist infiltration of Ft. Monmouth, New Jersey, where my father worked. Because of ideological hysteria, ''guilt'' by association and rank anti-Semitism, many of our closest friends were dismissed—and, indeed, I feared that this would be my father's fate, particularly because of his announced sympathy for Paul Robeson, a hero to so many black people of his generation.

Later I had the opportunity to attend the so-called Watkins Hearings in the following September in Washington which ultimately led to MaCarthy's censure. Ft. Monmouth and the McCarthy-Army hearings demonstrated how excessive government authority can trample upon individual civil liberties—and the aftermath of the Watkins Hearings redeemed our country's constitutional protection of individual rights of belief and association.

Since then, I think that televised Congressional hearings, the Watergate hearings for instance, have contributed to the public's understanding about the rule of law and its relationship to the preservation of this Republic's principles. Though, regrettably less conclusive, it may be that the Iran-Contra hearings of 1988 and the Hill-Thomas hearings of October 1991 performed a similar function in that the assumption underlying both proceedings was that government, like private individuals, must adhere unwaveringly to the rule of law.

Again, this is to be contrasted with the spectacle of law as show business on television. In my state of California, the O.J. Simpson trial has treated the nation to an episodic soap opera which appears to be more about the business of the money chase than the real substance of law and the legal profession. As Attorney General Janet Reno said about the trial:

''I'm just amazed at the number of people who are watching it. If we put as much energy into watching the O.J. Simpson trial in America . . . into other issues as Americans seem to have done in watching the trial, we might be further down the road.''

A recent Los Angeles Times Mirror poll reported by Peter Jennings last month revealed that only 45 percent of adults surveyed said that they had read a newspaper the previous day, and a quarter of those responding said they spent so much time watching the Simpson trial that they did not have time for the rest of the news. At best, the siren song of sensationalism is a distraction—and, at worst, it reinforces excessively negative perceptions of law and lawyers.

My hope is that many of you will dedicate yourselves as lawyers or in other careers to a concern for the public good. Now, when Oklahoma City has made it clear that the idea of government itself as well as the law is under attack, it is useful to reflect back upon what government, frequently in conjunction with lawyers, has done for us in this century alone in moving toward a more civilized society.

Justice Holmes said, ''Taxes are what we pay for civilized society,''—an axiom often forgotten in the politics of the mid-'90s. What would our society look like without the trust busters of Theodore Roosevelt's era and the Federal Reserve System created by Woodrow Wilson? Regulatory approaches to food and drug administration, the securities market, the licensing of radio and television stations, labor-management relations (with which my agency is concerned) and trade practices are all part of the Roosevelt New Deal legacy which few would disavow in toto.

It should not be forgotten that all three branches of federal government took the lead in the fight against racial discrimination and other forms of arbitrary treatment. And as Judge (now Counsel to the President) Abner Mikva has noted: ''The history of the growth of the franchise is a shining example of why we needed . . . [the] federal approach.''

Today, the challenge of public service in Washington has never been more exciting or inspirational. As I have indicated, President Clinton's National Public Service echoes anew the similar initiatives undertaken by both Roosevelt and Kennedy.

I urge you to think of the government as a career in which you can use your legal experience in pursuit of the public interest. That does not mean that you have to be a Washington or ''inside the Beltway'' careerist, although that is another way in which to make a contribution. Many of you may choose to serve in your communities throughout the country and, at a point where your career is well-developed, elect to serve through an appointment such as mine.

In particular, if you accept such an appointment consisting of a limited term (in the case of the Board five years), I hope that you will keep in mind President (then-Senator) Kennedy's characterization of eight law makers who were the subject of this book, ''Profiles in Courage.'' Said the junior Senator from Massachusetts:

''His desire to win or maintain a reputation for integrity and courage were stronger than his desire to maintain his office . . . his conscience, his personal standards of ethics, his integrity or morality . . . were stronger than the pressures of public disapproval.''

This is a particularly vexatious problem for those who are appointed and not elected because of the inevitable and appropriate subordination of appointees—even in the arena of independent regulation—to the people's elected representatives. My own view on serving in Washington is to do the very best you can to implement the public interest in the time allotted in your term, with the expectation that you will return to your community, reestablish your roots and feel satisfied that you have—to paraphrase President Kennedy—done your duty notwithstanding some of the immediate ''pressures of public disapproval.''

While I consider the term limits issue to be an entirely different proposition—the people ought always to be able to freely choose their elected leaders amongst the widest possible number of candidates—my view is that the proper standard for those who are subordinate to such leaders is that attributed to Cincinnatus, the Roman general and statesman of the fifth century, who upon discharging his public duty, returned to his community rather than taking the opportunity to seize power and perpetuate himself in office.

The independence of administrative agencies might be enhanced by legislation limiting Board Members or Commissioners to one term of service. The temptation to please elected superiors might decline accordingly.

Of course, all of us cannot win victories within 15 days, like Cincinnatus, and be back on our farms or in our communities so quickly. But true public service involves a self-sacrifice which rises above the immediate pressures. Do the best that you can to serve the public good.

This does not assure success or complete effectiveness. But it does allow you to make use of your acquired expertise for the best possible reasons. And this, in turn, puts you in the best position to see it through to the end with a measure of serenity that comes when you have expended your very best effort despite setbacks and criticisms you may endure in the process.

As President Lincoln said:

''If I were to try to read, much less answer, all the attacks made on me, this shop might as well be closed for any other business. I do the very best I know how—the very best I can and I mean to keep doing so until the end. If the end brings me out all right, what is said against me won't amount to anything. If the end brings me out wrong, ten angels swearing I was right would make no difference.''

You graduate from a distinguished institution in the most exciting political period since the reforms undertaken by the Administration of the 1960s. I hope that some of you will be attracted to public service and help advance our society through the rule of law.

As you embark upon the excitement of a new career and challenges in the days ahead, I wish you all good luck and success on whatever path you choose.●

ROBERT P. URIBE

● Mr. LEVIN. Mr. President, I would like to recognize the lifetime achievements of Robert P. Uribe. On June 30, 1995, he will retire from his counseling position at the First Ward Community Center where he has worked for 27 years. He has served the Saginaw community in a wide variety of volunteer positions and is a respected leader in the Hispanic community.

As a counselor, Mr. Uribe has assisted countless members of the Saginaw community with their medical, financial, literacy, and other social needs. His list of volunteer service is long and impressive.

Mr. Uribe has served as chairman of the Saginaw Latin American Movement, vice chairman of the Saginaw Social Service Club, chairman of the Police Community Relations Commission, and commander of the American Legion Post 213. He has been a board member of the Spanish Speaking Center Federal Program, a member of the Michigan Governors Wage Deviation Board, a member of the Equal Education Advisory Committee, the Advisory Council on Migrant Housing, the Saginaw County Drug Abuse Council, and several affirmative action programs. Currently, Mr. Uribe is a member of the GM Hispanic leadership group, the Saginaw Economic Development Corp. and the screening committee for housing of the Saginaw Housing Commission.

Mr. Uribe has selflessly served the Saginaw community for three decades.

His volunteer efforts are a model for his fellow citizens. Please join me in saying thank you to a man who has truly made a difference, Mr. Robert Uribe.●

THE SERVICE OF LARRY HOBART

Mr. HATFIELD. Mr. President, I thank my colleagues for this opportunity to recognize the longstanding service of Mr. Larry Hobart, the executive director of the American Public Power Association. Mr. Hobard joined the APPA 35 years ago. Today, he is recognized nationally as an innovator and broker of solutions to complex problems in the public power industry.

I have come to know Mr. Hobart through our work together to address issues facing public power generally and Bonneville Power Administration in my home State of Oregon in particular. Mr. Hobart has never failed to bring constructive expertise to the table in our efforts to resolve differences among parties. I have valued tremendously the knowledge, creativity, and experience he contributes to the process.

In addition to his work in the power industry, Mr. Hobart serves as vice president and a member of the board of directors of the Consumer Federation of America, the largest consumer organization in the United States.

I was sorry to learn that Larry will be retiring from the American Public Power Association. I know I am joined by many other members of this body in expressing regret at his departure but great thanks for his many valuable contributions to the legislative process on behalf of public power.

I appreciate this chance to share with my colleagues a speech Hobart gave on a recent trip to the Northwest. His remarks demonstrate a comprehensive grasp of the complex energy and natural resource issues facing the Pacific Northwest that only decades of active involvement and much thoughtful consideration can provide. I ask that it be printed in the RECORD.

The speech follows:

UPDATE FROM YOUR CHANGING NATION'S CAPITOL

(By Larry Hobart)

A lot of things have changed for public power in the past few years. Let me tick off six of them of importance to the Pacific Northwest:

1. The Energy Policy Act of 1992 was passed by Congress. Now the Federal Energy Regulatory Commission can order any transmitting utility, including Bonneville Power Administration under certain circumstances, to provide transmission services for any entity—utility or non-utility—generating electricity for sale for resale inside or outside of the region. FERC decisions encourage network access, comparability in pricing, and creation of Regional Transmission Groups. A more competitive bulk power supply market has developed with bidding pitting utilities against independent power producers against IOU subsidiaries against federal power marketing agencies.

2. Because of federal requirements, the price of salmon protection rose to an annual rate of $500 million a year, and combined with the effects of drought and lost revenues due to releases to flush fish, shoved BPA rates up near or beyond the point of noncompetitiveness, and raised the question for some preference customers as to whether federal power is the best buy.

3. Federal court interpretations of the Endangered Species Act reinforced the rigid nature of that statute, and suggested that there is no way short of an amendment by Congress that will prevent the imposition of an open-ended expense on power users that could ultimately price BPA power right out of the market and leave taxpayers to swallow an $8 billion investment.

4. Provisions of the Pacific Northwest Electric Power Planning and Conservation Act passed by Congress and signed by President Carter 15 years ago began to look increasingly obsolete because regional planning has been eroded by individual utility purchases in a competitive bulk power supply market, environmental demands placed on the federal power system have escalated costs, demand-side management approaches are now focused more on cost-effectiveness and customer information, and renewable resources must meet the economic test of gas-fired generation.

5. Global competition for sales of goods and services in international markets caused industries and businesses to engage in continuing rounds of down-sizing and cost-cutting; electric bills—even for firms that are not considered energy-intensive—became important expense items, and for some utilities, the principle for structuring rates for big users became ''whatever it takes to keep the consumer.'' Retail competition became a reality across the nation. Failure to meet the challenge can now mean loss of industrial customers or even loss of the franchise.

6. And lastly, the Republicans took control of the U.S. Senate and House of Representatives. The Pacific Northwest has nine new U.S. Representatives. Tom Foley is gone as Speaker of the House, but seniority still gives your region important Republican representation. Mark Hatfield is chairman of the Senate Appropriations Committee, Bob Packwood heads the Senate Finance Committee, Frank Murkowski chairs the Senate Energy and Natural Resources Committee, Ted Stevens controls the Senate Rules and Administration Committee, and Don Young leads the House Natural Resources Committee.

Republicans attempted to ''nationalize'' issues in the campaign, running on a ''contract with America'' that stressed a balanced budget, tax cuts, and a build-up of national defenses. Meeting these goals will call for some form of new ''revenues,'' which currently includes sale of four federal power marketing agencies—the Alaska Power Administration, the Western Area Power Administration, the Southwestern Power Administration, and the Southeastern Power Administration.

This morning I want to talk to you about some questions I think you must consider in the face of these facts as you plan the future of public power in the Pacific Northwest.

How can we avoid flushing down the river North America's greatest renewable energy resource—the Bonneville Power Administration?

Who is responsible for saving the system?

What steps need to be taken now?

Why should we worry about it?

We face a different situation than we confronted last year. Last year, the problem was political and the answer was economic: BPA critics charged that historically low interest rates constitute a subsidy, and BPA supporters responded with a scheme to restructure repayment. This year, the problem is economic, and the answer is political: BPA rates have become noncompetitive, and turning around the situation requires congressional decisions to change the ground rules.

If BPA's rates are not competitive, consumer-owned electric systems in the Pacific Northwest will increasingly turn to other less expensive sources of wholesale power. As the bulk power supply market expands with open access transmission, the opportunities for ''shopping'' the market will become greater, intensifying interest in suppliers other than BPA. Loss of load will leave BPA with the same fixed costs but fewer customers to share the burden. Even higher rates could result, giving other systems a reason to depart. The dismal reading is a ''death spiral'' in which BPA collapses like the pull of gravity into a black hole.

BPA is taking the business steps that any such threatened institution is expected to initiate in similar circumstances. It has backed away from a number of deals where power costs loomed larger than market prices at the margin, including a unit at McNary Dam, a gas-fired generating plant to be built by an IPP, and purchase of power from the province of British Columbia. It is seeking to control and cut costs, it is reducing personnel, it is restructuring to streamline operations, it is scaling back transmission line construction and improvements, it is emphasizing customer relations, and it is promoting packages of power at prices it hopes will hold in place existing markets. But the job is a tough one. BPA must deal with a significant body of statutory law that dictates how it operates, including 42 pages of dense language contained in the Pacific Northwest Electric Power Planning and Conservation Act. BPA must follow federal personnel practices, and accept the dictates of policymakers in the Department of Energy, the Office of Management and Budget, and the White House. It has looked at restructuring itself as a federal corporation, but the Office of Management and Budget and some members of Congress simply see such a solution as the first step toward privatization. BPA is the target of plenty of advice within the region from the regional council appointed by four governors, the press, and interest groups of all kinds.

But right now, the overriding fact about BPA economics is its open-ended obligation to pay for salmon survival. While the expenditures posted or postulated have produced questionable results in terms of fish, the one sure thing is that they represent the marginal measure of BPA's economic trouble. If these costs are not capped and cut back, their continued escalation poses the federal equivalency of bankruptcy with the loss of a source of revenue to repay taxpayer investment, the elimination of monies that might be employed to preserve fish under a practical program, and the disappearance of the regional asset at a ''going out of business'' sale.

What's the answer? The answer is congressional legislation, either through amendment of the Endangered Species Act or a specific statute limiting BPA's financial responsibility to an amount that allows it to price power at levels that permit a competitive response to current conditions.

Is this a special subsidy for BPA? No way! What is happening is that federal fish figures, activist jurists, and environmental groups are force-feeding BPA with experimental programs and giving no consideration to the costs versus the benefits.

Let's get real about this matter. Saving salmon with the methodology now in place is going to result in no money for repayment or fish. Randy Hardy said it right in testimony before a congressional committee earlier this year. ''In today's competitive utility

marketplace, Bonneville must first succeed as a business if it is to serve its wide-ranging regional mission and meet its federal responsibilities,'' he said. ''Without revenues from the power side, it will be difficult, if not impossible, to continue to fund the region's fish, wildlife, conservation and renewables programs.''

If the situation were not serious, it might be viewed as silly. The Direct Service Industries reported recently that under the Endangered Species Act, at least 214 West Coast salmon subspecies are potential candidates for ESA listing, even though they were members of four healthy species of salmon. ''The listing of just three of those 214 subspecies has already created regional economic unrest and a greater than $500 million per year recovery price tag.'' The recently released National Marine Fisheries Service Snake River Salmon Recovery Plan suggests that doubling the 2,000 adult wild salmon now returning to the Snake to spawn could cost $300,000 a fish—assuming the plan works and that BPA can generate the money to finance the plan.

Where is the money to come from? If power users decline to pay higher prices to BPA than those charged by competitors, will fish interests cough up the cash? The navigators? The irrigators? The flood control beneficiaries? Federal taxpayers? In the current federal budgetary environment, is the U.S. Treasury likely to spawn money for salmon eggs? Not likely.

Power users cannot be forced to make electricity choices that are not in the interests of their consumers.

The Pacific Northwest Electric Power Planning and Conservation Act, enacted December 5, 1980, declares ''that Congress intends that this Act not be construed to limit or restrict the ability of customers to take actions in accordance with other applicable provisions of Federal or State law, including, but not limited to, actions to plan, develop, and operate resources and to achieve conservation, without regard to this Act.''

''Cost-effective'' is defined by the Act to mean handling of the needs ''of the consumers of the customers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative measure or resource, or any combination thereof.'' Put differently, if consumers of public power systems and rural electric cooperatives would benefit from less expensive purchases made elsewhere, that would be the ''cost-effective'' decision.

What is happening in the wholesale bulk power segment of the electric industry is that it is undergoing a fundamental transformation from a monopolistic segment of the economy, regulated on a cost-of-service basis, to an open access, competitively priced, commodity-oriented activity. Competition has created within regions a ''market clearing'' price—a charge that represents the lowest marginal rate within a marketing area. This can cause ''stranded investment''—that portion of the cost of a utility's facilities that is more expensive than the market price of electricity will support.

Who bears the cost if customers switch? Here are the four possibilities:

Write it down against utility shareholder equity

Charge to remaining customers through rates

Levy a ''wires charge'' by moving the investment to transmission

Create a ''competitive transition'' assessment

Some non-power interests are arguing that if consumer-owned electric utilities diminish their take from BPA, they must pay an ''exit fee'' to cover costs of WPPSS #2, renewable energy resources, conservation programs, and fish recovery plans. There is no requirement in law or contract that public power systems and rural electric cooperatives make payments of this type, and to do so would be detrimental to the interests of their consumers. To the extent that the charges equaled the differential between BPA prices and that of other suppliers, competition in the bulk power supply market would be diminished.

A ''wires charge'' is totally inequitable because it arbitrarily moves the cost of investment in generation—the principal element of ''stranded investment''—and renames it ''transmission.'' Furthermore, doing so is tantamount to creating a tying arrangement illegal under the antitrust laws.

Use of a ''competitive transition'' assessment punishes customers for a condition they did not create—the advent of a more competitive market driven by open access transmission, surplus capacity among utilities, and the development of gas turbine generation with short lead-times, high efficiencies, and low costs. The arrival of this competitive market is not a surprise—the trend has been evident for years—and where consumer-owned electric utilities choose to exercise their contractual options to switch or supplement a supplier to decrease consumer costs, they should not be penalized for doing so.

As APPA told FERC recently, the imposition of stranded cost payments—be they ''wires'' or transition'' fees—would have anticompetitive effects in the marketplace because they:

erect artificial restrictions on new entry for alternative suppliers and trades;

discriminatorily favor individual entrenched suppliers and their shareholders;

give that entrenched competitive a paid-off asset with which to punish rivals;

distort relative transmission prices if charges are placed there;

reduce electricity consumption to suboptimal levels and distort the investment of electricity-using industries into more labor-intensive technologies; and

slow the diffusion of new technology.

Exit fee proposals skirt the real issue. The real issue is maintaining a competitive price for BPA power.

''Exit fees'' are a solution advocated where monopolists wish to preserve the status quo by enforcing their will; BPA has no legal or economic power to implement this approach. Furthermore, it is completely contrary to the thrust of the National Energy Policy Act passed by Congress in 1992 and now being carried out by the Federal Energy Regulatory Commission. The likelihood that, at this juncture, Congress would decide to circumvent that law and write into statute a special deal for BPA is virtually nil.

There is no apparent authority for BPA to assess an ''exit fee.'' While BPA's rates are subject to ''confirmation and approval'' by FERC that they are sufficient to assure repayment of the Federal investment over a reasonable number of years and are based on total system costs, this authority is unlikely to mean that ''stranded investment'' can be encompassed. If the issue comes to a head at the Commission, it is perhaps more likely to result from application of the FERC's regulations dealing that transmission.

The Energy Policy Act of 1992 specifies that FERC has the authority to ''order the Administrator of the Bonneville Power Administration to provide transmission service and establish the terms and conditions of such service.'' While provisions of ''otherwise applicable Federal laws'' continue in full force and effect, FERC is charged with determining that ''no rate for transmission of power on the system shall be unjust, unreasonable, or unduly discriminatory or preferential.'' Administrative procedures for requesting transmission services from BPA are outlined in the law, and BPA cannot be required to provide transmission service ''if such order would impair the Administration's ability to provide such transmission services to the Administrator's power and transmission customers in the Pacific Northwest.''

BPA is defined under the National Energy Policy Act as a ''transmitting utility'' because it ''owns or operates electric power transmission facilities which are used for the sale of electricity at wholesale.''

It's important to understand what FERC is doing in the area of transmission.

The Commission has issued a major proposed rule on this issue.

Under the proposal, IOUs are required to file generic nondiscriminatory open access transmission tariffs that will assure ''comparability'' between use of transmission systems by the transmitting utility and third party transmission customers.

The tariffs would functionally ''unbundle'' wholesale transmission from wholesale bulk power sales.

Each utility must have a tariff for network service, and for firm point-to-point service, including the necessary ancillary services.

The tariffs would include a duty to expand transmission capacity where necessary, and reassignment rights for firm point-to-point service.

Firm service requests would have the same priority as new transmission service for the utility's native load.

Utilities must also make available to potential transmission users the same electronic network information they use for their own transmission activities.

All transmission tariffs will contain a reciprocity clause.

With respect to ''stranded investment,'' FERC postulates two situations:

1. Wholesale contracts executed after July 11, 1994, would be subject to recovery only if specifically provided for under contract.

2. For existing wholesale requirements customers, IOUs may seek recovery of stranded costs through transmission rates if (a) the contracts do not explicity address such recovery, and (b) the utility can show it had ''a reasonable expectation'' of continued service to the customer beyond expiration of the contract term. There is a rebuttal presumption that if contracts contain notice provisions, the utility had no reasonable expectation of continuing to serve the customer beyond the notice period.

The IOU must attempt to ''mitigate'' stranded investment, by absorbing, marketing or selling it, over a reasonable period of time, and the customer must be given advance notice of the maximum charge if no mitigation occurs.

FERC's proposal provides that utilities that are not private power companies but are ''transmitting utilities'' can file a request to recover stranded investment under sections of the Federal Power Act dealing with transmission. However, they would be required to make the same evidentiary demonstration that is required of private power companies seeking extra-contractual stranded investment cost recovery.

In April, Senator Mark Hatfield of Oregon held a hearing on BPA problems. I think some of the material presented by public power is significant. Here are some pertinent parts:

While debt of the Washington Public Power Supply System is controlled and is actually declining due to refinancing and other cost control measures, making it a predictable and certain future customer obligation, fish costs are uncontrolled and escalating. Since 1990, the annual fish cost (both capital and

revenue expenditures) have more than doubled and continue to increase each year.

Forty percent of BPA's fish and wildlife costs are for the direct cost of the program, while 60 percent of the cost of the program is attributable to the cost of power purchases to meet flow requirements and revenues foregone because of spill or altered hydro availability. Fish and wildlife costs are 19 percent of EPA's total costs.

Reducing the generating capability for the Columbia River Hydro System is not a stranded investment subject to an exit fee concept. It is a change of water use by the federal government which should be subject to a recalculation of the repayment obligation. Transmission under the 1992 changes in the Energy Policy Act is a common carrier which should not be subject to external costs not related to construction and operation of transmission services.

BPA's resource base is 12,000 MW of installed, renewable and low-cost hydro. The advantage of purchasing power long-term from BPA is that it gives a utility access to this federal hydroelectric system, which is insulated from changes in energy costs due to changes in fuel prices. Gas prices and the price of alternate suppliers will not stay low forever while BPA;s costs will decline as the Supply System debt is paid off. This is reason to believe that the BPA will continue to provide cost-effective electricity in the future. A long-term contract with BPA lessens the amount of decision-making on power supply that a utility needs to make. This creates a sense of ''one-stop shopping'' versus being an active participant in the market place. If BPA;s one environmental externality (fish and wildlife concerns) can be addressed in an economically sustainable fashion, this system looks very good for a very long time.

BPA's future is not the only issue before Congress of interest to public power in the Pacific Northwest. For instance, Senator Slade Gorton of Washington is circulating a discussion draft of legislation to remove the public power exemption from regulation of pole attachments by the Federal Communications Commission. If his proposal were enacted into law as part of the telecommunications legislation pending in the Senate, FCC staff in Washington would decide what you could charge for use of your facilities and rights-of-way.

As many of you know, earlier this month, the House of Representatives, by a vote of 309–100, approved an amendment to the Clean Water Act that affirms the Federal Energy Regulatory Commission's proper role as a final arbiter over hydro-project licensing cases where Section 401 conditions conflict with FERC's responsibilities under the Federal Power Act. The people who helped make that happen include Representative Randy Tate and Representative Norm Dicks of Washington and Representative Helen Chenoweth of Idaho. The focus now shifts to the Senate, where we again need to explain the need for a final decision-maker to resolve federal-state disputes.

But Bonneville is the big issue. I think the stakes are large and immediate. If the hemorrhaging of water and money cannot be stopped, the agency is not a viable institution. It is unlikely that federal taxpayers will subsidize the operation, and it is unreasonable to expect Northwest electricity consumers to pay more than the going price for power. If the worst happens, Congress is likely to endorse an asset sale of a failing business. That shouldn't happen, and it doesn't need to happen. But your involvement in preventing it from happening is the essential ingredient.

It is important to understand a change in relationships that has taken place in the Pacific Northwest in recent years.

A long-term paternalistic resource planning and acquisition role for BPA is no longer sustainable in an era where planning horizons have shortened to five years and there are literally scores of potential suppliers, some with offerings that cost only ½ of Bonneville's current rates.

Technology choices have changed. Gas-fired combustion turbines can be ordered and brought on-line in less than a year, supplying power with efficiencies of up to 60 percent and prices lower than new hydro.

The partnership of BPA and preference customers cannot be the same when federal power costs more than purchases from IOUs.

Consumer-owned utilities have made payments to BPA over five decades and have built up the significant equity in the system. They have a continuing interest in protecting and enhancing that investment, but like BPA, they must adjust to a world where competitive bidding has replaced sole source suppliers.

BPA will have a more limited role in providing load growth services to its customers. In the future, this will more likely be the province of utilities, acting alone or in concert to diversify supply and reduce risk.

You have your responsibility to your user-owners. BPA has its responsibility to taxpayers. But both of you benefit from working together. And that effort needs to take place now.●

THE 1995 ABERDEEN PHEASANTS

Mr. PRESSLER. Mr. President, when I was growing up, professional baseball flourished in South Dakota. I remember many games from the now-defunct Basin League. Those teams stimulated and nurtured my love of America's greatest pastime. Therefore, as a lifelong baseball fan, I am very pleased to announce that professional baseball has returned to Aberdeen, SD, after a 24-year hiatus.

Last Friday night, June 16, the Aberdeen Pheasants won their home opener at Fossum Field against Saskatchewan's Regina Cyclones, 7–3. Since opening their 71 game season on the road on June 9 against Manitoba's Brandon Greyowls, the Pheasants have played brilliantly, winning eight of their first nine games. They are tied for the lead in their division. I am confident the team's early success is an indication of great seasons and thrilling action in the months and years ahead.

The 1995 Aberdeen Pheasants are part of the newly formed Prairie League, an eight-team independent professional baseball league consisting of four American and four Canadian teams. The Pheasants' ownership committee has a distinct local flavor consisting of 20 Aberdeen residents. The committee's executive leadership consists of Jeff Sveen, Dr. Scott Barry, and Keith Kusler will work closely with Arthur Bright, the vice president of operations and Rich Bosma, the team's general manager. I congratulate them and the entire ownership committee for bringing baseball back to Aberdeen, and for their team's early success this year.

Mr. President, I also am proud, though not surprised, how the entire Aberdeen community has rallied behind the effort to return pro baseball to the area. The Pheasants are the talk of the town. Friday's home opener was very well attended. Knowing the enthusiasm for baseball in the area, I am sure fan support will remain strong throughout the season.

The 1995 Pheasants are the latest chapter in the long and proud history of Aberdeen professional baseball. The city had a class D baseball team in the 1920 South Dakota League and from 1921 to 1923 in the reorganized Dakota League. In 1946, the Aberdeen Pheasants joined the old Northern League as a farm team for the Baltimore Orioles and remained in the Northern League until the entire league collapsed after the 1971 season.

During this 25-year period, as many as 40 Pheasant players went on to play in the Major Leagues. Among the notable Pheasant alumni were Hall of Fame pitcher Jim Palmer; Don Larson, who pitched a perfect game in the 1956 World Series; 1958 Cy Young winner Bob Turley and New York Yankee all-star player Lou Piniella. In addition, Cal Ripken, Sr., managed the Pheasants prior to assuming the same duties for the Baltimore Orioles. I am confident present Pheasants manager Bob Flori, assistant Coach Joe Calfapietra, and their crew of young, talented players will carry on the great traditions established by these players. Mr. President, I ask unanimous consent to place in the RECORD the team roster of the 1995 Aberdeen Pheasants at the conclusion of my remarks.

Mr. President, on behalf of the people of South Dakota, I want to welcome back the Pheasants to Aberdeen and wish them the best of luck in their inaugural season. Gentlemen, play ball!

TRIBUTE TO HELEN COLE

● Mr. ROCKEFELLER. Mr. President, I wish to recognize an outstanding woman whose hard work and dedication have touched the lives of many individuals. Indeed, it is rare to discover a character so willing to offer one's talents solely to serve and improve the lives of others.

Thus, I would like to take this time to express appreciation for an extraordinary citizen of Nicholas County, Summersville, WV, Helen Cole. Recently, Helen was honored at the Muddlety-Glade Creek Ruritan Club where she received numerous awards, including the prestigious Clara Barton Award, which is known to be the highest award given to volunteer workers. Currently, Helen is employed by Love, Inc., where she helps counsel financial management.

Helen, born in Ansted, WV, located in Fayette County, has been a lifelong resident of West Virginia. Helen has received a bachelor of science degree in home economics as well as a master's degree in extension education. In time, she became employed by WVU and USDA extension agents in Nicholas

County, where she taught home economics in the field and in the home. In addition, Helen conducted radio educational programs in Nicholas and Fayette Counties and performed ''Friends and Neighbors,'' an educational television program. Furthermore, Helen assisted as eastern regional director for the National Home Demonstration Agents Association [HDAA], and also served as State president of the West Virginia chapter of HDAA.

However, Helen's true colors are revealed through her in-depth involvement with the Nicholas County chapter of the American Red Cross. In the past, Helen has been a Red Cross volunteer for many years and has primarily been responsible for locating volunteers to manage crucial programs, such as blood services, first aid and CPR educational programs, service to military families, and disaster relief assistance. From 1976 to 1981, Helen served as the volunteer executive secretary of the American Red Cross. In December 1980, Helen retired after 34 years of teaching home economics to extension homemakers and soon after accepted the dual positions of full-time chapter managers and treasurer.

Although Helen recently retired in December 1994 from her office of chapter manager of the American Red Cross in Summersville, she still remains involved in various volunteer activities in addition to her employment by Love, Inc. For example, Helen continues to volunteer at the Nicholas County chapter of the American Red Cross, where she holds the position of executive secretary and is a member of the board of directors. Also, she occasionally still teaches classes through programs under the WVU extension service concerning lesson leader training. Helen, since 1981, has volunteered with the Food Pantry of the Summersville Ministerial Association, where she organizes food supplies for the pantry. Furthermore, Helen reviews applications for emergency assistance at the Federal Emergency Management Agency program in Summersville. Also, since 1942, Helen has been a Sunday school teacher and continues to teach an adult women's class at Memorial United Methodist Church in addition to a weekly Bible study class.

Helen Cole's accomplishments deserve notice and praise. Her enthusiasm and concern for humankind provide a model we should all strive to follow.●

TEMPORARY STORAGE OF CIVILIAN SPENT NUCLEAR FUEL AT THE HANFORD RESERVATION IN WASHINGTON STATE

● Mr. GORTON. Mr. President, I wish to discuss a serious and important issue facing the Nation: Our growing supply of civilian spent nuclear fuel that has no home. My friend from Alaska, Senator MURKOWSKI, submitted a statement for the RECORD before the Senate adjourned for the Memorial Day recess. In it, he discussed a number of policy options to be employed for interim storage. Hanford, WA, and Savannah River, SC were two sites he mentioned as possible interim storage facilities for civilian spent nuclear fuel.

Located in the southeastern part of Washington State, the Hanford Reservation is home to over 80 percent of the Nation's spent plutonium fuel—2,132 metric tons by Senator MURKOWSKI's count. The most potent of that waste sits hundreds of yards from the Columbia River in 50-year-old concrete pools. These pools are not sophisticated and certainly not designed to store some of the deadliest materials produced by man.

Hanford faces a particularly difficult situation. This year the site has incurred serious criticism for the waste and inefficiencies that have become associated with Hanford cleanup. Much of this criticism is well deserved. Some, however, is off-base and ignorant of the monumental task at hand. Hanford has a mission—it is to follow through on the noble and worthy effort this Government undertook to win World War II. The site must be cleaned—that is the task at hand.

Adding more waste to Hanford, as I have said before, makes little sense. As the chairman of the Energy Committee, Senator MURKOWSKI has joined the ranking member, Senator JOHNSTON in introducing a bill that, I fear, would impede ongoing cleanup efforts at the site. So it is puzzling, when my friend suggests Hanford can barely tie its own shoes, but in the next breath, he says the site should be burdened with massive amounts of additional waste. There is a disconnect. I believe Hanford's mission is to focus on cleanup. So let me be clear: Shipping spent civilian nuclear fuel to Hanford sets a dangerous, and perhaps irrevocable, precedent. And unfortunately, despite Senator MURKOWSKI's assurances to the contrary, when dealing with waste that has a half-life of thousands of years, ''interim'' takes on an entirely new meaning.

Senator MURKOWSKI, fortunately, understands there is considerable room for debate on this issue. He is absolutely right to point out the problems the country faces in light of the impending spent fuel storage crisis. I also sympathize with the Senator from Alaska's frustration at both DOE and the President's lack of progress at Yucca Mountain. As he correctly notes, over $4.2 billion has been spent on the Yucca Mountain project to date—with nothing to show for the effort.

Rather than abandon this program altogether—which the House essentially does in its budget resolution this year—does it not make more sense to push through and finish a project that has absorbed significant time and money? Quite clearly, the United States must build a long-term storage facility for its high-level nuclear waste. Yucca Mountain, by most indications, is the logical choice.

As the Senator from Alaska emphasized in his statement, both an interim storage site and transportation system at Yucca Mountain must be developed. If it is the intention of the Federal Government to send waste to Yucca Mountain eventually, why not send the spent fuel there temporarily, until the permanent depository is ready? It is remote, arid, and has had a mission of testing nuclear devices for over 40 years. And perhaps most important, by placing a temporary facility at Yucca Mountain, transporting this deadly material across the Nation is limited to one voyage.

My intent today is not to solve the interim storage problems that the Nation faces with its growing stockpile of spent civilian nuclear fuel. I do, however, want to point out an inconsistency this Congress is contemplating: Cleaning Hanford while simultaneously adding more waste begs common sense. And I urge my colleagues to keep this in mind in their deliberations.●

THE FOSTER NOMINATION

● Mrs. BOXER. Mr. President, I rise today to renew my call for the majority leader to schedule a vote on the nomination of Dr. Foster to be Surgeon General of the United States. The Senate has had ample time to review Dr. Foster's record since his nomination was sent to us in February—over 3 months ago. It is time to take the next step and vote. We should not keep Dr. Foster or our Nation waiting.

America needs a strong and experienced voice on public health issues. Historically, the Surgeon General has always played that role. In the 1930's the Surgeon General launched a campaign to educate the public on the dangers of venereal disease. In the 1960's the challenge facing the Surgeon General was smoking; in the 1980's it was AIDS; today, the challenge is teen pregnancy, tuberculosis, and disease prevention.

I am confident that Dr. Foster has what it takes to make his mark in history and to lead us in working on the many public health issues that we face. So do many of my colleagues in this Chamber. Let's remember that Dr. Foster's nomination was favorably reported out by the Senate Labor and Human Resources Committee on a 9–7 vote.

There should be no delays and no more evasion of responsibility. It is time for the full Senate to vote on Dr. Foster's nomination for the position of Surgeon General.●

THE INDEPENDENT COUNSEL ACT

● Mr. SIMON. Mr. President, no politician likes to admit that he made a mistake in voting for any bill. But, in life and politics, it is usually better to be right than to be consistent.

I voted for the Independent Counsel Act when it was enacted in 1978. And I voted for it again—although with increasing trepediation—when it was reauthorized in subsequent years. But, as many have said, experience is the best instructor. And experience has demonstrated to my eyes that the Independent Counsel Act is worse than the disease it was meant to cure. I have come to the conclusion that it is time for the Senate to reconsider—and perhaps even eliminate—the office of the independent counsel.

To be sure, the act was born of good intentions. It was designed to counter the conflict of interest—or at least the appearance of a conflict—that existed whenever a Federal prosecutor pursued one of the President's own officials. It was meant, in short, to ensure that such investigations would be carried out solely with the public's interest in mind.

Nonetheless, as Prof. Gerald Lynch of Columbia University argued in the Washington Post, the act has not put to rest the charges of bias in politically tinged cases. Instead, what has become painfully clear is that virtually any suit against a major political player will involve charges of favoritism and partisanship, whether or not an independent counsels is appointed.

Even worse, says Professor Lynch, the act has encouraged overzealous prosecutions: ''Ordinarily, a prosecutor must ask whether it is fair to treat this case as a felony compared to others where the defendant was not politically prominent. The special prosecutor has no such concerns.'' Three distinguished Attorneys General—Edward Levi, Griffin Bell, and William French Smith—have made similar criticism, noting how the act ''exacerbates all of the occupational hazards of a dedicated prosecutor: the danger of too narrow a focus, the loss of perspective of preoccupation with the pursuit of one alleged suspect.''

In short, 20 years of experience have demonstrated that the cost of maintaining the Independent Counsel Act far outweighs its benefits. It has aggravated, rather then calmed, the prevailing anti-Government mood that prevails in this Nation. As Gerald Lynch concludes, ''instead of purifying our governing institutions, special prosecutors play into a pathology that thrives on an appetite for scandal and a distrust of our system of government.'' And that is perhaps the strongest reason of all to reconsider the wisdom and efficacy of the act in its current form.

I ask that the article by Prof. Gerald Lynch be printed in the RECORD.

The article follows:

SPECIAL PROSECUTORS: WHAT'S THE POINT?

(By Gerard E. Lynch and Philip K. Howard)

Just about everybody in the country was focused on terrorism in Oklahoma, but the president of the United States had other pressing business: He was being questioned by independent counsel Kenneth Starr about Whitewater.

Nothing unusual there. In fact, there has hardly been a time, since passage of the Ethics in Government Act in 1978, when a special prosecutor and his target have not been in the news. Justifying the smallest details of a past transaction or decision has become part of the job description for high executive office, always with the suggestion of public scandal and personal ruin.

The progress of the manhunt is chronicled in the daily headlines (''Investigation Moves One Step Closer to the President''), but the titillating prospect of bringing down important leaders is not a healthly sign. Instead of purifying our governing institutions, special prosecutors play into a pathology that thrives on an appetite for scandal and a distrust of our system of government.

The stakes were small in early independent counsel investigations. Who cared whether Hamilton Jordan used cocaine at Studio 54? But the Reagan-Bush administration provided an investigative feast: Did Michael Deaver, Lyn Nofziger or Ed Meese violate conflict-of-interest rules? Did Samuel Pierce preside over a corrupt housing department? Did Iran-contra extend past North, Poindexter and McFarlane to the secretary of defense, perhaps even to Reagan and Bush?

Cries for new independent investigations have dogged the Clinton administration practically every month. This month it's the secretary of commerce who gets his own special prosecutor. And why not Ira Magaziner—who knows whether he told the whole truth? Future occupants of the White House can expect the same.

As for actual law enforcement, however, it has been slim pickings. Does anyone remember Thomas Clines, the only Iran-contra figure who went to jail? Deaver pleaded to minor charges, and Nofziger's conviction was reversed. Meanwhile, a lot of apparently innocent people have been investigated intensively for a long time. The anemic results are obscured by all the noise and speculation around new investigations, which consume staggering amounts of taxpayer funds (about $10 million so far with Whitewater) and whose primary effect is to divert our leaders from the task of governing.

What, we might reasonably ask, is the point?

Good government orthodoxy has it that ''special'' prosecutors are needed because the regular Justice Department prosecutors, reporting to a politically appointed attorney general, can't be relied on to prosecute the president's cronies. Special prosecutors supposedly ensure impartiality.

These premises, plausible enough on the surface, happen to be backward. Deciding to prosecute is not a simple matter of finding that a law has been violated. It is a far more subtle decision, made against the reliable backdrop of hundreds of other cases. Judgment and discretion are at the heart of a prosecutor's job. In a world in which regulations are piled so high that many well-meaning people trip over them, prosecutors must decide every day whether a particular violation is merely technical or is one that requires the awesome step of criminal prosecution. Decisions to prosecute are inextricably bound up in priorities—prosecutors regularly allocate scarce resources to violent and drug crimes at the expense of nonviolent white-collar cases—and necessarily draw on society's norms and values.

The premise that professional prosecutors will tend to favor the politically powerful is also wrong. Ordinary assistant U.S. attorneys in Maryland brought down Spiro Agnew. Regular Justice Department employees in New York indicated John Mitchell and Maurice Stans. It was one of Rudy Giuliani's assistants, not an ''independent'' prosecutor, who called sitting Attorney General Ed Meese, his own boss, a ''sleaze'' in a prosecution of one of Meese's closest friends.

The real pressures distorting prosecutors' judgment are the opposite of what reporters and good government editorialists perceive. High officials are the most tempting targets for young prosecutors. Fame and glory (and ultimately a lucrative private law practice) come from handling cases in the headlines.

But what of the ''appearance'' of partiality? Surely a nonpartisan figure of great repute ensures, if nothing else, that the investigation will be ''above politics.'' Two words refute this claim: Lawrence Walsh. The Iran-contra investigation proved the impossibility of taking a politically sensitive case ''above politics.'' Here we had a special prosecutor of the president's own party, with a long history of moderation and professionalism, a respected and independent figure with a lifetime of achievement in law practice and public service. Surely, his conclusions would be respected by all.

Hardly. When Judge Walsh began to conclude the president's men were crooks, he was vilified by the president's allies (spearheaded by the Wall Street Journal) as politically motivated and biased. Judge Walsh was predictably defended as impartial by Democrats, but he was no more able to escape imputations of bias than regular prosecutors would have been. Indeed, Judge Walsh became a political symbol.

The Whitewater case provides an even more extreme example of the elusive search for nonpartisan appearances. The original special prosecutor, Bob Fiske, another establishment lawyer with Republican credentials and a reputation for unimpeachable integrity, drew criticism from Republicans when he did not seem impressed with the case against Clinton. Fiske was then replaced on the impeccable logic of taint-by-association: He was not quite ''special'' enough because he had been appointed by Clinton's attorney general. The New York Times, formerly a vigorous proponent of that pristine logic, promptly noted the right-wing Republican connections of the judge heading the panel that dumped Fiske, and attacked his replacement, Ken Starr—another lawyer of high standing and great integrity—as a Republican hack.

The lesson is clear: Partisan arguments intrude into all decisions involving the political arena. The intense spotlight of the special prosecutor does not illuminate so much as blind.

In the ordinary case, the U.S. attorney has to ask himself: Is it fair to treat this case as a felony, as compared to how we treated other, similar cases where the defendant was not politically prominent? The special prosecutor has no such concerns. He has only one investigation to pursue, and the unnatural intensity inevitably skews the decision. The smallest infraction can take on a life of its own.

In the words of three distinguished former attorneys general—Edward H. Levi, Griffin B. Bell and William French Smith—the independent counsel only exacerbates ''all the occupational hazards of a dedicated prosecutor: the danger of too narrow a focus, of the loss of perspective, of preoccupation with the pursuit of one alleged suspect.''

There may be disputes of constitutional dimesion—Watergate, perhaps—where the benefits of special counsel are worth the accompanying diversion and disequilibrium. But in practically all other cases, the discretion and balance found in our ordinary law enforcement system is far superior. And if the people believe that a president or an attorney general has distorted that system to favor his friends, retribution at the hands of political enemies and media interests is never far off.●

AUTHORIZING REPRESENTATION BY SENATE LEGAL COUNSEL

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 136 submitted earlier today by myself and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 136) to authorize representation by Senate legal counsel.

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. DOLE. Mr. President, in the case of United States ex rel. Sequoia Orange Co. versus Sunland Packing House Co., and consolidated cases, pending in the U.S. District Court for the Eastern District of California, the private relator is opposing a motion filed by the Department of Justice to dismiss these cases. The court has scheduled a hearing on the Government's motion for this week. On Friday afternoon of last week, the relator caused a subpoena to be delivered to the office of Senator DIANNE FEINSTEIN seeking to compel her to appear to testify at the hearing on Wednesday, June 21, 1995, in Fresno, CA.

The Senate's standing rules require all Senators to attend the Senate's sessions unless granted leave to be absent by the Senate. This resolution would authorize the Senate Legal Counsel to seek to quash the subpoena to protect Senator FEINSTEIN's right to attend the Senate's sessions.

Mr. President, I ask unanimous consent that resolution be considered and agreed to, the preamble be agreed to and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

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

The resolution (S. Res. 136) was agreed to.

The preamble was agreed to.

So the resolution, with its preamble, is as follows:

S. RES. 136

Whereas, in the case of *United States ex rel. Sequoia Orange Company* v. *Sunland Packing House Company*, Case No. CV–F–88–566 OWWW/DLB, and consolidated cases, pending in the United States District Court for the Eastern District of California, a subpoena for testimony at a hearing has been issued to Senator Dianne Feinstein;

Whereas, by Rule VI of the Standing Rules of the Senate, no Senator shall absent himself or herself from the service of the Senate without leave;

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, 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) (1994), the Senate may direct its counsel to represent committees, Members, officers, and employees of the Senate with respect to subpoenas or orders issued to them in their official capacity: Now, therefore, be it

Resolved That the Senate Legal Counsel is directed to represent Senator Feinstein in connection with the subpoena issued to her in these cases.

ORDERS FOR TOMORROW

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on Tuesday, June 20, 1995, that following the prayer the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and that the Senate then immediately resume consideration of S. 440, the National Highway System bill; further, at the hour of 9:30 Senator REID be recognized to offer an amendment regarding truck speed limits.

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

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess between the hours of 12:30 and 2:15 for the weekly policy luncheons to meet.

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

PROGRAM

Mr. DOLE. Mr. President, I will just say for the information of my colleagues that the Senate will resume consideration of the highway bill tomorrow at 9:30. Senator REID will be recognized to offer an amendment.

There could be rollcall votes possible before the 12:30 recess, and they are anticipated throughout the day.

I am advised by the managers that we did not make a great deal of progress today, which indicates that when people tell you on Friday they are going to do something on Monday and then you announce no votes on that Monday, nothing happens around here. So I will not make that mistake again.

But in any event, there are a number of amendments that will be taken and other amendments as I understand will be debated. But the managers seem fairly confident that they might be able to finish the bill tomorrow evening. If that happens, and if in fact we have an agreement that is helpful—I appreciate the staff putting that together. I know there are a lot of amendments listed, but I doubt that many of those amendments will be called up.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order following the brief remarks that I will make and the remarks of Senator BOND, who is on his way to the floor.

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

THE NOMINATION OF DR. HENRY FOSTER

Mr. DOLE. Mr. President, earlier today I met with Dr. Henry Foster. At our meeting we discussed a number of subjects, including the infamous Tuskegee syphilis study, the inconsistent statements from the White House and from Dr. Foster himself concerning the number of abortions Dr. Foster has performed, and Dr. Foster's role in sterilizing several mentally retarded women during the early 1970's.

I would just say that we had a very frank discussion. The discussion lasted 30 to 40 minutes.

I indicated earlier I felt, as the majority leader, that Dr. Foster certainly is entitled to an opportunity to speak to me. We went over probably 15, 20, 25 different questions. He answered each of the questions. Some had been answered during his nomination consideration before the Labor Committee.

I told Dr. Foster we were trying to work out some procedure on the Senate floor so that we could have two votes: one on cloture; if cloture was not invoked after two votes, that the nomination would go back on the calendar; and, if cloture were invoked, then, of course, we would have the debate. We have not reached an agreement, but I hope to visit tomorrow morning with the distinguished Democratic leader, Senator DASCHLE.

But I would say that our phones are ringing off the wall. Just because you meet with someone—some people do not even want you to meet with nominees because they have different views than the nominee. My view is that they are entitled to that regardless of whether I agree or disagree.

I do not support Dr. Foster's nomination, but my view is that he is entitled to that courtesy. And we had a good meeting as far as covering different points that I wanted to cover, and he had an opportunity to make his own statements.

So, hopefully, tomorrow we can announce a process that will lead us to consideration—at least the first step in the process, whether or not cloture will be invoked, and, second, if it is, what will follow.

It will be my intention to try to make that announcement sometime tomorrow.

I see the Senator from Missouri is here [Senator BOND]. At the end of his remarks, the Senate will stand in recess, and the Senator from Missouri is the man of the hour.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I ask unanimous consent that I may be permitted to proceed as if in morning business.

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

Mr. BOND. Mr. President, I express my sincere thanks to the majority leader.

DEPARTMENT OF INTERNATIONAL TRADE

Mr. BOND. Mr. President, I have been very troubled during the past few months by the debate over the proposal to eliminate the Department of Commerce. Much of the debate has focused on the need to eliminate the so-called corporate welfare programs of the International Trade Administration and the Bureau of Export Administration. I would like to address these proposed cuts today.

Congress is embarked on a long overdue effort to make real cuts in Government programs and move toward balancing the budget by 2002. This effort deserves strong support from every member of this body, because eliminating the budget deficit is the primary responsibility facing Members of Congress today. The debt is a burden on the backs of the American people, on the future of our children, and on the competitiveness of U.S. companies trying to win in today's competitive world marketplace. That is why I voted for the budget in committee and again on the Senate floor, and that is why I support it strongly.

Certainly, the Commerce Department—like most of the Federal Government—can stand some significant trimming, and I applaud efforts to weed out outdated and inefficient programs at Commerce as well as at other departments. I believe, however, the attacks on these two trade agencies are misguided and misinformed.

As we enter the 21st century, it is clear the future of our Nation's economy depends on the international marketplace. If we are to remain the world's leading economy, then we will have to dominate the international market as well as our own. The competition will be intense, and companies from other nations will come to the field equipped with a wide array of tools provided by their nation's governments—from concessional financing, to market research, to high-level sales help from senior government officials. If our companies are going to remain competitive, they must have at least some access to the same tools. The International Trade Administration is the agency that helps to provide that edge.

At the same time, it is just as critical that we ensure other countries are trading fairly and playing by the rules. That is the job of the U.S. Trade Representative. However, all of the trade negotiators at USTR operate with significant support from the Commerce Department. The loss of that support would have a crippling impact on our ability to ensure our interests. BXA, the Bureau of Export Administration, and ITA, the International Trade Administration, are the engine that drive the rest of the Federal Government's trade agencies. Without them, the other agencies will cease to function properly, and effectively to help our businesses gain jobs and the revenues that they need from the world market.

For that reason, when the Senate considers legislation to abolish the Department of Commerce, I will offer an amendment to create a new, but very small Department of International Trade which will consist solely of the current Commerce Department trade agencies—the Bureau of Export Administration and the International Trade Administration.

There are a wide range of reasons for retaining the trade functions in a Department of International Trade. I would like to take a few moments to discuss the most important ones:

First, Senators need to understand that the International Trade Administration is responsible for supporting the activities of the Office of the U.S. Trade Representative with sectoral and technical expertise. The proposals to eliminate the Commerce Department appear not to recognize this fact.

Everyone seems to agree that USTR is a successful agency which performs a critical function, and which must be retained. But too few seem to realize that USTR is made up of a mere 170 people. They could not possibly handle all of our trade negotiations without significant support from other agencies, particularly the International Trade Administration.

When we are negotiating an auto parts deal with Japan, for example, there will be a USTR official sitting at the bargaining table leading the team. Behind that person, however, are almost certain to be experts from the Office of Automotive Affairs and the Office of Japan Trade Policy. The proposals to abolish the Commerce Department would eliminate both of these offices, which would leave the USTR negotiator unsupported, and unable to counter the Japanese negotiator on the other side of the table. We would have our head handed to us in these negotiations, and every other international trade negotiation we undertook. The result would be a loss of U.S. jobs as our ability to negotiate fair trade agreements is eroded.

The important role that ITA plays in trade negotiations is illustrated by looking at the NAFTA talks on which ITA experts spent more than 50,000 hours in the last year of the negotiations alone.

It should also be noted that ITA plays the lead role in a wide range of trade talks. For example, ITA led the negotiations that opened Japan's construction and government procurement markets to United States firms. ITA experts developed the negotiating positions for all U.S.–E.U. standards barrier talks since 1990.

It is also important to note that the International Trade Administration is the Federal agency with primary responsibility for monitoring bilateral and multilateral trade agreements. Elimination of the network of ITA specialists would severely hamper our ability to monitor trade agreements and ensure that other countries are playing by the rules.

Second, the proposals to eliminate the Commerce Department would effectively remove the Federal Government from providing export promotion and assistance for nonagricultural exports.

Now I realize there are many of my colleagues who would applaud that development, but I would like to take just a moment to review the impact it would have on American companies.

The economic battleground has moved solidly to the international marketplace. Our future economic growth depends, in large part, on American firms winning their share of the new markets developing in places like Indonesia, India, Brazil, and China. These countries have huge populations which are hungry for development. The infrastructure needs is these nations are staggering. Investment in roads, bridges, telecommunications systems, power generation, and other infrastructure projects is estimated to be $1 trillion over the next 5 years in Asia alone. The competition for these projects will be intense. Companies from Germany, Japan, Canada, and other nations will aggressively seek to win them; and they will go after them with strong tools provided by their governments. These tools will include not only concessional financing, but also market research, industry expertise, and the high-level marketing help of senior government officials. Already our companies go into this battle with fewer resources available from the government than their foreign competitors. If we send them in unarmed, they will simply get stomped.

We must also recognize that the markets in these countries are not like ours. Almost all of these infrastructure contracts will be awarded by governments, not by private firms. The officials responsible for making the buying decisions are used to dealing with other Government officials, rather than with businessmen. U.S. Government support is needed to support the business effort so that they can win in these markets.

I know of many examples from my personal experience in which ITA personnel played a key role in helping to clinch huge exports for companies in my State. In one, Black & Veatch, a Kansas City construction firm teamed with General Electric, won a $250 million power generation project in Malaysia last year with the active support of the Foreign Commercial Service officer in Kuala Lumpur, who spent 3 years on the project. The result was a win for the United States against a Japanese firm offering concessional government financing. The project has the potential to bring in a total of $1 billion in business if the American companies win the follow-on work. They would never have had a chance of winning without the active, on-the-

ground support of the U.S. Government.

Commerce assistance is just even more important for small firms. Earlier this year, I received a letter from one businessmen in St. Louis who summed up the important role the US&FCS plays in supporting exports by small companies.

I might add here, Mr. President, we all know the major exporting companies, large companies in America are very competitive in the world market. They need help to stay on an equal footing with Export-Import Bank assistance and other financing, but when it comes to getting into the world market our medium- and small-sized businesses do not have the resources to mount an effective campaign for a small business. This letter reads as follows, and I quote:

Four years ago, acting as vice president of a 65-year-old small business in St. Louis, Mo., I watched in horror as more and more of our independently owned retail customer base began closing. I then observed the exit of our largest single account, which accounted for 10% of our total company sales. After studying the competitive nature of U.S. business, I decided to investigate foreign markets as a possible answer to our declining sales problems.

I did not know one single thing about international trade, I did not know where to look for possible customers, how to find them or how to communicate with them if, indeed, one was to be found. To a first-time potential exporter, the world looked like a very big place indeed, and I thought I had no way of knowing how to access it.

One single seminar sponsored by the Department of Commerce, a two-hour lecture on international shipping, started my company once again on the road to financial stability. For during that two-hour meeting, and during the subsequent small talk that followed, I was introduced to the world through the eyes of the United States and Foreign Commercial Service and the U.S. Department of Commerce.

Within only one year's time, our company exports climbed to $110,000. With continued tutelage from various members of the US&FCS, the second year of exporting yielded $263,000. Year three saw our sales climb to $473,000. Year four saw $576,000 in international sales alone.

Mr. President, those are significant amounts for a small company. They are very significant for any community. They are vitally important for the workers who make the products that are sold in the world market. If we multiply it across the tens of thousands of small firms that could be exporting, you would see the enormous impact on our trade deficit and our overall economic well-being that these functions of the Department of Commerce serve.

It is for that reason, Mr. President, I believe, when we take a look at weeding out the chaff and cutting out unnecessary activities, we must be well advised to keep those things which are working, to keep those things which are vitally important for ensuring the continued competitiveness of small- and medium-sized firms in the world market. If we do not help these firms, they will wither and die.

We must recognize, however, that small companies like this one are not going to export without help. They do not have the people, they do not have the time, and they do not have the resources to devote to entering the often-difficult international marketplace. If we take away their access to Commerce Department assistance, they are not going to go out and hire private lawyers and accountants—instead, they are going to forgo exporting, and cede valuable markets to foreign firms.

Third, the proposals to eliminate the Commerce Department would destroy the Import Administration. The Import Administration is the Agency responsible for enforcing and administering the laws against dumped and subsidized exports of other countries. Actions initiated by the Import Administration have played a key role in the revitalization of several U.S. industries.

The proposal that has been introduced in the House to abolish the Commerce Department would transfer the functions of the Import Administration to USTR which is not a proper agency to be making such determinations, and which will not have the manpower to handle the job.

A fourth problem with the plans that have been put forward is that they would transfer the responsibility for licensing dual use exports from the Bureau of Export Administration, to either the State Department or Defense Department.

Under the current system of export controls, the Commerce Department is responsible for licensing dual-use exports such as machine tools, computers, and telecommunications. The State Department has the responsibility for licensing weapons sold overseas. Over the past several years, as Congress has considered proposals to rewrite the export control system, a primary goal of exporters has been to ensure that as many exports as possible fall under the jurisdiction of the Commerce Department rather than the State Department. There are several reasons for this move. State is seen as not being friendly to exporters. It is seen as something of a black hole where export license applications can disappear until sales are lost to foreign firms by default.

Further, exporting is not the primary concern of the State Department. Instead, the Agency is focused on foreign policy concerns. It is easy to imagine a scenario in which an export application might be denied due to foreign policy interests rather than commercial interests.

Finally, State is in the process of taking cuts in its primary programs. As that happens, there is almost certainly not going to be an adequate number of people assigned to noncore functions such as export licensing. The result will be a further loss of jobs for American firms.

The alternate proposal to move the licensing function to the Defense Department is similarly problematic. DOD has responsibility for national security, not exporting. They do not have there expertise to deal with dual-use commercial items such as machine tools, computers, and telecommunications items. The result is certain to be that they will err on the side of caution and deny all licenses—or at least a majority of them.

Fifth, the proposal would transfer the responsibility for enforcing export controls from Commerce to the Customs Service. Now I am a strong supporter of the Customs Service. I think they are doing a fine job with the limited resources we give them. I have visited several of their facilities, I have watched them in action at the border. We can be proud of the job they are doing, particularly in keeping illegal drugs out of our country.

I am concerned, however, that the proposal to split enforcement from export licensing and transfer it to Customs will weaken our effort to control the spread of weapons of mass destruction. No matter how good a job Customs does, and they have done some good work in this area, they will still not be focused on it as their primary function, as the agents in Commerce are currently. Also, I fear that export enforcement will take back seat to the more visible activity of combating the spread of illegal drugs.

I should like to turn for a moment to the proposal to transfer several of these functions to USTR. I simply do not think that will work.

USTR is part of the Executive Office of the President. For 2 years now, we have told the President that he must cut the White House staff back significantly. Now some are coming forward with a proposal that would reverse any progress that has been made, by transferring hundreds of new employees to the White House. That does not make a whole lot of sense.

Just as important, USTR is not an appropriate home for these agencies or functions. USTR is a policy agency designed to advise the President and play the role of honest broker between other trade agencies. Transferring the functions of the Import Administration, the Foreign Commercial Service, and other agencies to USTR will make it a line agency with significantly broader responsibilities than it currently has. I question whether that is a step we want to be taking. I, for one, do not think so.

And there are other problems that are sure to arise. I am sure agricultural interests will be concerned that this proposal will put some of Commerce's manufacturing and services trade specialists into USTR. Since we would not be doing the same for the commodity specialists in the Department of Agriculture, they are certain to see this move as tipping the balance of interest in the White House away from agriculture interests.

As I stated earlier, if we are in fact going to eliminate the Commerce Department, I believe the solution to this

problem is to create a very small, but very effective Department of International Trade made up solely of the existing functions of the International Trade Administration and the Bureau of Export Administration, and represented in the Cabinet. Creation of this agency will allow us to continue to remain effective in the international arena without spending more money than we are now. It keeps BXA and ITA together, thereby preserving the synergy that comes from keeping trade in one agency; and it allows exporters to continue to have a place at the cabinet table.

This new Department of International Trade would not be the bureaucratic monster that today's Commerce Department has become. It would have a budget of less than $400 million—not even one-tenth of the current Commerce Department budget.

My plan would not consolidate other existing trade agencies. It would leave USTR, the Export-Import Bank, OPIC, and TDA as independent agencies. Senators may ask why I do not consolidate them into this new agency, and my answer is very simple, they work, and I have long subscribed to the old adage, if it ain't broke, don't fix it. They are small agencies, performing critical functions, and we ought to leave them alone to continue that fine work.

As I have said already, trade is the key to our economy's future. If we toss in the towel right now, we can give up on the hope of remaining the world's most important economy. We simply will not be able to do so. I am not willing to toss in the towel, and I bet a majority of Senators agree with me.

In closing, I would note that a number of wild charges have been tossed around by those opposed to the so-called corporate welfare programs of export promotion and finance. I would like to focus on just one of those wild charges.

The report accompanying the House budget resolution references a CBO report which states:

[a]ll increases in exports * * * resulting from ITA's * * * activities are completely offset by some mix of reduced exports of other industries and increased imports.

Now, Mr. President, I do not know which rocket scientist at CBO came up with than analysis, but it is one of the most ludicrous assertions I have come across in my time here in Washington—and trust me I have heard some good ones.

When the people at ITA work to see that a foreign airline buys Boeing 747's or McDonnell Douglas MD–11's rather than Airbus aircraft, is that increase in our exports offset by reduced exports or increased imports? No.

When a US&FCS officer in Kuala Lumpur helps to ensure that American firms win a major power project against their subsidized Japanese competitor, does that result in reduced exports somewhere else in our economy? Of course not.

Mr. President, the world trade pie is huge. The United States has a large part of it, but we should have an even larger part. Attitudes like the one expressed by this bureaucrat at CBO show a complete lack of understanding of this fact. If we make the mistake of believing them, we will condemn this Nation to lost jobs, a declining economy, and a lower standard of living as we enter the 21st century.

Mr. President, I thank the Chair for the indulgence. I yield the floor.

RECESS UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9:30 a.m. tomorrow.

Thereupon, at 5:25 p.m., the Senate recessed until Tuesday, June 20, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate June 19, 1995:

DEPARTMENT OF STATE

PEGGY BLACKFORD, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUINEA-BISSAU.

EDWARD BRYNN, OF VERMONT, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GHANA.

JHOHN L. HIRSCH, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SIERRA LEONE.

VICKI J. HUDDLESTON, OF ARIZONA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF MADAGASCAR.

ELIZABETH RASPOLIC, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE GABONESE REPUBLIC AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC REPUBLIC OF SAO TOME AND PRINCIPE.

DANIEL HOWARD SIMPSON, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAIRE.

Executive nominations received by the Secretary of the Senate June 16, 1995, under authority of the order of the Senate of January 4, 1995:

INFORMATION AGENCY

DAVID W. BURKE, OF NEW YORK, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM OF 3 YEARS. (NEW POSITION.)

EDWARD E. KAUFMAN OF DELAWARE, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM OF 2 YEARS. (NEW POSITION.)

TOM C. KOROLOGOS, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM OF 3 YEARS. (NEW POSITION.)

BETTE BAO LORD, OF NEW YORK, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM OF 2 YEARS. (NEW POSITION.)